

STATE OF NORTH DAKOTA

JOURNAL OF THE HOUSE

OF THE

NINTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

*Begun and held at the Capitol at Bismarck
January 3 to March 3, 1905,
Inclusive*

BISMARCK, N. D.
TRIBUNE, PRINTERS AND BINDERS
1905

OFFICERS AND MEMBERS
OF THE
House of Representatives of North Dakota
FOR THE
NINTH LEGISLATIVE ASSEMBLY

1905

OFFICERS

SPEAKER.....	GEORGE PIERCY
CHIEF CLERK.....	OTTO SOUGSTAD
ASSISTANT CHIEF CLERK.....	M. A. LILES
SECOND ASSISTANT CHIEF CLERK.....	T. C. MILLER
CHIEF ENGROSSING AND ENROLLING CLERK.....	W. A. KELLEY
BILL CLERK.....	J. F. MARSH
STENOGRAPHER.....	MISS JEANNETTE P. JAMES
SERGEANT AT ARMS.....	OLE T. GRANT
DOORKEEPER.....	J. A. WESTERDAHL
MESSENGER.....	T. J. HAMPTON
POSTMASTER.....	JAMES FLANAGAN
CHAPLAIN.....	REV. A. W. HAYES
WATCHMAN.....	CHAS. HUBBARD
JOURNAL CLERK.....	T. G. ANDERSON
CLERK JUDICIARY COMMITTEE.....	CHAS. HECKEL
JANITORS.....	M. A. SKARISON, JAMES McDUGAL
BILL ROOM CLERK.....	W. E. TRUEMNER
GALLERY DOORKEEPER.....	JOHN STOOSE
CLOAK ROOM ATTENDANTS.....	HERMAN MELBY, THORWALD TORGERSON
PAGES.....	IRA HERBERT, WALTER WHITE, RALPH FISHER, HUGH FADDEN, EARLE HAGY, JAMES BROWN

MEMBERS

Dist.	Name	Postoffice Address	Occupation	Where Born	Came to State	Married or Single	Age
22	Adams, Samuel.....	Perth.....	Farmer....	Minnesota	1888	Married	35
7	Allen, Alonzo Edwin..	Thompson....	Farmer....	New York..	1879	Married	45
12	Arnold, Harry J.....	Fairmount....	Farmer....	Ohio.....	1880	Married	39
20	Baeverstad, Emil L..	Minnewaukan	Farmer....	Norway....	1868	Married	44
26	Belden, William L....	Steele.....	Stockman..	Illinois...	1883	Single..	51
37	Blake, George.....	Wyndmere....	Farmer....	Canada....	1891	Married	46
30	Blank, Philip.....	New Salem..	Machinery	Germany..	1884	Married	47
39	Braaten, Holstein G.	Mayville....	Farmer....	Norway....	1879	Married	51
1	Briden, J. T.....	Walballa....	Merchant..	Canada....	1883	Married	43
33	Brown, Charles V....	Cathay.....	Merchant..	Illinois...	1882	Married	45
11	Burgum, Thomas O...	Arthur.....	Farmer....	England...	1882	Married	42
6	Burtess, Emery O....	Meckinock...	Merchant..	Iowa.....	1880	Married	30
14	Buttz, Charles Wilson	Buttzville...	Farmer....	Pennsylv a	1880	Married	66
4	Casey, Tobias D.,*	Grafton.....	Lawyer....	Wisconsin.	1890	Married	38
1	Chevalier, Israel J..	Bathgate....	Farmer....	Canada....	1881	Married	52
29	Chapman, Frank B...	Buford.....	Bank Exm	Ohio.....	1876	Single..	46
15	Clendening, Robert..	Wimbleton...	Banker....	Canada....	1882	Married	46
13	Cooper, Charles H....	Brampton....	Farmer....	Minnesota.	1889	Married	40
23	Cooper, James H....	Courtenay...	Merchant..	Illinois...	1890	Married	36
17	Dahl, Samuel L.....	McVillie....	Farmer....	Norway....	1883	Married	53
10	Dahlen, O. P.....	Kindred....	Farmer....	Norway....	1879	Married	44
21	Davis, George W. H..	Evanston....	Farmer....	Canada....	1884	Married	52
11	Dickson, Frank H....	Ayr.....	Merchant..	Michigan..	1883	Married	46
20	Duncan, James.....	Josephine...	Farmer....	Scotland..	1881	Married	49
9	Eggen, N. G.....	Fargo.....	Merchant..	Norway....	1879	Married	55
24	Ellison, O. O.....	LaMoure....	Farmer....	Sweden...	1880	Married	47
13	Flados, John.....	Rutland....	Merchant..	Norway....	1887	Married	35
23	Fried, Anton.....	Fancher....	Farmer....	Wisconsin.	1879	Married	43
2	Ganssle, Christian...	St. Thomas..	Farmer....	Germany..	1882	Married	37
22	Gibbens, Albert S...	Cando.....	Farmer....	Illinois...	1882	Married	46
10	Gilbert, E. F.....	Cassleton...	Merchant..	Ohio.....	1882	Married	50
5	Glasgow, William W.	Niagara.....	Farmer....	Ohio.....	1882	Married	55
38	Goulet, Geo. O.....	Oriska.....	Farmer....	Canada....	1883	Married	46
36	Hardt, Herman C. H.	Napoleon....	Farmer....	Germany..	1887	Married	44
37	Heglie, Andrew O....	Walcott....	Farmer....	Norway....	1878	Married	52
16	Hemmingson, Ntis...	Hannaaford..	Farmer....	Denmark...	1882	Widowr	59
40	Jennings, William E.	Milton.....	Drayman..	Minnesota	1901	Married	29
29	Johnson, C. A.....	Minot.....	Lawyer....	Wisconsin.	1879	Married	36
12	Johnson, C. M.....	Dwight.....	Banker....	Norway....	1880	Widowr	62
35	Juzeler, David.....	Broncho....	Stockman..	Iowa.....	1888	Married	44
19	Kyle, Hillis.....	Rolla.....	Merchant..	Canada....	1889	Married	48
19	Lemieux, Darie....	Dunseith...	Physician.	Canada....	1898	Single..	30
28	Lillie, George L....	Sergius....	Farmer....	Iowa.....	1898	Married	32
29	Lyon, Fred I.....	Bowbells...	Lawyer....	Iowa.....	1898	Married	32
31	Martin, Alfred L....	Sentinel Butte	Stockman..	Wisconsin.	1890	Married	35
1	McRea, George A....	Drayton....	Banker....	Canada....	1879	Married	43
31	McClure, William A.	Taylor.....	Merchant..	Indiana...	1884	Married	46
18	McKechnie, Daniel...	Fargo.....	Merchant..	Canada....	1879	Married	42
5	McLain, John H....	Inkster....	Farmer....	Canada....	1883	Single..	58
36	Meidinger, Adam....	Helwig.....	Blacksmith	Russia....	1887	Married	56
18	Meiklejohn, Robert..	Langdon....	Blacksmith	Canada....	1888	Married	54
3	Midgarden, Gunder...	Grafton....	Realestate	Norway....	1879	Married	36
4	Mitchell, Winthrop O	Minto.....	Editor.....	Minnesota.	1882	Married	43
5	Mooney, Thomas F...	Larimore...	Farmer....	Minnesota.	1880	Married	53
10	Moore, Clark.....	Gardner....	Farmer....	Canada....	1886	Married	40
37	Morgan, Vivian W. S	Barrie.....	Farmer....	Canada....	1879	Married	41
21	Nelson, Norman....	Churchs Ferry	Merchant..	Wisconsin.	1889	Married	46
21	Nicholson, Harry A.	Crary.....	Merchant..	Indiana...	1882	Married	46
8	Oveson, John.....	Buxton....	Farmer....	Norway....	1881	Married	51
7	Ovind, Christian J...	Emerado....	Farmer....	Norway....	1882	Married	38
16	Palfrey, John S.....	Hope.....	Farmer....	Wisconsin.	1886	Married	39
33	Peterson, August....	Harvey....	Banker....	Sweden...	1882	Married	49
32	Palmer, George D....	Melville....	Farmer....	Michigan..	1884	Married	47
31	Phelan, James E....	Dickinson...	Stockman..	Michigan..	1879	Married	

MEMBERS—Continued.

Dist.	Name	Postoffice Address	Occupation	Where Born	Came to State	Married or Single	Age
23	Piercy, George H....	Pingree.....	Farmer....	Indiana....	1898	Widow r	50
11	Piper, Ruherd G....	Leonard.....	Farmer....	Germany...	1881	Married	42
12	Purdon, William R..	Wahpeton	Merchant..	Canada....	1880	Married	40
20	Richmond, Edward L.	Minnewaukan ..	Real estate	Michigan..	1882	Married	37
34	Rice, Clayton D....	Towner.....	Real estate	Wisconsin..	1888	Married	45
40	Robillard, N.....	Olga.....	Auctioneer	Canada....	1891	Married	42
15	Rogers, Joseph H....	Valley City...	Farmer....	Nova Scotia	1880	Married	53
25	Rose, George.....	Ellendale.....	Farmer....	Illinois....	1882	Married	43
32	Rue, Ole.....	Sheyenne.....	Farmer....	Norway....	1881	Married	44
6	Ryan, Hugh P.....	Grand Forks...	Farmer....	Canada....	1879	Single..	48
35	Schlenker, John....	Goodrich.....	Merchant..	Russia....	1902	Married	58
33	Scheer, H. C.....	Fessenden.....	Farmer....	Wisconsin..	1881	Married	44
24	Sheils, Chester H....	Edgeley.....	Merchant..	Minnesota.	1887	Married	45
30	Simpson, William....	Mandan.....	Merchant..	Michigan..	1881	Married	52
7	Sowle, Frank H....	Reynolds.....	Farmer...	New York..	1883	Married	52
27	Spangberg, Magnus..	Slaughter.....	Farmer....	Sweden....	1889	Married	62
16	Stavens, G. H.....	Hatton.....	Farmer....	Norway....	1876	Married	49
27	Stevens, Reuben N..	Bismarck.....	Lawyer....	New York..	1882	Married	46
25	Stevens, Eugene F..	Glover.....	Farmer....	Massachus	1882	Married	46
26	Streeter, David Reed.	Linton.....	Publisher.	Illinois....	1881	Widow r	56
3	Sunderland, Halvor O	Edinburg.....	Farmer....	Norway....	1883	Married	57
9	Sweet, William D....	Fargo.....	Merchant..	New Jers'y	1885	Married	51
17	Swendseid, A. R....	Petersburg....					
4	Tallackson, Tallack.	Grafton.....	Farmer....	Norway...	1881	Married	50
8	Thompson, Tobias H.	Belmont.....	Farmer....	Norway....	1882	Married	45
38	Thoreson, Martin....	Daily.....	Farmer....	Norway....	1883	Married	48
34	Tofsrud, Ole T.....	Rugby.....	Merchant..	Norway....	1882	Married	41
9	Treat, John Frank...	Fargo.....	Insurance.	Ohio.....	1882	Married	43
2	Truemner, John E...	Cavalier.....	Farmer....	Canada....	1878	Married	50
14	Underwood, Fred....	Enderlin.....	Collector..	Michigan..	1883	Married	39
3	Vernon, John A.....	Conway.....	Merchant..	Ohio.....	1883	Married	39
2	Walter, Joseph.....	Gardar.....	Farmer....	Ireland....	1882	Married	47
28	Watson, James M....	Willow City...	Real estate	Canada....	1889	Married	49
30	Weigel, Charles.....	Hebron.....	Merchant..	Germany...	1891	Married	34
34	Welo, Tobias.....	Velva.....	Merchant..	Norway....	1882	Married	47
39	White, George A....	Portland.....	Lawyer...	Michigan..	1879	Married	47

*Only democrat in the house. All the rest republicans.

Journal of the House

NINTH SESSION

FIRST DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 3, 1905.

At the hour of 12 o'clock meridian, the 3rd day of January, 1905, being the day and hour designated by law for the convening of the legislative assembly of the state of North Dakota, the members elect of the house of representatives of the ninth session of the legislative assembly assembled in the house chamber in the capitol at Bismarck and were called to order by A. O. Anderson, chief clerk of the house of representatives of the eighth legislative assembly of the state of North Dakota.

The session opened with prayer by Hon. C. H. Shiels, of LaMoure county.

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

First District—Geo. A. McCrea, I. J. Chevalier, J. T. Briden.

Second District—Christian Ganssle, J. E. Treumner, Joseph Walters.

Third District—Gunder N. Midgarden, H. O. Sunderland, John A. Vernon.

Fourth District—Tallack Tallackson, Wm. S. Mitchell, Tobias D. Casey.

Fifth District—Thos. F. Mooney, Wm. M. Glasgow, John H. McLain.

Sixth District—H. P. Ryan, E. O. Burtness.

Seventh District—A. E. Allen, Frank H. Sowle, C. J. Ovind.

Eighth District—John Oveson, T. H. Thompson.

Ninth District—N. G. Eggen, W. D. Sweet, J. F. Treat.

Tenth District—E. F. Gilbert, Clark Moore, O. P. Dahlen.

Eleventh District—F. H. Dickinson, T. O. Burgum, R. G. Piper.

Twelfth District—H. J. Arnold, W. R. Purdon, C. M. Johnson.

Thirteenth District—John Flados, Chas. H. Cooper.

Fourteenth District—C. W. Buttz, Fred Underwood.

Fifteenth District—Joseph H. Rogers, Robert Clenden-
ing.

Sixteenth District—Nels Hemmingsen, John S. Palfrey,
G. H. Stavens.

Seventeenth District—Samuel L. Dahl, A. R. Swendseid.

Eighteenth District—Robt. Meiklejohn, Dan McKechnie.

Nineteenth District—D. Lemieux, Hillis Kyle.

Twentieth District—E. L. Richmond, E. L. Beaverstad,
James Duncan.

Twenty-first District—Geo. W. H. Davis, H. A. Nicholson,
Norman Nelson.

Twenty-second District—Albert S. Gibbens, Samuel
Adams.

Twenty-third District—Anton Fried, James H. Cooper,
George Piercy.

Twenty-fourth District—Ole E. Ellison, C. H. Shiels.

Twenty-fifth District—George Rose, E. F. Stevens.

Twenty-sixth District—D. R. Streeter, Wm. L. Belden.

Twenty-seventh District—R. N. Stevens, M. Spangburg.

Twenty-eighth District—Geo. L. Lillie, Jas. M. Watson.

Twenty-ninth District—C. A. Johnson, F. I. Lyon, F. B.
Chapman.

Thirtieth District—William Simpson, Philip Blank,
Charles Weigel.

Thirty-first District—W. A. McClure, J. E. Phelan, A. L. Martin.

Thirty-second District—Geo. D. Palmer, Ole Rue.

Thirty-third District—Charles V. Brown, Herman C. Scheer, August Peterson.

Thirty-fourth District—T. Welo, C. D. Rice, O. T. Tofsrud.

Thirty-fifth District—David Juzeler, John Schlenker.

Thirty-sixth District—Adam Meidinger, Herman Hardt.

Thirty-seventh District—Vivian Morgan, George Blake, A. O. Heglie.

Thirty-eighth District—Martin Thoreson, George O. Goulette.

Thirty-ninth District—H. G. Braaten, Geo. A. White.

Fortieth District—W. E. Jennings, N. Robillard.

The oath of office was then administered to the members-elect by the Hon. W. H. Winchester, judge of the Sixth Judicial district.

The house then proceeded to its organization.

Mr. Fried nominated Mr. George H. Piercy, of Stutsman county, for speaker.

The roll being called, there were 96 votes cast, of which Mr. Piercy received 96.

Those who voted for Mr. Piercy were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-

ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White.

Absent and not voting:

Dahl, Nicholson, Piercy and Swenseid.

Mr. Piercy having received a majority of the votes cast was declared duly elected speaker.

Messrs. Buttz, Davis and Ryan were appointed to escort Mr. Piercy to the chair.

The oath of office was administered to the speaker by Hon. W. H. Winchester, judge of the Sixth Judicial district.

The speaker announced the order of business to be the election of a chief clerk.

Mr. Mooney, of Grand Forks, nominated Otto Sougstad, of Grand Forks, as chief clerk.

The roll being called there were 97 votes cast of which Mr. Sougstad received 97, and was declared the duly elected chief clerk of the house.

Those who voted for Mr. Sougstad were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

The oath of office was administered to the chief clerk by Hon. W. H. Winchester, judge of the Sixth Judicial district.

Mr. Richmond nominated M. A. Liles as first assistant chief clerk.

The roll being called there were 97 votes cast of which Mr. Liles received 97, and was declared duly elected first assistant clerk.

Those who voted for Mr. Lisle were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Davis nominated T. C. Miller, of Ramsey, as second assistant clerk.

The roll being called there were 97 votes cast of which T. C. Miller received 97, and was declared duly elected second assistant clerk.

Those who voted for Mr. Miller were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of

Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

Mr. Thompson nominated W. A. Kelly, of Traill, as chief enrolling and engrossing clerk.

The roll being called there were 97 votes cast of which Mr. Kelly received 97, and was declared duly elected as chief enrolling and engrossing clerk.

Those who voted for Mr. Kelly were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

Mr. Belden nominated J. F. Marsh as bill clerk.

The roll being called there were 97 votes cast of which Mr. Marsh received 97, and was declared the duly elected bill clerk.

Those who voted for Mr. Marsh were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert,

Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Morgan nominated Ole T. Grant as sergeant at arms.

The roll being called there were 97 votes cast of which Ole T. Grant received 97 votes and was declared duly elected sergeant at arms.

Those who voted for Mr. Grant were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Sweet nominated J. A. Westerdahl as doorkeeper.

The roll being called there were 97 votes cast of which Mr. Westerdahl received 97, and was declared duly elected as doorkeeper.

Those who voted for Mr. Westerdahl were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

Mr. Shiels nominated John Stoose as gallery doorkeeper.

The roll being called there were 97 votes cast of which Mr. Stoose received 97, and was declared the duly elected gallery doorkeeper.

Those who voted for Mr. Stoose were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Treat nominated T. J. Hampton as messenger.

The roll being called there were 97 votes cast of which T. J. Hampton received 97, and was declared duly elected as messenger.

Those who voted for Mr. Hampton were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Simpson nominated James Flannigan as postmaster.

The roll being called there were 97 votes cast of which James Flannigan received 97, and was declared duly elected as postmaster.

Those who voted for Mr. Flannigan were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer,

Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Spangberg nominated Rev. A. W. Hays as chaplain.

The roll being called there were 97 votes cast of which Rev. Hays received 97, and was declared the duly elected chaplain.

Those who voted for Rev. Hays were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Stevens, of Burleigh, nominated Jeannette P. James as stenographer of the house.

The roll being called there were 97 votes cast of which Jeanette P. James received 97, and was declared duly elected stenographer of the house.

Those who voted for Miss James were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey,

Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Richmond nominated Miss C. E. Stevens as members' stenographer.

The roll being called there were 97 votes cast of which Miss Stevens received 97, and was declared duly elected members' stenographer.

Those who voted for Miss Stevens were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. McCrea nominated W. E. Truemner as bill clerk.

The roll being called there were 97 votes cast of which Mr. Truemner received 97 and was declared duly elected bill clerk.

Those who voted for Mr. Truemner were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Goulet nominated J. S. O'Grady as assistant bill clerk.

The roll being called there were 97 votes cast of which J. S. O'Grady received 97, and was declared duly elected as assistant bill clerk.

Those who voted for J. S. O'Grady were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer,

Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Buttz nominated Chas. O. Heckle as clerk of the judiciary committee.

The roll being called there were 97 votes cast of which Chas. O. Heckle received 97, and was declared duly elected clerk of the judiciary committee.

Those who voted for Chas. O. Heckle were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Palfrey nominated T. G. Anderson as journal clerk.

The roll being called there were 97 votes cast of which Mr. Anderson received 97, and was declared duly elected journal clerk.

Those who voted for Mr. Anderson were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan,

Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Lyon nominated W. E. Burgett as assistant journal clerk.

The roll being called there were 97 votes cast of which Mr. Burgett received 97, and was declared duly elected as assistant journal clerk.

Those who voted for Mr. Burgett were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. McClure nominated Thomas Evans for first janitor.

The roll being called there were 97 votes cast of which

Mr. Evans received 97, and was declared the duly elected first janitor.

Those who voted for Mr. Evans were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Skarison was nominated for second janitor.

The roll being called there were 97 votes cast of which Mr. Skarison received 97, and was declared duly elected second janitor.

Those who voted were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-

ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Stevens of Burleigh nominated Hugh Fadden as page.

The roll being called there were 97 votes cast of which James Fadden received 97, and was declared duly elected as page.

Those who voted for James Fadden were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Stevens, of Burleigh, nominated James Brown as page.

The roll being called there were 97 votes cast of which James Brown received 97, and was declared duly elected page.

Those who voted for James Brown were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings,

Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Stevens, of Burleigh, nominated Earle Heggy as page.

The roll being called there were 97 votes cast of which Earle Heggy received 97, and was declared duly elected as page.

Those who voted for Earle Heggy were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Stevens, of Burleigh, nominated Walter White as page.

The roll being called there were 97 votes cast of which Walter White received 97, and was declared duly elected page.

Those who voted were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treumner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

Mr. Stevens, of Burleigh, nominated Ralph Fisher as page.

The roll being called there were 97 votes cast of which Ralph Fisher received 97, and was declared duly elected page.

Those who voted were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of

Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Stevens, of Burleigh, nominated Ira Herbert as page.

The roll being called there were 97 votes cast of which Ira Herbert received 97, and was declared duly elected page.

Those who voted were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Nicholson, Swenseid.

Mr. Rose nominated Charles Hubbard as watchman.

The roll being called there were 97 votes cast of which Mr. Hubbard received 97, and was declared the duly elected watchman.

Those who voted for Mr. Hubbard were:

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle,

Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

Mr. Richmond nominated George Sands for first cloak room attendant.

The roll being called there were 97 votes cast of which Mr. Sands received 97, and was declared the duly elected first cloak room attendant.

Those who voted for Mr. Sands were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKechnie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treummer, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

Mr. Richmond nominated Ole Kinneberg for second cloak room assistant.

The roll being called there were 97 votes cast of which Mr. Kinneberg received 97, and was declared the duly elected second cloak room attendant.

Those who voted for Mr. Kinneberg were :

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Moore, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer, Shiels, Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Treum-ner, Underwood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting :

Dahl, Nicholson, Swenseid.

The oath of office was administed to the foregoing em-ployees by the Hon. W. H. Winchester, judge of the Sixth Judicial district.

Mr. Stevens, of Burleigh, offered the following resolution and moved its adoption.

MOTIONS AND RESOLUTIONS.

Whereas, it is necessary for the orderly and expeditious transaction of the business of the house of representatives to have certain employes not espe-cially provided by statute; Now, Therefore, be it

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

Resolved, That when said committee shall report to the speaker as afore-said, he is hereby authorized and directed to make appointment of persons in the various parts of the state and to assign them to duties provided for in said report as he shall deem necessary, and when so appointed their names shall be entered upon the roll of employees and they shall thereafter be entitled to compensation as shall be hereinafter provided.

Roll call demanded.

The question being on the passage of the resolution the roll was called and there were ayes 96, nays none, absent and not voting 4.

Adams, Allen, Arnold, Baeverstad, Belden, Blake, Blank, Braaten, Briden, Brown, Burgum, Burtness, Buttz, Casey, Chapman, Chevalier, Clendening, Cooper of Stutsman, Cooper of Sargent, Dahlen, Davis, Dickinson, Duncan, Eggen, Ellison, Flados, Fried, Ganssle, Gibbens, Gilbert, Glasgow, Goulet, Hardt, Heglie, Hemmingson, Jennings, Johnson of Richland, Johnson of Ward, Juzeler, Kyle, Lemieux, Lillie, Lyons, Martin, McCrea, McClure, McKech-nie, McLain, Meidenger, Meiklejohn, Midgarden, Mitchell, Mooney, Morgan, Nelson, Oveson, Ovind, Palmer, Palfrey, Peterson, Phelan, Piper, Purdon, Richmond, Rice, Rogers, Robillard, Rose, Rue, Ryan, Schlenker, Scheer,, Shiels Simpson, Sowle, Spangberg, Stavens, Stevens of Burleigh, Stevens of Dickey, Streeter, Sunderland, Sweet, Tallackson, Thompson, Thoreson, Tofsrud, Treet, Truemner, Under-wood, Vernon, Walter, Watson, Weigel, Welo, White, Mr. Speaker.

Absent and not voting:

Dahl, Moore, Nicholson, Swenseid.

The following message was received from the senate:

MESSAGE FROM THE SENATE.

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,
January 3, 1905.

Mr. Speaker:

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

President pro tem—Frank S. Talcott.

Secretary of the Senate—R. M. Tuttle.

First Assistant Secretary of the Senate—Jas. Twamley.

Second Assistant Secretary of the Senate—F. W. Kempf.

Chief Enrolling and Engrossing Clerk—John Andrews.

Bill Clerk—O. J. Olson.

Stenographer—Miss Catherine Coleman.

Sergeant at Arms—D. B. Wellman.

Doorkeeper—Amos LaFrance.

Messenger—Ole Anderson.

Postmaster—M. J. Freeman.

Watchman—Frank E. Bohn.
Journal Clerk—B. E. Lee.
Assistant Journal Clerk—T. S. Norgaard.
Clerk of Judiciary Committee—John R. Selby.
Chaplain—Rev. O. F. Jones.
Proofreader—W. H. Pray.
Bill Room Clerk—George Game.
Clerk Appropriation Committee—Mrs. Minnie C. Budlong.

Very respectfully,

R. M. TUTTLE,

Secretary.

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

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

Which motion prevailed, and
The resolution was adopted.

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

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

The resolution was adopted and the speaker appointed as such committee Messrs. McCrea, Buttz and Casey.

The committee made the following report:

Mr. Speaker:

Your committee appointed to inform the governor that the house has been duly organized and ready to receive any message he may see proper to make, have the honor to report that they have performed their duties and report that his excellency has informed the committee that he, together with Governor-elect Sarles, will be pleased to meet the senate and the house in joint assembly at any hour they may select on the 4th day of January, 1905, at which time Gov. White will first deliver his message and then the governor-elect will be sworn in.

Mr. Davis offered the following resolution:

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

Which motion prevailed, and

The resolution was adopted.

And the speaker appointed as such committee Messrs. Davis, Sheils and Rose.

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

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

Which motion prevailed, and

The resolution was adopted.

Mr. Richmond moved

That the speaker appoint the committee on rules at as early a date as possible.

Which motion prevailed, and

The resolution was adopted.

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

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

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That all bills, joint and concurrent resolutions to be introduced this session shall be in typewritten form.

Which motion prevailed, and

The resolution was adopted.

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

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

Which motion prevailed, and

The resolution was adopted.

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

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

Which motion prevailed, and

The resolution was adopted.

The speaker appointed as such committee Messrs. McLain, Richmond, Sweet.

PETITIONS AND COMMUNICATIONS.

The speaker presented the following communication:

BISMARCK, NORTH DAKOTA,
January 3, 1905.

To the House of Representatives:

The state irrigation association respectfully asks that you cause to be published in the journal of your house that part of the addresses referring to irrigation delivered by Senator Stewart and Senator Regan of the U. S. senate committee on irrigation and arid lands, and also the address of the late Maj. Powell, then the director of the U. S. geological survey, delivered before the constitutional convention of North Dakota, August 5, 1899; also that part of the very able and educational address delivered by Hon. J. J. Hill before the North Dakota irrigation congress October 20, 1903, referring to irrigation, also a letter from F. H. Newell, chief engineer of the reclamation service, addressed to Hon. P. J. McCumber dated Washington, D. C., December 27, 1904, and the enclosed communication from Mr. H. A. Storrs of the U. S. reclamation service, engineer in charge of North Dakota pumping projects, together with the "Hansbrough Reclamation Act" and tables showing the amount that each state and territory included in said act has paid into the reclamation fund to date, and the amount that has been set aside by the reclamation service for the development of irrigation projects in each of the states and territories included in the reclamation act, up to the present time.

The reclamation act is a law of the United States and is not published in our statutes, therefore it has not had the publicity that it should have had.

As your honorable body is to legislate during this session with reference to carrying out the provisions of that act in this state, we deem it of the most importance that you should have before you the act and the information with reference to irrigation referred to above.

Yours respectfully,

E. A. WILLIAMS,
President North Dakota Irrigation Association.

Mr. Stevens, of Burleigh, offered the following resolution and moved its adoption:

Resolved, That the request made by the state irrigation association, just read, be complied with and that ten extra copies of the journal containing the matter mentioned be published for each member of the house.

Which motion prevailed, and

The resolution was adopted.

Mr. Jennings moved that a committee of three be appointed by the speaker to inform the senate that the house has completed its organization and is ready for the transaction of business.

Which motion was presented, and

The speaker appointed as such committee Messrs. Jennings, Shiels and Lyon.

Mr. Davis moved that the house take recess until 1:30 p. m. tomorrow,

Which motion prevailed.

The house adjourned.

FIRST DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 4, 1905.

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

The speaker appointed Messrs. Richmond, Chapman and Buttz, committee to recommend appointments to the speaker.

The speaker administered the oath of office to Messrs. Dahl, Nicholson and Swenseid, members-elect.

Mr. McClure offered the following resolution and moved its adoption.

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

Which motion prevailed, and

The speaker appointed as such committee Messrs. McClure, Davis and Ryan.

Mr. Palfrey moved

That the house do now adjourn until 2 o'clock,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 4, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present, except Messrs. Goulet and Cooper of Stutsman, and Weigel, who were excused.

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

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

Which motion prevailed, and

The resolution was adopted.

The sergeant at arms announced the arrival of the members of the senate in a body.

JOINT SESSION.

Mr. Little moved

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

Which motion prevailed, and

The president appointed as such committee Senators Little and Hanna and Representative Davis, Ryan and McClure.

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

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

Governor White then delivered his message.

GOVERNOR WHITE'S MESSAGE.

To the Members of the Ninth Legislative Assembly:

GENTLEMEN: In conformity with the constitution and laws of the state, I again have the honor to submit for your consideration a review of the condition of the state for the past two years, together with some recommendations for your action, that my experience and observation in the executive office has led me to believe to be expedient.

In general this biennial period has been one of substantial and enduring growth. The state is increasing rapidly in population and wealth. Our people are building themselves more permanent and comfortable homes. Good health and good living have been with them.

The affairs of state have kept stride with the general development, and those of us who have been a part of the state administration for the past two biennial periods note with considerable pride the many substantial improvements made to our public institutions during that time, and the excellent credit now held by the state.

Four years ago the retiring Governor in his message submitted a statement of the condition of the general fund, showing \$80,000 of short time warrants outstanding, issued to pay current expenses, and \$153,000 of vouchers upon the auditor's table awaiting payment, with less than \$10,000 available cash in the treasury to meet these demands. At the beginning of the present period, this deficiency had been just about wiped out. Our collections have somewhat exceeded expectation and we find after paying all fixed charges and appropriations, \$94,000 emergency appropriations, and \$69,000 twine plant certificates, the year closes with a cash balance of \$78,736.36 in the general fund.

Both the collections and expenditures for the ensuing biennial term will without doubt exceed those of the one just closed. The ratio, however, will remain about the same. I therefore present for your information and as a

guide to you in determining the probable receipts and amounts available for your appropriations, a financial statement, showing in detail the receipts and expenditures as shown by the books of the state auditor for the past two years.

FINANCIAL STATEMENT.

Receipts and expenditures general fund, January 1, 1903,
to December 31, 1904.

RECEIPTS.

Balance January 1, 1903	\$ 26,880.13
Taxes for year 1903	502,373.58
Miscellaneous collections, 1903	134,222.64
Taxes for year 1904	534,129.29
Miscellaneous collections 1904	144,989.13
Total receipts	\$1,342,594.77

EXPENDITURES.

Payments for year 1903	\$ 643,990.46
Payments for year 1904	619,867.95
Balance December 31, 1904	78,738.36
Total expenditures	\$1,342,594.77

RECEIPTS IN DETAIL.

The receipts for the two years in detail are as follows:

Taxes	\$1,036,502.87
Oil inspector's fees	3,319.63
Commissioner insurance tax	77,596.19
Commissioner Insurance fees	48,991.25
Secretary of State, fees	12,494.06
Secretary of State incorporation tax	18,251.06
Clerk supreme court	1,723.25
State Examiner	9,084.03
Commissioner Agriculture & Labor	4,372.80
Hunting permits	4,176.12
Elevator license	6,049.00
Hospital for Insane	12,923.00
Penitentiary	7,408.84
Soldiers' Home	362.50

Land department	19,700.45
Valley City Normal School	1,629.16
Industrial School	558.76
Institution for Feeble Minded	2,654.33
Reform School	7.60
Interest on public funds	30,351.52
School for Deaf	449.22
Dipping tanks	7,011.65
State Militia	22.20
Miscellaneous collections	11,411.63

Fund.	Amount of Appropriation	Total Credit by Balance Brought For- ward of Col- lections	Expended from January 1, 1903 to January 1, 1905.
Salary, \$170,975.42.			
Governor	\$ 6,000	\$ 6,250.00	\$ 6,250.00
Lieutenant Governor	2,000	2,165.91	2,165.91
Secretary of State	4,000	4,166.68	4,166.68
State Auditor	4,000	4,166.82	4,166.82
State Treasurer	4,000	4,166.71	4,166.71
Commissioner of Insurance.....	4,000	4,166.69	4,166.69
Attorney General	4,000	4,166.98	4,166.98
Superintendent Public Instruction	4,000	4,166.82	4,166.82
Com. Agr. and Labor.....	4,000	4,166.82	4,166.82
Adjutant General	2,000	2,083.41	2,083.41
Railroad Commissioners (3).....	7,200	8,000.00	7,600.00
Secretary Railroad Commission...	2,000	2,250.00	2,250.00
Judges Supreme Court (3).....	24,000	27,083.43	27,083.43
Clerk Supreme Court.....	3,000	3,125.00	3,125.00
Stenographer Supreme Court.....	1,400	1,450.00	1,335.00
Reporter Supreme Court.....	3,000	3,375.00	3,375.00
Judges District Court (8).....	55,125	57,459.23	57,167.42
State Examiner	4,000	4,166.73	3,955.41
Deputy	3,600	3,760.00	3,760.00
Assistant Deputy	3,000	3,125.00	3,125.00
Special	unlimited	80.00	80.00
Asst. D. and F. Commissioner.....	1,200	1,550.00	1,250.00
State Librarian	2,000	2,041.82	2,041.82
Supt. St. Bd. of Health.....	2,400	2,625.00	2,625.00
District Veterinarians (10).....	12,000	12,550.00	12,550.00
Legislature, \$77,720.20.			
Members of Eighth Legislative Assembly.			
Mileage and per diem.....	unlimited	\$ 48,924.20	\$ 48,924.20
Officers and employees.			
Per diem	unlimited	28,796.00	28,796.00
Clerk hire, \$52,795.75.			
Governor	\$ 6,000	\$ 6,715.35	\$ 6,437.68
Secretary of State	5,600	5,808.41	5,808.41
State Auditor	6,000	6,346.00	7,208.50
State Treasurer	7,800	7,986.13	7,986.13
Insurance Commissioner	6,000	6,175.00	6,175.00
Attorney General	4,200	4,360.00	4,059.93

Fund.	Amount of Appropriation	Total Credit by Balance Brought For- ward or Col- lections	Expended from January 1, 1903 to January 1, 1905.
Superintendent Public Instruction	7,600	7,760.21	7,760.21
Com. Agr. and Labor.....	4,200	4,325.60	4,325.00
Adjutant General	1,000	1,186.36	1,034.92
Supreme Court	2,000	2,000.00	2,000.00
Expense maintenance, \$384,230.69.			
Care of Blind	unlimited	\$ 5,114.09	\$ 5,114.09
Edgeley Sub-station	\$ 10,000	10,000.00	10,000.00
Institution Feeble Minded.			
Maintenance	12,500	13,630.47	13,475.30
Building Fund	38,465	40,998.29	39,714.81
Furnishing Fund	5,000	5,000.00	5,000.00
Hospital for Insane.....	150,000	181,556.99	159,909.30
Industrial School	24,000	25,694.58	24,826.46
State Penitentiary	76,500	95,557.11	91,690.84
Reform School	14,500	18,114.02	15,407.38
Soldiers' Home	20,200	26,933.53	19,092.51
Per diem trustees, \$13,379.30.			
Agricultural College	unlimited	\$ 1,621.90	\$ 1,621.90
Blind Asylum	unlimited	65.90	65.90
Institution Feeble Minded.....	unlimited	699.35	699.35
Hospital for Insane	unlimited	938.46	938.46
Industrial School	unlimited	875.80	875.80
School for Deaf	unlimited	1,158.40	1,158.40
Normal Schocls.			
State	unlimited	\$ 585.55	\$ 585.55
Mayville	unlimited	756.63	756.63
Valley City	unlimited	1,236.93	1,236.93
Penitentiary	unlimited	2,322.00	2,322.00
Reform School	unlim'ted	1,203.38	1,203.38
Scientific School	unlimited	180.90	180.90
Soldiers' Home	unlimited	918.10	918.10
State University	unlimited	816.00	816.00
Transportation, \$28,703.03.			
Hospital for Insane.....	unlimited	\$ 18,636.91	\$ 18,636.91
Blind Asylum	unlimited	334.77	334.77
Penitentiary	unlimited	7,886.79	7,886.79
Reform School	unlimited	1,844.56	1,844.56
Fugitives and Horse Thieves, \$4,647.52.			
Arrest and return of fugitives....	unlimited	\$ 3,047.52	\$ 3,047.52
Conviction of horse thieves	unlimited	1,600.00	1,600.00
Expense, miscellaneous, \$461,008.97.			
Fire loss University		\$ 3,929.31	\$ 3,929.31
Building fund.			
School for Deaf.....	9,600	9,600.00	9,600.00
St. University	8,752.84	8,752.84	8,752.84
V. C. Normal.....	20,430	20,430.00	20,430.00
Agr. College	15,000	15,000.00	15,000.00
Asst. D. and F. Commissioner....	800	883.10	624.72
Attorney Gen. legal expenses....	unlimited	963.29	963.29
Chief Veterinarian	1,000	1,263.25	1,014.53
Consultation Dist. Vet.....	unlimited	276.08	276.08
Judges Supreme Court (3).....	5,930.05	5,930.05	5,930.05
Marshal Supreme Court.....	unlimited	370.60	370.60
State Examiner.			
Traveling	unlimited	1,948.49	1,998.49

Fund.	Amount of Appropriation	Total Credit by Balance Brought For- ward or Col- lections.	Expended from January 1, 1903 to January 1, 1905.
Deputy traveling	unlimited	1,657.63	1,657.63
Assistant traveling	unlimited	96.36	96.36
Supt. Board of Health	3,000	3,054.41	1,779.11
Supt. Public Instruction	2,000	2,053.14	2,050.99
Educational Library	600	885.22	346.42
State Law Library	2,000	2,781.72	3,169.61
Traveling Library	1,500	1,702.73	1,116.41
Burial deceased convicts	unlimited	183.77	183.77
Burial deceased soldiers	unlimited	350.00	350.00
Erection headstones	unlimited	45.00	45.00
Geological Survey, Agr. College...	2,000	2,000.00	2,000.00
Geological Survey, University....	2,000	2,327.67	2,327.67
Board of Pardons	1,200	1,794.75	771.26
Board of Equalization	unlimited	300.00	300.00
Farmers' Institutes	8,000	9,434.69	6,944.01
N. D. Fire Association	2,500	2,500.00	2,500.00
State Fair Mandan	2,500	2,500.00	2,500.00
Pan-American Exposition		350.20	304.13
St. Louis Exposition	50,000	50,000.00	44,940.17
Board of U. and S. Lands	10,000	35,815.74	23,265.80
Adv. and Exp. leasing	4,000	3,927.55	2,099.26
App. and sale	8,000	9,998.55	5,782.86
Fees selecting		512.30	56.55
Supreme Court	unlimited	2,639.44	2,660.44
State militia	38,000	42,332.46	48,078.67
Eighth Legislative Assembly	unlimited	25,803.96	25,803.96
Ninth Legislative Assembly	unlimited	30.50	30.50
Maintenance capitol	51,000	52,932.33	52,043.14
R. R. Commissioners, traveling...	1,600	2,160.75	1,860.75
Public printing	40,000	49,570.03	49,033.29
Two per cent fire premiums		18,970.06	18,970.06
Insurance public buildings	unlimited	19,975.11	19,975.11
State aid high schools	20,000	23,329.56	22,573.27
Lecturers, Teacher's Institutes...	unlimited \$	2,024.77	\$ 2,024.77
Conductors, Teachers' Institutes..	unlimited	3,617.80	3,617.80
Selections indemnity lands	2,000	2,000.00	822.10
Wool market	400	400.00	162.12
Weather and crop service	1,000	1,412.59	1,000.75
Enforcement cruelty laws	1,000	1,307.78	19.30
Governor's contingency fund	500	500	322.74
Executive mansion	1,000	1,040.14	789.65
Refund elevator licenses		18.00	18.00
Refund general fund		268.14	268.14
Drain Pembina county	181	181.00	181.00
Auditor Stark county	750	750.00	750.00
State's attorney Stark county	500	500.00	500.00
Exchange on public funds		749.29	749.29
Jurisdiction unorganized counties	unlimited	2,960.98	2,960.98
Enforcement pure food laws	3,000	3,000.00	2,250.00
Outbreak contagious disease		4,985.14	4,985.14
Reward, arrest and conviction prohibition law	unlimited	4,750.00	4,750.00
Action, costs, judgments, state of North Dakota	unlimited	74.60	74.60

Fund.	Amount of Appropriation	Total Credit by Balance Brought For- ward or Col- lections.	Expended from January 1, 1903 to January 1, 1905.
Flags, public buildings.....	unlimited	185.54	185.54
Publishing constitutional amend- ments	unlimited	624.00	624.00
List of new taxable lands.....	unlimited	1,417.64	1,417.64
Office expenses, R. R. Commis- sioners	1,000	1,440.30	1,193.70
Promotion immigration	1,000	1,000.00	747.83
School for Deaf.			
Clothing account	447.37	447.37
State dipping tanks	10,000	17,010.35	14,061.24
Special student's fund.			
Valley City Normal.....		1,629.16	1,629.16
Redemption twine plant certifi- cates	75,000	75,000.00	69,000.00

THE STATE DEBT.

When North Dakota became a state her share of the territorial bonded debt amounted to \$645,300. These bonds have been refunded from time to time as they became due, except \$153,000, which became due and were paid May, 1902, leaving a balance of \$492,300 of territorial debt in amounts and payable as follows:

\$ 20,000, 4 per cent due August 1, 1911.
 50,000, 4 per cent due July 1, 1914.
 38,600, 4 per cent due July 1, 1915.
 22,700, 4 per cent due May 1, 1919.
 113,000, 4 per cent due May 15, 1920.
 106,000, 4 per cent due March 20, 1921.
 30,000, 4 per cent due July 1, 1923.
 112,000, 4 per cent due May 1, 1927.

\$492,300

At the adoption of our Constitution, the state debt was limited to \$200,000, exclusive of the territorial debt assumed. Under this provision there has been issued as follows:

\$150,000, 4½ per cent due April 25, 1905.
 50,000, 4 per cent due July 1, 1923.

\$200,000

Provision has been made by a sinking fund tax, partially collected, that will pay at maturity the \$150,000 due April 25, 1905. This constitutes the entire legal debt of the state. Besides this there has been issued under provision of law,

certain bonds known as Institution Bonds, made payable from the interest and income arising from endowment lands. These bonds are as follows:

Normal bonds, bearing 6 per cent, due 1912	\$ 40,000
Industrial School bonds, bearing 5 per cent, due 1917	15,000
Hospital for Insane bonds, bearing 4 per cent, due 1929	50,000
Soldiers' Home bonds, bearing 4 per cent, due 1919	20,000
Reform School bonds, bearing 4 per cent, due 1921	20,000
Agricultural College bonds, bearing 4 per cent, due 1921	50,000
University and School of Mines bonds, bearing 4 per cent, due 1921	50,000
Total	\$245,000

The effect of a recent decision of the Supreme Court was to declare these bonds void and that they cannot be paid from the source provided in the acts under which they were issued. The state is not legally bound to pay these bonds. However, they were authorized by the legislature; were issued by state officers; the proceeds were used to construct buildings now the property of the state, and the state will not repudiate them.

The Normal bonds and the Industrial School bonds, \$55,000 in all, are held by private parties and should be called in and paid at once. The balance are held by the permanent school fund and should be retired as soon as practicable.

In 1901 there were issued \$210,000 4 per cent twine plant bonds, to provide a fund of \$210,000, an operating fund to operate the twine and cordage plant at the penitentiary. These are to be paid from the profits arising from the operation of the plant. \$41,000 of these bonds were paid from profits up to January 1, 1904, and there is now \$38,839.51 in the sinking fund from the profits of 1904, applicable to a further payment, which will reduce the total by that amount. The plant will take care of these in due time.

During the past year there have been issued for the con-

struction of the north wing of the capitol \$100,000 4 per cent capitol building bonds. These bonds are payable out of the proceeds of the sale of capitol building lands, which are applicable and ample for their full payment.

The last legislative assembly authorized the issue of quite a large amount of additional institution bonds for the erection and equipment of new buildings and to clear up debts for buildings previously erected. Some of these bonds were executed and sold to the Board of University and School Lands, but before payment was made their validity was questioned by the State Treasurer and a subsequent decision of the Supreme Court declared them to be invalid. A number of institutions, anticipating the proceeds of these bonds, entered into contracts and commenced the erection of the building authorized by the legislature. The court's decision stopped all of these building operations and left the buildings then under construction in an unfinished and exposed state. These facts were brought to the attention of the emergency commission, which commission, acting under authority of section 1023, Revised Codes, in order to protect the property of the state, to relieve the contractors, and to supply what appeared to be necessary improvements for the institutions, made the following appropriations:

Deaf School	\$ 9,600.00
University	8,752.84
Valley City Normal	20,430.00
Agricultural College	15,000.00

These appropriations were only sufficient to partially pay for these improvements. The balance was arranged to be carried by the contractors and friends of the institutions until the legislature should provide for their reimbursement. These obligations were incurred in good faith and should be taken care of. Besides these debts, some of the institutions anticipated this bond issue and made improvements, carrying the cost in the form of certificates of indebtedness or overdrafts. This indebtedness is as follows:

Deaf School, balance due on contracts, about	\$12,000
Valley City Normal, balance due on con- tracts, about	20,000
Agricultural College, balance due on con- tracts, about	25,000

Agricultural College, old debt, about	20,000
University, certificate of indebtedness, about	90,000
Industrial School, certificate of indebted- ness, about	35,000

These debts were all incurred contrary to law, but I believe an investigation will show that the state received full value for the entire amount. I believe they should be paid and means taken to prevent their recurrence. Other institutions have needs that should not be overlooked. I would recommend that a committee be appointed early in the session to make a thorough investigation of these matters and lay them before the assembly.

PUBLIC INSTITUTIONS.

Our public institutions have all made great growth during the two years. The Institution for Feeble Minded has been completed and in operation for about ten months. The Hospital for Insane was relieved a trifle by the opening of this institution, but is now very badly crowded and provisions must be made for an increase of room. Every cell at the Penitentiary is occupied and additional room will be needed there. A hospital building should be constructed, which would relieve the cell room for a time. The institutions that are maintained by the special mill tax, and the amounts received from the interest and income from their land endowments, have ample funds for their maintenance, but have need of some additional buildings.

I submit herewith a statement of the receipts of each institution from the mill tax and endowment funds.

STATE UNIVERSITY AND SCHOOL OF MINES.

Collections from .40 of mill tax	\$105,823.14
Collections from interest and income.	38,059.49
Total	\$143,882.63

AGRICULTURAL COLLEGE.

Collections from .20 of mill tax	\$ 52,911.31
Collections from interest and income	37,090.00
Federal appropriation	50,000.00
Total	\$140,002.30

EXPERIMENT STATIONS.

Federal appropriation	\$ 30,000.00
State appropriation Edgeley sub-station	10,000.00
Total	\$ 40,000.00

VALLEY CITY NORMAL SCHOOL.

Collections from .12 of mill tax	\$ 31,745.51
Collections from interest and income	13,990.24
Total	\$ 45,735.75

MAYVILLE NORMAL SCHOOL.

Collections from .12 of mill tax	\$ 31,745.51
Collections from interest and income	8,423.13
Total	\$ 40,168.64

SCHOOL FOR DEAF.

Collections from .13 of mill tax	\$ 34,557.50
Collections from interest and income	11,500.66
Total	\$ 46,058.16

SCHOOL OF FORESTRY.

Collections from .03 of mill tax	\$ 7,945.41
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BLIND ASYLUM.

Collections from interest and income	\$ 9,599.85
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SCIENTIFIC SCHOOL.

Collections from interest and income	\$ 10,802.47
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INDUSTRIAL SCHOOL.

Collections from interest and income	\$ 11,239.67
Appropriation	24,000.00
Total	\$ 35,239.67

REFORM SCHOOL.

Collections from interest and income	\$ 12,028.31
Appropriation	14,500.00
Total	\$ 26,528.31

SOLDIERS' HOME.

Collections from interest and income	\$ 11,139.76
Appropriation	20,200.00
Total	\$ 31,339.75

STATE DEPOSITORIES.

The amount of money carried in our treasury is increasing quite rapidly as our state grows, the average monthly balance during the past two years being \$731,873.10. This money is carried in the state depositories, the state receiving interest on the monthly balance. Our present law regulating these depositories should be amended in several particulars. The provisions of that law for the examination of the treasurer's office by the state board of auditors is inoperative and should be stricken out, and other means substituted. The provision limiting the amount deposited in a designated bank to the assessed value of its capital stock, is not complied with and it is very difficult to do so for the reason that it is almost impossible to ascertain what is the assessed value of a bank's capital stock. A more practical limit would be a certain per cent of its capital stock, surplus, and undivided profits. These are easily ascertained and more nearly represent the bank's reliability than the assessed value of its capital stock. The law should provide, too, that when a bank has been designated by the State Board of Auditors as a state depository, it is entitled to and shall receive as nearly as possible a pro rata share of the state deposits. Each state depository should be required to file with the state auditor before the 15th of each month, a statement of the daily balance of the preceding month and remit to him the amount of the interest due. All money, checks, drafts or other funds belonging to the state or held in trust by the state, coming into the hands of the state treasurer, should be immediately deposited in the state depositories and the treasurer relieved from liability for loss of all funds so deposited. Penalties should be provided for the violation of the provisions of the law.

BOARD OF CONTROL.

The management of our public institutions I believe should be placed in the hands of a single Board of Control. Such laws are in operation in a number of states and dur-

ing the year I have had opportunity to inquire of administration officers as to the working of the laws in the states of Washington, Iowa, South Dakota and Minnesota, and all are unanimous in saying that the management of their institutions by Boards of Control has proven eminently satisfactory and has resulted in both economical management and efficiency of service.

BONDS OF STATE OFFICERS.

I believe it would be to the advantage of the state if all officers and their deputies should be required to give surety company bonds to be paid for by the state, this especially in the case of the state treasurer and his deputy. It would result in the officers being untrammelled by personal obligations to their bondsmen and better service would result.

CLERK HIRE FOR STATE OFFICERS..

I would recommend that an investigation of the clerk hire needed in the various offices be made, and the salaries of each deputy and clerk be fixed by law. The present plan of allowing a fixed amount for each office results in a wide variation in the salaries and has caused considerable dissatisfaction.

EXTRADITION.

The law relating to the extradition of fugitives from justice should be amended. A uniform law has been adopted by quite a number of states, prescribing the form of application and the proof necessary, both in interstate and international extraditions. Such a law should be placed upon our statutes, with a severe penalty for a failure of the applicant to prosecute upon the return of the fugitive.

PRIMARY ELECTION.

The right of suffrage is the most sacred right of the people. It is a right whose integrity cannot be too safely guarded, and the legislature has no higher duty to perform than to pass such laws as will fully preserve it. In our government the political parties have become an inseparable agency in the exercise of that right of suffrage. The law has, to a greater or less extent, recognized this fact. Its importance is brought home to us when we realize that but two political parties participate to any great extent in our elections, and in many states as in ours, the nomination

by the predominant party is almost equivalent to an election. It is obvious then that the procedure of the political party to place its candidate upon the ballot is of equal or of more importance than the procedure of election, and should be so circumscribed by law that it becomes as sacred and inviolable. How shall this be accomplished? The end sought is a procedure of nomination that will as accurately as possible determine the will of the majority of the political party. That the present delegate system too often fails of this end gives need that your consideration be brought to it. Both political parties of this state in their platforms have declared for a primary election law, permitting the electors to vote directly for the candidates to be placed upon the ballot. Such laws have been adopted in other states. They have been advocated and worked out by earnest men. Where in force they have proven satisfactory and the tendency is entirely toward their extension. I believe that no act that this assembly could pass would rebound more to its credit and would be more heartily approved by the people of the state than an act for a comprehensive and complete primary election law. I do not advocate any halfway measures. I believe that it should include every officer to be elected within the state. The law recently adopted by a direct vote of the people in the state of Wisconsin seems to me to be an act that would meet our needs most admirably.

CATTLE SCAB.

During the past year an epidemic of scab or mange in cattle has prevailed over a large part of the western half of the state. This became so general that the federal authorities issued a quarantine regulation affecting this state, which necessitated prompt action to prevent great loss to the stock interests of the state. Acting under section 1614 of the Revised Codes, and the recommendation of the State Veterinarian, I appointed quite a number of Deputy District Veterinarians to make a thorough investigation of the infected district. As a result of their reports the State Veterinarian quarantined a large district in the western half of the state. The organized counties in this infected district immediately took steps to establish public dipping tanks and a large per cent of the cattle in these counties were dipped. In the unorganized counties, there being no pro-

vision for establishing public tanks, the State Veterinarian applied to the Emergency Commission for an appropriation, and \$10,000 was appropriated to be spent under his direction in the unorganized counties. With this sum, dipping tanks were established and considerable headway was made with the work. I desire to call your attention to the report of the State Veterinarian, who has made some very important recommendations upon this subject. Vigorous and thorough work must be done to get this epidemic under control. Legislation is needed upon this subject.

IRRIGATION.

Under the terms of the Reclamation Act a large part of the receipts from the sale of the public lands is paid into a fund to be used in the construction of national irrigation works. This state is entitled to the use within the state of all money paid into this fund from this state, provided that feasible projects can be found. Believing that we have much land, especially in the western part, that can be brought under irrigation, and desiring the state to secure the benefit of this law, upon the recommendation of the State Irrigation Convention I appointed Mr. E. F. Chandler state engineer, the money necessary to defray his expenses having been provided by citizens interested in the work. During the summer Mr. Chandler has been in the field making investigations and surveys and his report will be laid before you. I believe that the irrigation movement will be of inestimable value to the state, and I would recommend that steps be taken to make a thorough survey of the state. I would further recommend that the money advanced to pay expenses already incurred be refunded.

The Capitol Commission, who have had in charge the construction of the new wing and the other improvements made about the Capitol will file a report sometime during the session showing in detail all matters relating thereto.

The report of the World's Fair Commission will be placed upon your desks. The exhibit made by our state was a very creditable one and was well recognized in the distribution of awards. Under the provisions of the Act the Commission is directed to ship the exhibit to Portland, Oregon, to take part in the Lewis and Clark Exposition. The Commission has not acted as yet upon this provision and request that some action be taken very soon upon this

matter. About \$5,000 is left of the appropriation and if the exhibit is made at Portland, an additional appropriation will be needed.

I desire to call your attention to the report of the Commissioner of the Land Department, especially to the matter of the investment of the endowment funds. You will notice by the report that there has been nearly \$1,000,000 invested during the period covered by the report. To do this the Board of University and School Lands has gone into the market and bought all the school bonds of the state that it could buy at a price to net four per cent and state bonds to net three and one-half per cent. At these prices quite a large amount was placed. We now own nearly all the school district bonds of the state. The holders of the balance of the state bonds would not sell except at a premium that would not net to exceed three and three-tenths per cent. If our law was amended permitting the Board to purchase farm mortgages and limiting the amount loaned to one person to one-third of the appraised value of the property, all of our money could be gotten out at a rate to net us six per cent. Unless some amendment is made a considerable amount of our money must remain uninvested.

Since the meeting of the last legislative assembly the state has lost one of its most distinguished public men. On July 20, 1904, at the city of Grand Forks occurred the death of John M. Cochrane, Associate Justice of the Supreme Court of this state. He died while actively engaged in the discharge of the duties of his office and I deem it most fitting and I do recommend that this Assembly by appropriate exercises indicate its recognition of the valuable services he rendered to the state both as a public officer and as a most honorable citizen.

As I conclude my last official act as executive of this state I desire to express my appreciation of the hearty co-operation and support of those who have been associated with me during my term of office. I feel and believe that, although we have perhaps accomplished no great things, the work of your officers has been inspired by loyalty to duty and the best interest of the state.

Hon. D. E. Morgan, justice of the supreme court of the state of North Dakota, administered the oath of office to Governor-elect E. Y. Sarles.

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

Governor Sarles delivered his inaugural address.

GOVERNOR'S INAUGURAL ADDRESS.

Gentlemen of the Senate and House of Representatives:

You have met in another biennial session to enact such laws for the benefit of the state as your judgment deems wise, and it becomes my duty from the executive branch of the government to co-operate with you and indicate to you those matters that I think deserving of your consideration, to promote our common interest, which is the welfare of the state of North Dakota. I am keenly appreciative of the duties and responsibilities of the position I hold and it is my earnest desire that our trust from the people shall be well kept. There is, however, no desire or intention on my part to assume a dictatorial attitude. On the contrary, I sincerely desire the beneficial assistance that you are in position to render. I shall consider it an evidence of your friendship and good will if you will be free at all times to consult with and make suggestions to me regarding any matter in which the welfare of the state is concerned. Many of you have had large business and legislative experience. Your advice and counsel will be of assistance and benefit both to me and to the state. Let us give to the state the best results of our intelligence and integrity and enter upon our labors with that frank and fair confidence that the makers of the constitution intended should always exist between the legislative and executive branches of the government.

The message of my predecessor contains much information regarding the growth of the state and many important suggestions regarding the details of state government that have come from his four years' experience as governor. I am certain that you will give these your careful consideration, knowing that his intimate association with the government of the state has fitted him to point out to you those particulars especially demanding your attention. The reports of the various state institutions have also been

laid before you and these are commended to your wise consideration.

ELECTION OF SENATOR.

One of the first and most important duties you will have to perform will be the election of a United States senator. I hope your selection will be speedily made, that other important matters requiring your attention may sooner receive the undivided attention they deserve.

STATE EDUCATIONAL INSTITUTIONS.

The legislative body two years ago decided that our state educational institutions required additional facilities, their capacity at that time being quite inadequate to meet the demands made by a rapidly growing state. That same condition exists today. I believe you will concur in the decision reached then and agree that it is important that, in some manner, ways and means be provided to meet the requirements of our educational institutions. Additional buildings and equipment are, I believe, imperatively necessary. The state cannot afford to check this branch of its development by failing to provide properly for its educational institutions. It is wise and proper that we be ever fully prepared to provide for all our institutions that we may be able to meet the demands of our rapidly growing population. It is well settled by the decision of the supreme court in the case of the State ex rel the Board of University and School Lands vs. D. H. McMillan, state treasurer, that there is but one way in which provision may be made for funds for necessary buildings and improvements.

It is believed that such necessary funds may be raised by a direct tax, and that a law providing for such a tax would not be obnoxious to the provisions of the constitution. The tax for "the expenses of the state for each year" is limited to four mills, but it is also provided that taxes may be levied for the support of our system of free public schools and higher educational institutions. I direct your attention to this matter and I would ask you, by the wisest and best means, to make suitable provision for the needs of our excellent educational institutions.

GAME AND FISH LAWS.

My attention has been directed to the inefficiency of our present game and fish laws. Many important matters, necessary to the preservation of the fish and game of this state, are not covered in the present laws. I recommend the repeal of the present statute and the adoption of one based upon the experience that has proven valuable in other states, fully covering the defects and omissions of the present laws.

PRIMARY ELECTION.

Two years ago and again last year the republican state convention declared in favor of a system of primary elections. The adoption of an effective statute covering this matter is without doubt earnestly desired by many of our people. The question is one of great importance and worthy your most careful and deliberate consideration, as its enactment into law would constitute a radical departure from the present modes of procedure in our nominating system that has been in effect for many years. It is a topic requiring intelligent and mature reflection and wise action. The wishes of your constituents should be consulted and respected. Minnesota and Wisconsin have primary election laws, but radically different in their scope, the Minnesota law covering a part of the public officers only, while the Wisconsin law, adopted by popular vote this fall, covers every office for which nominations are made, and is the result of several years discussion by people and legislature. What are its merits and virtues time will determine better than foresight can predict. I hope you will give this subject the careful attention its importance deserves.

CAPITOL BUILDING.

In the past year a substantial and desirable addition has been erected to the state capitol, of which this hall is a part. It is, I think, desirable that the state of North Dakota have a capitol building in accordance with its growing wealth and importance. The general government donated to the state, at the time of its admission, a generous allotment of land, the proceeds of whose sale was to go to the erection of a capitol building. I believe that you should legislate for the creation of a capitol commission, to

provide for further improvements to the state capitol building and its completion in harmony with the style and plans of the new structure. Funds for this purpose can be appropriated from time to time as the sales of the capitol endowment lands justify. It is not necessary or desirable that funds be taken directly from taxpayers for this purpose. The land endowment of the state will amply care for its necessities in the way of administration buildings. But I believe you should provide means to apply this endowment to the purposes for which it was intended, as rapidly as funds are obtainable, until you have provided a capitol building that shall be ample for the needs of the state, harmonious in its architectural construction, and creditable to the dignity and importance of the state.

PERMANENT SCHOOL FUND.

The rapid increase in the common school and state institution permanent fund is a matter that should engage your attention. This fund has now invested approximately \$2,700,000. It is increasing at a rapid rate, and the increased values of land in the state and the liberal endowment of the common schools and state educational and other institutions with land means a fund vaster than, perhaps, the pioneers of our statehood realized or foresaw. This fund is the sacred charge of the state, to be perpetuated and safely invested for the benefit of the schools and institutions. The legislature of two years ago proposed a constitutional amendment, increasing the class of securities in which this fund could be invested, and which will be referred to you. It should be your care to make provision for other safe and secure investments, permitted under the laws which gave those lands to the state in trust for the schools, so that the state's trust be kept, the greatest revenue be returned to the schools and institutions, and, eventually, a large share of the debts of the state, its municipal subdivisions, and of the farmers themselves, through loans on their land, shall be held by the state, in its permanent school funds. Thus the interest charges paid by the state and its people would accrue to the benefit of the schools and institutions and they be largely supported by a sort of indirect tax. To simplify the matter of farm loans, and to provide from time to time such additional securities for investment as will be safe and wise is your duty. The

reports of the state land commissioner and of the state treasurer will provide you with such detailed information regarding this fund and its probable growth as will enable you intelligently to deal with this question.

STATE VETERINARIAN.

Attention is called to the closing remarks in the last annual report of the Chief State Veterinarian, in which a change in the system of state control of animal diseases is suggested. After weighing the matter carefully, I feel justified in recommending that a change be made along the lines indicated in the report mentioned. It is evident that under the present conditions the efficiency of district veterinarians is much impaired, while the arrangement by which the Professor of Veterinary Science of the Agricultural College is made Chief State Veterinarian is such as to demand more time than can possibly be expected from one man. If justice is to be done to the college and experiment station work, state work cannot be properly attended to, and if state live stock sanitary work is to be properly performed, the college duties must be more or less neglected. It seems that we have reached the point where the live stock interests and the Agricultural College will both be benefited by the change suggested.

DRAINAGE.

The matter of drainage is important, particularly in that large and fertile section of the state along the Red river. It seems to me the present law is cumbersome and the construction of drains thereunder more expensive than is necessary. Nor are the interests of the owners of lands affected by drains as carefully protected as I believe they should be. I believe this to be a matter worthy of your careful consideration.

IRRIGATION.

Irrigation, in the past year and since the passage of the National Reclamation Act, has been a subject of great interest in the state. There are large tracts of land where irrigation would constitute a desirable form of crop insurance by providing moisture when and where needed. The notable contributions of this state to the National Reclamation Fund, nearly four millions of dollars, have led us to

believe the state was entitled to consideration where feasible projects for irrigation were discovered. The work of the state irrigation congress and the co-operation of the state's delegation in congress has been productive of results. In the past year it seemed wise to my predecessor to appoint a state irrigation engineer, to work with the government engineers and discover places where irrigation would be practicable and of beneficial effect. His report will be laid before you. The moneys necessary to defray the salary and expenses of the irrigation engineer were advanced by public spirited citizens and I suggest that they be reimbursed from the state treasury, and that the moneys advanced by counties be also returned.

I would recommend also that you consider the wisdom of creating the office of state irrigation engineer as a permanent officer of the state government with proper provision for the payment of salary and expenses, which, like the preceding recommendation, was indorsed by both republican and democratic state platforms adopted last year.

I would further recommend that you consider the irrigation laws of other states, with a view to enacting such legislation as will enable this state to co-operate most effectively with the national government in the creation and maintenance of irrigation works.

Some irrigation in this state must be done by pumping from rivers and as a means of furnishing power, lignite coal is necessary. There are vast coal supplies in the hands of the state, and that these be not turned, thoughtlessly, to private control, to the disadvantage of the state, should be your care. I therefore recommend that you consider how best to conserve the coal supply in the possession of the state, that it may serve both as a means of irrigation and as a protection to the people of the state from any attempted monopoly.

These are matters that your knowledge of the growth of the state will suggest to you as subjects for wise and careful legislation, and I have no doubt you will take such action as shall redound to the best interest of North Dakota.

A session of the state irrigation congress will be held in this city January 24. This will be an important meeting, and I shall make it the subject of a further communication at such time as is most opportune.

LEWIS AND CLARK EXPOSITION.

The site of the present capitol building is not far from the spot where those pioneer explorers, Lewis and Clark, passed a winter a hundred years ago, on their journey up the Missouri river. That journey will be commemorated another season in an exposition to be held in the city of Portland, Oregon. The nucleus for a valuable display has been prepared in the good work done at the St. Louis exposition by the state of North Dakota, through its board of managers and executive commissioner. I believe that a suitable appropriation for transportation and installation and for the maintenance of the exhibit at Portland, would be of value to the state.

CONCLUSION.

In conclusion, gentlemen, let me remind you that while the executive and legislative branches of the government are co-ordinate, the administrative functions of the state lie in plain obedience to your mandates. Yours is the creative power, that is charged directly by the people with the enactment of their will into laws. Save for the matters I have referred to you as, in my opinion, calling for your especial attention, it is unnecessary for me to indicate what are your duties and obligations. That you will so discharge them as to earn the approbation of the people of the state is my belief. I shall do all that lies in my power to assist you in your work and I bespeak from you the same assistance. I trust your biennial session will be pleasant, harmonious and productive of much good. I thank you.

Mr. Simpson moved

That the joint session do now dissolve.

The joint session dissolved .

The house re-assembled.

Mr. Davis moved

That the house return to the fifth order of business.

Which motion prevailed.

REPORT OF SPECIAL COMMITTEES.

Mr. Speaker:

Your committee on mileage and per diem find the members entitled to mileage as follows:

Name.	Miles.	Amount.
Adams.....	836	\$ 83.60
Allen.....	528	52.80
Arnold.....	508	50.80
Baeverstad.....	386	38.60
Belden.....	138	13.80
Blake.....	418	41.80
Blank.....	72	7.20
Braaten.....	446	44.60
Briden.....	726	72.60
Brown.....	438	43.80
Burgum.....	382	38.20
Burtness.....	582	58.20
Buttz.....	490	49.00
Casey.....	630	63.00
Chapman.....	924	92.40
Chevalier.....	698	69.80
Clendenning.....	330	33.00
Cooper of Stutsman.....	362	36.20
Cooper of Sargent.....	360	36.00
Dahl.....	684	68.40
Dahlen.....	442	44.20
Davis.....	788	78.80
Dickinson.....	384	38.40
Duncan.....	382	38.20
Eggen.....	392	39.20
Ellison.....	314	31.40
Flados.....	388	38.80
Fried.....	332	33.20
Ganssle.....	658	65.80
Gibbens.....	814	81.40
Gilbert.....	348	34.80
Glasgow.....	634	63.40
Goulet.....	322	32.20
Hardt.....	120	12.20
Heglie.....	464	46.40
Hemmingson.....	326	32.60
Jennings.....	722	72.20
Johnson of Richland.....	500	50.00
Johnson of Ward.....	644	64.40
Juzeler.....	218	21.80
Kyle.....	862	86.20
Lemieux.....	954	95.40
Lillie.....	1004	100.40
Lyons.....	768	76.80
Martin.....	342	34.20
McCrea.....	678	67.80
McClure.....	196	19.60
McKechnie.....	836	83.60
McLain.....	644	64.40
Meidinger.....	260	26.00
Meikeljohn.....	758	75.80
Midgarden.....	660	66.00

Name.	Miles.	Amount
Mitchell	614	61.40
Mooney	636	63.60
Moore	444	44.40
Morgan	472	47.20
Nelson	766	76.60
Nicholson	706	70.60
Overson	500	50.00
Ovind	604	60.40
Palmer	284	28.40
Palfry	450	45.00
Peterson	496	49.60
Phelan	232	23.20
Piercy	268	26.80
Piper	460	46.00
Purdon	484	48.40
Richmond	386	38.60
Rice	880	88.00
Rogers	286	28.60
Robillard	794	79.40
Rose	408	40.80
Rue	388	38.80
Ryan	550	55.00
Schlenker	386	38.60
Scheer	508	50.80
Shields	350	35.00
Simpson	14	1.40
Sowle	508	50.80
Spangberg	50	5.00
Stavens	472	47.20
Stevens of Burleigh	2	.20
Stevens of Dickey	356	35.60
Streeter	128	12.80
Sunderland	728	72.80
Sweet	392	39.20
Swenseid	646	64.60
Tallackson	632	63.20
Thompson	526	52.60
Thoreson	324	32.40
Tafsrud	842	84.20
Treet	392	39.20
Truemner	700	70.00
Underwood	338	33.80
Vernon	656	65.60
Walter	716	71.60
Watson	878	87.80
Weigel	154	15.40
Welo	598	59.80
White	438	43.80

We further report A. O. Anderson entitled to mileage amounting to \$39.00 for 392 miles traveled and a per diem amounting to \$12.00. A total of \$51.20 as per resolution adopted by the house on Tuesday, January 3d, 1905.

GEORGE W. H. DAVIS, Chm.

GEORGE ROSE,

C. H. SHIELS,

Committee.

Mr. Stevens, of Burleigh, moved

That the reading of the report of the committee on mileage and per diem at length be dispensed with and the report be adopted as presented.

Which motion prevailed, and

The report was adopted.

Mr. Nicholson moved

That the house do now adjourn.

Which motion prevailed.

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 5, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Cooper of Stutsman, Johnson of Ward. Mitchell, being excused.

REPORT OF SPECIAL COMMITTEES.

Mr. Speaker:

Your special committee appointed to report on the different positions and employment necessary for the proper transaction of the business of the house that have not already been filled by election, would respectfully report, recommending the appointment by the speaker of persons from the various districts of the state to fill the following positions:

One clerk for each of the following committees:

Judiciary, appropriation, railroad, state affairs, engrossment, enrollment, privileges and elections, banks and banking, tax and tax laws, irrigation, insurance, education, ways and means, municipal, corporation, revision and correction of the journal, warehouse, schools and public lands, three mailing clerks, one voucher clerk and bookkeeper, three assistant messengers for the house, assistant janitor for the house, one assistant doorkeeper for the gallery, one assistant doorkeeper for the hall, six janitors for committee rooms to be assigned to places by the speaker.

We further recommend the appointment of five stenographers to be assigned by the speaker as follows: One for the speaker, two for the members at the capitol, two for the members "down town"—they to receive compensation as fixed by law.

E. L. RICHMOND,

Chairman.

C. W. BUTTZ.

F. B. CHAPMAN.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

January 5, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution which the senate has passed, and your concurrence therein is respectfully requested:

Be it resolved by the senate, the house of representatives concurring.

That the World's Fair Commission be requested, in accordance with the provisions of section 5 of chapter 34 of the laws of 1903, to at once provide for the shipment to the Lewis and Clark exposition at Portland, Oregon, of the North Dakota exhibit which is now at the St. Louis exposition.

R. M. TUTTLE.

Secretary.

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

Resolved, that in the judgment of the members of the house it is deemed necessary for the proper transaction of its legislative work that additional clerks, stenographers and employes be appointed to fill the respective positions recommended by the committee where report has been adopted, therefore the speaker is hereby authorized and empowered to appoint such additional clerks, stenographers and employes at the compensation fixed by law.

Which motion prevailed.

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

Whereas, it is necessary to use the hall of the house of representatives for the inaugural ball; and

Whereas, The hall is in an incomplete condition and it will take two or three days to arrange desks, lay carpets and otherwise prepare the hall for the members, therefore, be it

Resolved by the house of representatives, the senate concurring: That when the house and senate adjourn today they stand adjourned until Thursday, January 12, 1905, at 2 p. m.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That the drawing of seats in the house by the members of the ninth legislative assembly be postponed until Monday, January 16th at 3 o'clock p. m.

Which motion prevailed, and
The resolution was adopted.

Mr. Davis offered the following concurrent resolution and moved its adoption.

Whereas, It is currently reported that the Millers Association has made application to the Treasury Department at Washington for a ruling under which foreign grown wheat may be imported in bond under the provisions of section 30 of the Dingley tariff law; and

Whereas, The effect of the granting of said application, in our opinion, would be to practically nullify paragraph 234 of said law, which provides for a specific duty on wheat imports of twenty-five cents per bushel; and

Whereas, The opinions of the Department of Justice on the question of drawbacks upon imported materials to be used in articles manufactured for export are lacking in uniformity, at least one of said opinions holding to the view that materials so imported for such use "shall so appear in the completed article that the quantity or measure thereof may be ascertained" (this, in fact being the letter of the law); therefore,

Resolved, By the house of representatives of the ninth legislative assembly of the state of North Dakota, the senate concurring, that we firmly protest against the granting of the application of the said millers and urge upon our delegation in congress the importance of proceeding in every reasonable way to protect the grain growers of the northwest against the injustice that we are convinced would follow the success of any scheme for the free admission of foreign grown wheat:

Resolved, That an engrossed copy of these resolutions be forwarded to the honorable secretary of the treasury and to each of our senators and members in congress.

Roll call demanded.

The question being on the passage of the resolution.

The roll was called and there were ayes 97, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle

Messrs.—

Rogers
Robillard
Rose
Rue
Ryan

Messrs.—

Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendenning
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glassgow
Goulet
Hardt
Heglie
Hemmingson

Messrs.—

Lemieux
Lillie
Lyons
Martin
McCrea
McClure
McKechnie
McLain
Meidenger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Palfrey
Peterson
Phelan
Piper
Purdon
Richmond
Rice

Messrs.—

Schlenker
Scheer
Shiels
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swenseld
Tallackson
Thompson
Thoreson
Tofsrud
Treet
Treumner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad

Messrs.—

Blank

Messrs.—

Cooper of Stutsman

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

Owing to the voluntary and efficient services rendered during the organizing of the house and the clerical forces of the session by the retiring chief clerk, A. O. Anderson, be it

Resolved, That he be compensated for five days services at \$6.00 per day.

Which motion prevailed, and

The resolution was adopted.

Mr. speaker called Mr. Davis to the chair.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Buttz introduced House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Which was read the first time.

Mr. Sweet moved

That the house do now concur in senate resolution relating to shipping of the exhibit at St. Louis exposition to the Lewis and Clark exposition at Portland, Oregon.

Mr. Phelan moved

As a substitute, that further consideration of the concurrent resolution of the senate be deferred until after recess.

Which substitute motion prevailed.

Mr. Buttz moved

That a recess be taken for ten minutes.

Which motion prevailed.

House re-assembled.

The speaker named the following persons as a committee on rules: Messrs. Richmond, chairman; Stevens of Burleigh, Rose, Scheer, Casey, Sweet, Briden, Purdon, Welo.

Mr. Richmond moved

That the house return to the seventh order of business.

Which motion prevailed.

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

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

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

January 5, 1905.

Mr. Speaker:

I have the honor to inform the house that the senate has concurred in the resolution providing for adjournment of the house and senate to January 12, 1905 at 2 p. m.

Very respectfully,

R. M. TUTTLE,

Secretary.

The speaker administered the oath of office to the following employees:

Anna Fluetsch, Alfred Ellsworth, stenographers; Graham, clerk to postmaster; Walters, doorkeeper; J. M.

Lazier and Edward Hillias, janitors; Charles L. Jones, J. I. Roop, A. E. Bjorlie, W. S. Young, W. D. Atterbury, M. C. Spicer, Wm. Paulson, G. A. Haugan, J. B. Iverson, John Gordon, E. W. Clide, Paul Grass, Phillip Kershstein, David Luhrs, Samuel Cross, Forest Thomas, C. B. Andrews, Robert Hughes, George Hogue, Richard Thomas, Ole Roe, E. O. Butes, Charles G. Thompson, A. Skarison, Marshall McClure, C. Lisk, Robert Kanousky, Mrs. Katherine Hendershott, John Stevenson, J. W. Daly.

Mr. Stevens moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

TENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 12, 1905.

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

The speaker presiding.

Prayer by chaplain.

Mr. Fried moved

That the house take a recess until 3:30 o'clock p. m.

Which motion prevailed and

The house took a recess until 3:30 o'clock p. m.

AFTER RECESS.

The house reassembled at 3:30 o'clock p. m.

The speaker presiding.

Roll call.

There were 49 members present and 51 absent and excused as follows:

Messrs. Allen, Baeverstad, Braaten, Briden, Brown, Chevalier, Clendenning, Cooper of Stutsman, Cooper of Sargent, Dickinson, Eggen, Ellison, Flados, Glassgow, Ganssle, Gilbert, Goulet, Heglie, Johnson of Richland, Kyle, Lemieux, Lillie, Martin, McCrea, McKechnie, McLain, Meiklejohn, Midgarden, Mitchell, Oveson, Ovid, Palfrey, Peterson, Phelan, Piper, Robillard, Ryan, Schlenker, Sowle, Sunderland, Sweet, Tallackson, Thompson, Treat, Treumner, Underwood, Vernon, Walter, Watson, Welo, White, who were absent and excused.

Mr. Stevens of Burleigh moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

ELEVENTH DAY

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

January 13, 1905.

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

And was called to order by the chief clerk,

Who announced that speaker was ill and had designated Mr. Rose of Dickey county as speaker pro tem for the day.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baeverstad, Braaten, Briden, Brown, Chevalier, Clendening, Cooper of Stutsman, Dickinson, Eggen, Gilbert, Glasgow, Heglie, Johnson of Richland, Kyle, Lillie, Martin, McCrea, McKechnie, McLain, Meiklejohn, Oveson, Ovind, Palfrey, Peterson, Phelan, Piper, Robillard, Ryan, Simpson, Sowle, Sweet, Thompson, Treet, Underwood, Vernon, Walter, Watson, Welo, and Mr. Speaker, who were absent and excused.

MESSAGE FROM THE GOVERNOR.

The sargent at arms announced a message from the governor.

GOVERNOR'S OFFICE,

BISMARCK, N. D., JANUARY, 13, 1905.

To the House of Representatives:

Mr. Speaker: A meeting of the State Irrigation Congress will be held in Bismarck January 24, for the purpose of considering irrigation work in North Dakota. The steps taken by the government reclamation service for the beginning of active work in the state have reached that point where the cooperation of our people is necessary to enable them to reap the benefits of practical irrigation. That effective cooperation may be arrived at, the education of our people is necessary. The officers of the state irrigation congress have obtained assurances from some of the government's leading irrigation and drainage experts that they will be present and address this meeting. Other wellknown public men who have taken the

lead in irrigation work in the northwest have agreed to be present and give the people of the state the benefit of their experience. This congress bids fair to be the most helpful and advantageous yet held in this state. That steps may be taken by your body to render this meeting most effective and its influence far-reaching, will at once suggest itself to your wisdom and desire for the state's good.

I have the honor to request, therefore, that a committee be appointed from the senate and house to confer with me regarding this important matter, looking to the making of such arrangements as will enable the state to derive the greatest benefit from this meeting, to the end that the proceedings of this irrigation congress be most widely and effectively disseminated among the people of our state. I will be pleased to meet with such a committee as your body chooses to name at its earliest convenience for the discussion of arrangements, to be reported for the consideration of the legislative body.

E. Y. SARLES,
Governor.

REPORT OF SELECT COMMITTEE.

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

Mr. Speaker:

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

On page 4, line 40, change the name "Lisle" to "Liles."

On page 10, line 37, change name "Jennette James" to "Jeannette P. James."

On page 2, line 35, change name "F. I. Lyons" to "F. I. Lyon."

On page 2, line 19, change name "A. R. Swenseid" to "A. R. Swend-seid."

And when so amended recommend that the same be approved.

Also,

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

Page 4, line 29, change the word "fees" to "tax," and change figures "12,494.06" to "18,251.00."

Page 5, line 40, change the figures "12,535.50" to "12,550.00."

Page 7, line 14, change figures "8,771.26" to "771.26."

Page 8, line 26, change figures "38,000" to "38,600."

Page 8, line 31, change figures "12,000" to "112,000."

And when so amended recommend that the same be approved.

Also,

Your committee on revision and correction of the

Journal of the third day, have carefully examined the same and recommend that the same be corrected as follows:

On page 2 insert the name of "F. B. Chapman" below name of "C. W. Buttz," on line 14, as committeeman.

On page 3, line 43, change "96" to "97."

On page 6, line 3, change name "J. B. Swenson" to "J. B. Iverson."

On page 6, line 7, change name "E. O. Buttz" to "E. O. Butes."

On page 6, line 8, change name "Robert Kaunsky" to "Robert Kanousky."

On page 6, line 9, add the name "J. W. Daly."

On page 5, line 9, insert the word "substitute" after the word "which."

And when so amended recommend that the same be approved.

E. L. RICHMOND,
Acting Chairman.

Mr. Richmond moved

That reading at length of the report be dispensed with and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

IRRIGATION.

On Tuesday, January 3, 1904, the following communication was presented to the house:

BISMARCK, NORTH DAKOTA,
January 3, 1905.

To the House of Representatives:

The state irrigation association respectfully asks that you cause to be published in the journal of your house that part of the addresses referring to irrigation delivered by Senator Stewart and Senator Regan of the U. S. senate committee on irrigation and arid lands, and also the address of the late Major Powell, then the director of the U. S. geological survey, delivered before the constitutional convention of North Dakota, August 5, 1889; also that part of the very able and educational address delivered by Hon. J. J. Hill before the North Dakota irrigation congress October 20, 1903, referring to irrigation, also a letter from F. H. Newell, chief engineer of the reclamation service, addressed to Hon. P. J. McCumber dated Washington, D. C., December 27, 1904, and the enclosed communication from Mr. H. A. Storrs of the U. S. reclamation service, engineer in charge of North Dakota pumping projects, together with the "Hansbrough Reclamation Act" and tables showing the amount that each state and territory included in said act has paid into the reclamation fund to date, and the amount that has been set aside by the reclamation service for the development of irrigation projects in each of the states and territories included in the reclamation act, up to the present time.

The reclamation act is a law of the United States and is not published in our statutes, therefore it has not had the publicity that it should have had.

As your honorable body is to legislate during this session with reference to carrying out the provisions of that act in this state, we

deem it of the most importance that you should have before you the act and the information with reference to irrigation referred to above.

Yours respectfully,

E. A. WILLIAMS,
President North Dakota Irrigation Association.

Mr. Stevens, of Burleigh, offered the following resolution which was adopted:

Resolved, That the request made by the state irrigation association, just read, be complied with and that ten extra copies of the journal containing the matter mentioned be published for each member of the house.

In compliance with this resolution the following articles are published herewith:

SENATOR STEWART'S SPEECH BEFORE THE CONSTITUTIONAL CONVENTION, AUGUST 5, 1889.

Mr. President and Gentlemen of the Convention: We are here on a tour of investigation to obtain information rather than to impart information to others. * * * * This question of irrigation is a very important one; a new question to the people of this country, for we spring from a race that lived in a rainy country—the northern part of Europe. We came to this country where the rainfall is ordinarily sufficient for crops, and all our teaching and all our traditions related to raising crops with adequate rainfall. It was not so with many other people. It was found necessary to irrigate to raise crops by the ancients. There are now perhaps two-thirds of the people on this globe who pursue farming, who are required to irrigate their lands. Not more than one-third have the blessings of sufficient rainfall. In the Atlantic States, east of the dry zone—in a word, between here and the Atlantic—is the largest area in the world where there is sufficient rainfall to produce crops. The countries where irrigation is pursued have their advantages as well as their disadvantages. The land is richer, because it is not bleached so much by the rainfall. There are many places in the Atlantic States where they have very great difficulty in getting crops sufficient to pay for their labor. The land is poor, sandy, bleached—there is too much rain, and it is difficult to fertilize enough to produce good crops. Besides, even there they have had their wet times and their dry times and their drawbacks. There is another consideration in regard to irrigating land. I think considering the population that has been supported—the vast numbers of people that have been supported where irrigation has been pursued, the vast populations that have lived there; we may infer without having made close investigation that irrigated land is very much more productive than the other kind. One acre of irrigated land is probably worth two or perhaps three or four of land that has sufficient water without irrigation. It requires industry, care and attention—more perhaps than where you have rainfall, but you get a more certain result. Now this country has been admitted by all to have at least 1,200,000 square miles of land where irrigation must be pursued. All of the country west of the 100th meridian, and a portion of that east, requires some irrigation. All that is west requires irrigation, except a little strip west of the Cascade mountains. There is a great deal of waste land in that area that cannot be cultivated or irrigated. But it so happens that even these waste lands furnish nutritious grasses and are useful for raising stock and always will be. So after all there is not as much worthless land as you might suppose.

These mountains are worth more than the eastern mountains that have been cultivated. We do not know exactly how much of this land can be reclaimed—how much can be brought under cultivation—but of the 1,200,000 square miles, if we reclaim 12 or 15 per cent, it is an enormous amount of land. That is as much good land as they have in a good many large states. I am not certain but we could support about as much population in this region as we have in the region where they have the rainfall. If we compare this section of country with British India, it is represented that they are very similar. British India contains 800,000 square miles and supports a population of 250,000,000. We have 1,200,000 square miles. This section of the country is the only one where we can make homes for the settlers that are coming hereafter. They have got to go into the arid region. The public lands in the rest of the country are occupied. That being the case, congress has taken the matter up for the purpose of ascertaining the facts with regard to it. They appropriated at the last session of the last congress \$100,000 to be used in commencing a system of explorations under the geological department, under Director Powell's management. This is attached to the bureau that has to do with geology and topography of the country. One hundred thousand dollars was appropriated, and last year a further sum of \$250,000, which is now being expended, but this will not go far in the work. It takes a great deal of money to make these surveys. These surveys raise another question as to public policy and constitutional power. The policy of the department has been to survey the public lands so that settlers could move onto them and till them. The ordinary survey of public lands will not necessarily allow settlers to do that. The survey of mountains and desert lands will be of no service to the homestead settler. But the arable lands must be surveyed and they must go into the hands of settlers. This question of surveys involves different problems. We have in the mountains a stream—a watershed of considerable magnitude—and the stream that in the summer time nearly runs dry. It contains enough water to irrigate, say, 100,000 acres of land, and this land depends entirely upon that stream.

The survey must determine the value of these streams—locate reservoirs to store the water—determine the lines and ditches so as to reclaim land that can be reclaimed in any one watershed. When we have done that we will still have a very difficult problem before us. The homestead laws will not apply to the territory, because somebody must build waterworks. Hydraulic works must be constructed. Here are 20,000 acres to be reclaimed—probably the work will cost fifty or a hundred or two hundred thousand dollars, and the individual going there can do nothing. We must have laws so that there can be a combination between the people to construct these works for the common benefit. The next thing is to have laws to prevent monopolies, for I do not believe in one party owning the water and another the land. That would make serfs of the people. It is a difficult problem to work out. It has some advantages, for it is more difficult to monopolize irrigated land than other land. A man with a large amount of irrigated land will find his hands full if he is going to make it productive. In California they found that they had to cut the land up, and inaugurating a system of irrigation has opened a field for immigration. There is another consideration connected with water which applies everywhere. While we have no means of increasing the rainfall—that is beyond human control so far as we have investigated, for raising trees and vegetation does not increase the general rainfall—what a man can do is equivalent to that—he can preserve the rainfall that comes. He can plant trees, cultivate soil and put more water on it in various ways, by ditches from rivers, or by storing the water, or by artesian wells. There is always a great contest going on between

man and the desert—man moving out by regular stages into the desert and the desert moving back onto man. So man has been advancing and the desert has been receding. Many countries, on the other hand, that were once inhabited, and may be reclaimed again, are now deserts. Large portions of Egypt that were once fertile are now deserts. There are some wonderful irrigating works there—constructed 3,600 years ago. Their ruins show that they were intended to cover a large portion of the acreage. Travelers in Palestine tell us that every step taken shows evidence of ancient irrigation works. They built tanks on the mountains of huge masonry that hold water today. In Persia and the eastern empire that once flourished, ruins everywhere say that the desert has driven men back in those regions. Why, it is difficult to say, but we know that before the day of telegraph and the railroad, nations might be destroyed by the destruction of their hydraulic works. A foreign foe getting into a country might destroy a whole people by the destruction of their irrigation system.

In South America we find the most perfect masonry built by the Spaniards, and in our own time Japan is a country where the people have made great development of its irrigation system. The country is mountainous, and by the sides of the mountains they construct terraces in which they save the water that falls. In Japan they could not possibly support 10,000,000 of people, and perhaps not 5,000,000, and may be less than that. Now they have over 30,000,000. China has vast irrigating works, and India depends largely upon it. Sometimes in India they have plenty of rain, but it does not come at the right time. The amount of money spent in India by the English government on irrigating works is simply enormous. The country was devastated by famines—the railroads could not prevent these famines, and an estimate was then made as to what would be the cost of the necessary irrigation works to be constructed by the government. The first was \$150,000,000. Now they have spent between three and four times that amount. We cannot go into any such scheme as that, but what we propose now is to ascertain the facts and lay them before the American people. When they find what a heritage they have got—how much wealth there is—we have no doubt the ways and means will be discovered and the difficulties overcome. As to your region here, it has been compared particularly by Professor Davison to the region he finds in India. There they made canals out of the rivers and distributed the water over the land. They have created an immense amount of wealth by the work they have done in that country. You have immense rivers here and much land that can be irrigated by them. You are, however, between the regions where they rely entirely on rainfall and entirely on irrigation, and you are likely to forget the bad years, but your abundant rainfall in some seasons will enable you to store the water and provide for the bad seasons. Water is very easily stored in lakes and ponds and it is very easy for the farmer to have a lake, and if he stores his water for the dry seasons he will have crops when he otherwise would have none.

The existence of artesian wells has been known for a long time and the waters from them have been used for irrigation. The chief objections have been that the supply of water has been liable to exhaustion, and before I came to this region I was skeptical about the extent to which this land could be irrigated by these artesian wells. But the artesian belt is like everything else—the quantity depends upon the supply and the extent of the supply. They are sunk all along the James River Valley, down to the Missouri river. They have sunk their wells through shale, limestone, and have come through into the sand rock. They have not gone through this sand rock. They have gone into it fifty or sixty feet. It is a coarse sand, and it is the largest water bearing strata I have ever read of in any artesian country. It has got more capacity and more

power and discharges with more power than any that I have ever heard of, and if there is a sufficient supply it might be used very generally for irrigating purposes. Much depends upon the supply and I have suggested to Major Powell, if this artesian strata that carries the water, immense as it is, comes from the Rocky mountains, bringing the melting snows from those mountains, the supply would be such as would be of incalculable benefit to the people of this region. If this is the source of the supply, you can get artesian wells anywhere between the Rocky mountains and the James river valley. The matter should be investigated, and will be investigated. Once irrigated, this country can maintain a larger population than any portion of the east of the same size, for you have an advantage in your subsoil for saving the water. Your soil takes less moisture than the soil of eastern states. There is scarcely any place we have passed over in Dakota that requires more than four inches of moisture to make a good crop, while in many parts of the east they require a foot. I am delighted that you are going to send representatives to congress, and they will be able to do much to secure for you such legislation as will enable the people to develop the country. That will make all this land here which is now worth \$10 an acre, worth from \$30 to \$100 an acre. Its value will be determined by its proximity to market and its productive capacity. * * * * *

SENATOR REGAN'S SPEECH BEFORE THE CONSTITUTIONAL CONVENTION, AUGUST 5, 1889.

I esteem it a very high honor to have the pleasure of addressing the members of this convention, clothed as they are with the sovereign authority of the people of North Dakota to form a state government. * * * * *

Our committee, of which Senator Stewart is chairman, have been directed by the senate of the United States to collect information on the subject of irrigation in the arid regions of the United States. The question is one of very great moment, and is attracting year by year greater attention than heretofore as population reaches out to our arid regions. I will not attempt to discuss this question of irrigation in the presence of my friend Senator Stewart, who has given so much attention to it, and Major Powell, who has given more attention to it and better understands it than any other citizen in this country. It is enough for me to say that about four-ninths of the territory of the United States, exclusive of Alaska, is in the arid region of the United States; in that part of the country where irrigation is necessary to fructify the soil and increase its fruits. The subject of irrigation for this purpose is older than history, especially in Egypt and Asia, and has been employed for a long time in Italy, Spain, France, and in Mexico and South America on this hemisphere. Recently it has been engaged in our sister states of Colorado and California, and in the territory of Utah. Our mission is to collect from among the people as much information as we can as to the necessities of the several portions of the country for irrigation, and as to their experience and judgment as to the means of irrigation. We are therefore collecting information, and not undertaking to give it, nor can we say what congress will do with this information when it receives it. It may be the basis of some action that will be of value. Already an appropriation has been made for a survey, and land and water have been reserved from speculators till some plan can be adopted which will enable the federal government or the states and territories to utilize the waters for the benefit of the people of the country. In passing through the Dakotas we were gratified at the large flow of waters from the artesian wells which may prove an inestimable boon to the people of this country, and which presents the problem here, perhaps,

in a different phase from what it is elsewhere, where the holding of water and the flooding of dams during the wet season and using it during the dry season to stimulate the crops is resorted to. * * *

ADDRESS OF THE LATE MAJOR POWELL, DIRECTOR OF THE
GEOLOGICAL SURVEY, WASHINGTON, D. C., BEFORE THE
CONSTITUTIONAL CONVENTION.

Mr. President and Gentlemen of the Convention: I am not accustomed to speak on occasions like this. In the first place I never made a political speech in my life, and it seems to me I am almost out of place here. When I was a boy they used to bring to the table the dinner, and the finest things were at the last of the feast. But somehow in the high falutin dinners they give now they fill the people with wines and viands of many kinds, and then end with cheese and hard crackers. I think that is what your president is doing today. He wants to top off with something very plain. I know nothing about the silver question, but I have studied somewhat on the subject of irrigation. I was a farmer boy and had been engaged in farming, and have spent a good deal of time studying many other problems which interest your people. I remember in my childhood my father moving into Illinois. Then I remember when Wisconsin and Minnesota were making states and now you are making two states of Dakota. All these years I have watched the march of progress across the continent and have seen all this western half of America grow up as if from a wilderness. Of the questions that practically interest the people who are engaged in farming, I have made some study, and in my remarks I will confine myself wholly to some practical questions relating to irrigation, and then I will show what the Constitutional Convention should have to say about them.

The state of North Dakota has a curious position geographically in relation to agriculture. The eastern part of the state has sufficient rainfall for agricultural purposes; the western part has insufficient rainfall, and the western portion is, practically, wholly dependent upon irrigation. In the western portion all dependence upon rain will ultimately bring disaster to the people. They are not willing yet, a good many of them, to admit it, but the study of the physical conditions which prevail in this country and the application of the knowledge which has been given to mankind through the study of the same problems in Europe and Asia and Africa, all prove this one fact—that in the western portion of this state they will have to forever depend on artificial irrigation for agriculture. In the eastern portion they may depend upon the storms that come from the heavens, and there's a middle belt between the two regions which is of very great interest. They will soon learn in the western portion to depend upon irrigation and provide themselves with agencies for the artificial fructifying of the soil with water. In the eastern part they will depend on the rainfall, and in the middle portion they will have a series of years when they will have abundant crops; then for two or three years they will have less rainfall, and there will be failure of crops and disaster will come on thousands of people, who will become discouraged and will leave. Up and down the temperature of agriculture will rise and fall with the seasons in this manner, and the only practical way to do is to look the thing squarely in the face and remember that in middle Dakota agriculture will always be liable to meet with failure unless you provide against it. That is the history of all those that live on the border between the humid and the arid lands. Years will come of abundance, and years will come of disaster, and between the two the people will be prosperous and unprosperous, and the thing to do is to look the question squarely in the face and provide for this and for all years. You hug to yourselves the delusion

that the climate is changing. The question is four thousand years old. Nothing that man can do will change the climate. A long succession of years will give you the same amount of rainfall that any other succession of the same length will give you. The settlement of the country, the population of the country, the cultivation of trees, the building of railroads—all these matters will have no influence upon your climate. You may as well not hope for any improvement in this direction. There is almost rainfall enough for your purpose, but one year and another you need a little more than you get. It is flowing past you in the rivers. Storms come and spread over the land, and the water runs off into the rivers and is carried into the waters of the Gulf of Mexico. There are waters rolling by you which are quite ample to redeem your land and you must save those waters. I say it from the standpoint of the history of all such lands. Civilization was born in arid lands. Taking the world at large most of the agriculture of the world has depended on irrigation for more than 4,000 years. The largest population have depended upon irrigation, so it is an old problem, and it has been solved time and again, so that it may be said that there is nothing to learn. All you have to do is to learn the lessons already taught by history, and that it is in these lands you have to depend upon placing the water on the soil, and frequently just before the harvest a great storm devastates it all. In humid regions the storms come, and the fields receive the gentle shower, but frequently just before the harvest a great storm devastates it all. In this arid region if you depend upon artificial irrigation you are independent of storms. The waters that are brought on the land by irrigation are sources of fertilization beyond all other sources. There are fields in the eastern world that have been cultivated for 4,000 years—where water was brought on the land to irrigate, and all other fertilization is unnecessary. Now in all these lands of high culture, where the fields are irrigated, they are ceasing to use any other fertilizer. In France where they are irrigating their lands, they have commenced a system in every county and township—the same in Spain and Germany. They find that they must pour the waters of their streams upon their lands.

As members of this convention this is what I want to say to you. Not being a public man, it may be considered a little presumptuous for me to say it—in Dakota you are to depend hereafter in a great measure on the running streams—in small part on your artesian wells, and in part on the storage of the storm waters. The chief source will be the running streams. These waters are to be preserved and stored during the seasons of non-irrigation. There are, say, two months of the year when you need to irrigate, and ten months when you should store the water. All other wealth falls into insignificance compared with that which is to come from these lands from the pouring on them of the running streams of this country. Don't let these streams get out of the possession of the people. If you fail in making a constitution in any other respect, fail not in this one. Take lessons from California and Colorado. Fix it in your constitution that no corporation—no body of men—no capital can get possession and right to your waters. Hold the waters in the hands of the people. Think of a condition of affairs in which your agriculture—which you will have to depend on largely—depending on irrigation, is at the mercy of twenty companies who own all the water. They would laugh at the ownership of land. What is the ownership of land when the value is in the water. You should provide in this constitution that you are making, that the water which falls from the heavens and rolls to the sea, down your great rivers—that water shall be under the control of the people subject always to the will of the people; that property in water should be impossible for individuals to possess. You should forbid the right to acquire property in water. The property should

be in the land, and the right to the water should inhere in the land, and no company or individual should have property in the running streams. Such a provision will prevent your great agricultural sources falling into the hands of the few.

SPEECH OF HON. JAMES J. HILL, BEFORE THE NORTH DAKOTA IRRIGATION CONGRESS, AT BISMARCK, OCTOBER 20, 1903.

Gentlemen of the Convention, and I won't omit the ladies who have been good enough to come:

It is always a pleasant duty with me to do anything within my power, and on every opportunity that offers itself, that will advance the interests of the country, and particularly of the northwest. But it is a particular pleasure—and I must confess to a soft spot in my heart for North Dakota—to do anything towards furthering the interests of this state.

The best years of my life have been given to the development of the northwest, and the few years that may be left me I hope will see a continuance of the growth that you have had since we started thirty years ago. It is thirty-three years ago since I first crossed the Red river. At that time there were two houses in the valley, and the nearest settler was at the old wooden stockade at Pomme de Terre, a place kept as a frontier stage station by a man and his wife by the name of Burns.

My first trip down the valley was made behind three dogs—and one of them was a yellow dog. (Laughter.) At that time I was not sure that I would ever live to see the country occupied, but within two years, when the snow was gone, coming again across the valley I saw where a wagon had cut the sod, pulverized it, and the grass which grew in the ruts was a foot higher than the average prairie grass; and I knew the Almighty in his wisdom had made it for a good purpose.

Some of the people who came in those wagons are here today and I cannot let the occasion pass without saying how much pleasure it gives me to meet the old friends—men who were on the frontier in the time when the country was new—when everyone had to struggle hard to get forward. I am glad that your lines have fallen in pleasant places and while new friends and acquaintances are good, we old people are apt to turn to those whom we knew then—back to the friends of that time and go over the struggles we had then. We had less to do with then than we have now. Now you have grown in material wealth faster than you know. * * * * *

Now I have been running away from irrigation. I do not get an opportunity to talk plainly to you very often and have transgressed a little.

The public domain of the United States—that portion of it that can be cultivated without artificial moisture—is very limited. They used to say that Uncle Sam is rich enough to give us all a farm. That is no longer the case; he is wealthy still, but he has a great many heirs and a great many people holding their hands to him for a part of his money. You have contributed your share—your state has contributed its share.

This question of what we can do for the future generations is one that is hardly given its proper prominence or the prominence it deserves. At the close of the civil war the frontier was about the Des Moines valley in Iowa. There were some settlers in Kansas at that time but they were very unsettled at that time. Now the country has developed to the Pacific coast. States and cities have grown up and communities doing business inland and on the sea—cities that are marvels of growth.

The land is occupied. And seeing this, about five years ago we took up the subject of irrigation. Now I am going to tell you how

this came about. On an investigation of the entire question it was found to be absolute folly to bring forward any measure in Washington; nobody would listen to it. To look towards the government protecting the public domain for the settlers and for future generations was considered absurd by many people in the east. And I was satisfied that it would take a long period and a campaign of thorough education.

So five railway companies got together—they had no land; I had no land and was not looking for any—but we put our hands in our pockets and subscribed \$25,000 a year among the five companies, to pay for a campaign of education on the subject of irrigation and started it all over the country. It went slowly at first and congressmen would not listen to it. But as the time went on, and they found that their people at home were interested—when they found that they were passing resolutions on the subject—then the gentlemen began to say: "Oh, I am interested in that; I think what you said has merit."

After a while the question reached out and got into congress and into the White House and everybody felt that it was something to take notice of. And last year for the first time we were able to get it successfully onto the floor of congress.

Now there are lots of men who were the "Original Jacob," men who did it themselves—lots of them. But I know how it was done; I know that \$125,000 of good money was scattered through the country in lectures, in meetings, in publications, for the purpose of bringing the question before the people. And they were brought to understand how absolutely necessary it is to save what is left of the public domain; to save to the people of the country our farming lands so that their children shall not be driven to expatriate themselves and go to a foreign land to find a farm.

Now I will give you the figures of what some of the states have got in land that can be irrigated:

The number of acres suitable for agricultural pursuits under natural condition, without irrigation or artificial aid, is estimated as follows:

North Dakota, 15,000,000.

South Dakota, 20,000,000.

Montana, 5,000,000.

Idaho, 3,000,000.

Washington, 20,000,000.

In North Dakota you have substantially one-third of the area of the state that can be cultivated without artificial moisture. In North Dakota the water supply, through wells and other reservoirs, can be made to irrigate about 1,000,000.

In South Dakota, 2,000,000.

In Montana, 10,000,000.

In Idaho, 3,000,000.

In Washington, 3,000,000.

The land not susceptible to agricultural pursuits but which would be valuable if irrigated is estimated as follows:

North Dakota, 10,000,000.

South Dakota, 5,000,000.

Montana, 30,000,000.

Idaho, 10,000,000.

Washington, 15,000,000.

You can add 100,000 farmers to the population of this state with intelligent irrigation and provide them each with a farm of 200 acres. Now 200 acres with a steady supply of water—the farmer having the rainfall under his own control—is worth at least 500 acres of the ordinary land.

Now on railroad subjects I can talk without notes because when I get started it is hard to stop, but irrigation is a subject as to which I

have to put some of my ideas on paper so that I may not lead you or myself astray.

Agriculture is and will always continue to be the greatest source of wealth in the state of North Dakota.

The problem before your people is how they may increase to the largest and fullest extent the agricultural possibilities of their state, and the wealth that will follow from it.

Agricultural production must have as a basis a soil which will yield its products in bountiful measure as the reward for the toil of man. North Dakota has been generally endowed with such a soil but its future profitable cultivation demands that its fertility should be maintained and increased by correct methods of agriculture and fertilization.

You cannot continue to draw each year upon the sources of production which are latent in the soil without replenishing them or returning to it that which has been taken from it any more than you can draw forever from an elevator filled with grain without diminishing the quantity stored therein.

There are many ways of fertilizing the soil in order to increase and maintain its fertility, and one of the greatest fertilizers known is water.

It is this aspect of irrigation which should have the closest consideration by the people of North Dakota. Throughout a large portion of the state crops can be grown without irrigation and we are unwilling to adopt the idea that North Dakota is an arid state. It is not necessary that the state should be arid in order that irrigation will be of importance to her farmers. Treating water as a fertilizer and irrigation as a method of increasing the product by fertilization, just as you would increase it by the application of ordinary farm manure, and we open up an almost illimitable field for the increased production of the rich and prolific soil of North Dakota.

In those sections of the state in its western portion, where the rainfall is insufficient to produce crops without annual irrigation, of course, the problem is one that forces itself more closely upon the minds of the people, but it is none the less important in sections where crops can be grown without the application of artificial moisture.

The annual product of any good tract of land is in proportion to the care with which it is cultivated, the skill with which the crops are planted, tilled and harvested, and the elements of fertility maintained in the soil. The close and careful cultivation which will yield the highest profit per acre to the farm can only be given to the land when it is cultivated in comparatively small farms; and for this reason, in the future development of this state, we should never lose sight of the fact that in proportion as the farms are subdivided into comparatively small areas among a multitude of farmers will the highest prosperity come, not only to the farmers of the state but to her whole people.

The greater the number of prosperous farmers, the greater will be the prosperity of every business man in the state. Ten farmers, each cultivating 160 acres of land by the most approved methods, supplemented by irrigation, can each earn a profit from their farms equal in amount to that which would be earned by the same number of farmers tilling many times the number of acres by the loose wholesale methods of agriculture sometimes practiced in this state.

And ten farmers, each with 160 acres of land, occupy no more of the state's surface than one farmer would with ten times as much land and the ten farmers instead of the one would increase ten fold the aggregate volume of trade with the merchants of the state, and its commercial prosperity.

The bonanza wheat farms of the olden times are destined to pass into smaller holdings. It is as certain as fate that the lands of this state must and will be subdivided and re-subdivided until each farmer

has only as much land as will yield him the highest reward for his labor and enable him to support in comfort and prosperity the family which he has gathered around his hearthstone. It is better that it should be so. The farm life of the future will have many advantages over the isolation of the old farm life because the subdivision of the land into smaller farms will bring good roads, good schools, nearby neighbors, farm telephones, churches, libraries, and a social environment in communities of small farmers which would be impossible in a country where the farms are of vast extent and the homes far removed from each other.

We must never lose sight of the fact that continued cropping to a single crop through a long series of years will inevitably reduce the annual product of that crop upon the richest land. Even the fat black land of the Red River Valley, if cropped through all the years to wheat, will lose its strength, and the result will be a decrease of the annual profits of the farm. The remedy for this is the diversification of crops, and the planting of other products which will draw different elements from the soil. There are many such crops which could be raised on the fertile lands of North Dakota today by a closer system of cultivation which would yield to the farmer a greater profit per acre than the same lands ever yielded when farmed to wheat. And in the production of these varied crops, the fertilization of the lands by irrigation is a most important factor. It could not probably be done with profit upon a large scale, but the farmer with forty acres and water to irrigate could make more money if he understood the science of irrigation, than could a farmer of 160 acres, or even more land, who farmed to a single crop and trusted to nature for his water supply to fertilize the land.

Yesterday or the day before I met one of your most public-spirited farmers who informed me that he rotated his crops; that he did not keep after wheat, wheat, wheat, all the time. Now he would not be able to have raised the good crop he did this year if he had followed the non-rotation system. You always want to investigate for the system that will produce the most tons per acre, and when you find it follow it.

The statements which I have made with reference to the increased production resulting from irrigation, even though it be supplemental irrigation in a humid or merely semi-arid region, are not surmises. They are based upon actual experience and investigation.

In a paper read before the Fifth National Irrigation Congress at Phoenix, Arizona, on December 16, 1896, Dr. Clarke Gapen said:

"There is no part of the earth's surface where the rainfall is so exactly proportioned that it may not be profitably supplemented by the application of water artificially to any given crop. That is to say, there is no crop that may not be increased in quantity or improved in quality by this means."

In a little book recently published by Prof. King, entitled "The Soil," I find the following table with reference to the amount of water which is necessary for the production of dry product:

Dent corn,	309 pounds of water to each pound of dry product.
Flint corn,	233 pounds of water to each pound of dry product.
Red clover,	452 pounds of water to each pound of dry product.
Barley,	392 pounds of water to each pound of dry product.
Oats,	522 pounds of water to each pound of dry product.
Field peas,	477 pounds of water to each pound of dry product.
Potatoes,	422 pounds of water to each pound of dry product.
Rye,	353 pounds of water to each pound of dry product.

With reference to the increased productiveness of soil to which has been applied all the water it can use, Professor King makes the following statement:

"On a moderately fertile soil the writer has grown maize, supplying it with water just as rapidly as it could use it to best advantage, and found as an average of two trials that it took during the growing season of one-third of the year the equivalent of thirty-four and three-tenths inches to produce a yield, when calculated for an acre, of more than four times a field crop grown under the best natural conditions of rainfall in Wisconsin." In other words, that a soil to which is given all the water it can use, will produce four times an average product. This will prepare you for the remarkable statement which is published by Storer with reference to the productiveness of the irrigated meadows near Edinburgh, Scotland, where the lands which are described as being originally worthless and a sandy waste, are yielding almost incredibly under a system of sewage irrigation. And as stated by Professor King, "There can be no question, however, but that the larger yields here secured are due more to the water than to the fertilizers added to it."

"The Craigintiny meadows, 200 acres in extent, yield five cuts of grass aggregating from fifty to seventy tons per acre, between the first of April and the end of October, which are sold to cow keepers for from \$80 to \$150 per acre, the farm of 200 acres turning in to its owner every year from \$15,000 to \$20,000 gross." It is also said that the milkmen acknowledge that they cannot get any milk producing food to compare with this grass for the same amount of money."

On the Myremill farm near Maybole, Scotland, seventy acres in Italian hay grass are said to have produced seventy tons of green weight per acre, or 4,900 tons, the market value of one crop exceeding by a large sum the first cost of the irrigating plant. It is said that this same land before being treated in the manner described, would barely pasture five sheep, or one bullock to the acre, but under the system of irrigation which was established, it was easy to keep twenty sheep or five bullocks to the acre.

"You will please observe that the amount of water which a corn crop will consume in producing the maximum yield of four times the average crop is thirty-four inches, or nearly exactly the entire amount of annual rainfall in Wisconsin and Illinois. What enormous possibilities lie therefore in the application of water to crops even in the regions where the rainfall is deemed sufficient." That is Dr. King's statement and his statements are accepted wherever he is known.

The value and importance of irrigation, as a factor in the prosperity of our farms, being established, the question then arises:

Whence in the state of North Dakota are we to derive the supply of water necessary for the use of our farmers to irrigate their lands?

The source from which a sufficient supply can be most quickly and economically obtained by a very large number of our farmers is from the underground waters which lie beneath their own land, or from the small streams or lakes upon their surface. It, of course, requires a pumping plant to lift the water from underground, and in the majority of cases it would require pumping to utilize the waters from the lakes and smaller streams. But this is not an insuperable difficulty. It is not even a serious difficulty. In the manufacture of pumping machinery improvements have been made of late years which make it possible to lift water from any reasonable distance—say 50 feet or less—and put it upon the surface of the ground at a cost which makes it practicable in view of the increased production of the lands irrigated. Of course, the construction, operation and maintenance of a pumping plant involves some mechanical skill, but there are very few of our farmers who would not easily develop this with a little instruction or training.

The relation between the cost of such a plant and the cost of its operation, and the profits which could be earned by its use from the increased production of the land irrigated, is a mere matter of calcula-

tion. Each farmer can figure it out for himself. And there are very few farms in this state where the experiment on a small scale or an irrigated area supplied with water from a pumping plant would not be well worth trying by the owner of the farm. There are so many things which can be produced by irrigation, and which cannot be successfully grown without it, which add materially to the completeness of the life on the farm and its products, that their culture even though on a small scale, would be a fascinating pursuit for every intelligent farmer.

Passing from this field for the development of irrigation on small areas by the intelligent action of the individual farmer, we come into the larger field for development by the national government under the National Irrigation Act. We have not, as yet, the exact information necessary to be certain just what lands in this state could be irrigated through the construction of large canals and irrigation systems by the national government, but it is safe to assume that the area is very large. It is estimated by the officials of the national government who are familiar with the physical conditions of the state that at least a million acres in North Dakota could be furnished with water for irrigation at an average cost of fifteen dollars per acre.

That is the estimate of the government officials. My own judgment is that ten dollars honestly expended will cover it amply.

It is beyond question, if this land were thus made irrigable, that its value would be increased beyond the cost of fifteen dollars an acre after the construction of the irrigating works. If the government built the works the land would repay the government its entire investment in annual installments extending over a period of ten years as contemplated by the National Irrigation Act. The increased production from this million acres of land would add enormously to the wealth of the state. The original expenditure of the fund disbursed for construction would stimulate every branch of trade and industry in the state, and the annual acreage product of the irrigated lands, when closely cultivated by the intensive methods which necessarily must go hand in hand with irrigation, might safely be estimated at from thirty to fifty dollars per acre, or a total of from thirty to fifty million dollars a year added to the resources and annual income of the people of North Dakota from the products of these irrigated lands.

One of the products which has been more or less discussed, but the feasibility of which has not yet been determined by actual surveys, is the proposed diversion of the Missouri river from some point in Montana where an elevation could be secured at the point of diversion high enough to carry the water in a great main canal clear over into the center of the state of North Dakota, and distribute it there through a system of smaller canals throughout a very large extent of country.

Of course, the construction of such a system as this would cost many millions of dollars, and require a number of years in building, but its magnitude is no objection to its construction. Other countries are building irrigation works on even a larger scale. The great Chenab system in India, built within the last ten years, and which occupied between three and four years for its construction, starts with a canal 250 feet wide, carrying ten thousand cubic feet per second of water, and irrigates more than a million acres of land. It is not the temper of the American people to confess before trying that they cannot do things which other nations actually have done. And when we can go to India and look upon such great systems as the Chenab system or the Ganges system and other immense irrigation systems built in that country by the British government, it cannot be said that it is impracticable for our government to build in this country irrigation systems costing as much and irrigating as large areas as those in India. (Applause.)

But we have a great advantage over India because the people of

India are so poor that they do not expect to get more than twenty-five to thirty dollars a year upon which to support their family and themselves, and many of the natives live on twelve dollars a year. That is hardly proper to say that they live—they do not live, poor creatures, they die, and die starving of gaunt famine. Every year millions die for want of food to keep soul and body together.

There is one feature of irrigation development in the state of North Dakota which must never be overlooked. That is, that drainage must go with irrigation, and in the construction of every irrigation system ever built in this state, there must be coupled with it and simultaneously constructed a drainage system which will carry away the surplus water seeping from the irrigated lands. If this is not done lands which are irrigated will become water-logged and instead of their productiveness being improved by irrigation, it may be injured or even destroyed. This merely emphasizes the fact that irrigation after all is a science, and that its development necessitates education and training along scientific and technical lines.

The day has gone by when the farmer does not need an education. The successful farmer of this period and of the future must be educated for his vocation as carefully as a successful business or professional man. And right here lies a point to which the people of this state cannot give too much heed; that is, the establishment of a broad system of public education along agricultural lines. In France and in Denmark we find object lessons of what should be done in North Dakota.

Now speaking of Denmark—a little country—it sells annually \$45,000,000 of dairy products. Last year it sold \$38,000,000 worth of bacon and ham. Its dairy products command the highest prices of any. In London Danish butter and cheese take first rank. Formerly that first rank in butter was alone in the hands of butter makers in the county of Cork, where their grasses in the southern part of Ireland made the best butter. But Danish butter outclasses it today in every respect. The per capita income of that little country is enormous; and it arises from its dairy products and from its feeding the separator milk to the hogs.

From the kindergarten to the college, the child and the student should be trained in the art of agriculture, in the processes of nature, in the elements of fertility in the soil, in the methods of its cultivation, in the diversification of its crops, in the best methods of harvesting and marketing them, in farm mechanics and such engineering knowledge as is necessary to enable the farmer to cope with the engineering problems of his own farm.

One point more before I close. Some of our good friends of the east have opposed national irrigation from a fear that the products of western farms would be increased and compete with those of the eastern farmer. There is no danger of this. The products of the fertile lands of North Dakota, however great they may be, however much they may contribute to the prosperity of those who till that soil, will find in the markets of Asia an outlet which will absorb them in all the years of the future that are yet to come. (Applause.)

Now we will take up the subject of government irrigation. The government has an enormous income and your representatives in Washington—and the other representatives—are sometimes sorely taxed to see how they can get their share of what is collected from the people. They want to get the proper share for their constituents. I don't always agree with them; I sometimes think the best way would be not to collect it, just leave it in the hands of the people.

For instance, we are in many cases what might be called a river and harbor improvement firm. It is a scheme in which everybody wants to get his share. Many of these improvements are of the greatest value and importance. Making harbors, cutting away sandbars so that large ships can enter the harbors and carry away the product is

a very beneficial enterprise to the country. But there are many of these enterprises where the money is absolutely thrown away. I think the river and harbor bill amounts to something like sixty million dollars.

Now they could spare twenty million of this for carrying out the promotion of irrigation. And so used, it would not be money thrown away because by the time they have expended ten or fifteen million dollars the returns from the enterprise would pay for what it cost, and in addition, make a revenue fund that would go on forever increasing as long as there was any land to irrigate. * * * * *

I think Canada last year bought about one hundred and forty million from us, and we bought from her about forty-five millions. They cannot go on this way indefinitely.

I will tell you what they have done there. At the foot of the Rocky Mountains the Canadian government gave to Mr. Gault a land grant of, I think, ten thousand acres if he would build an irrigating ditch or canal. He has done so and the scheme is a success—the number of tons per mile carried over the Canadian Pacific through that irrigated district is as heavy as it is between Barnesville and St. Vincent, and that is east of the Rocky Mountains. But they have a magnificent scheme of irrigation and they gave about ten thousand acres of land. Mr. Gault, I think, gets for this irrigated land from fifteen to twenty dollars per acre.

There is one thing I wish to say to you before I close and which I wish you to impress on every one of your members of congress in both branches, and that is this: See that the public domain is preserved for the people who want to occupy it as a home.

I think in the past three or four years about ninety million acres of land have been taken under various acts of congress, and I believe it is a fact that at least twenty million acres of the ninety millions have not been actually occupied at all. Now these gentlemen who were active in bringing this matter of irrigation forward in congress once would not listen to any discussion of the matter whatever. I remember when they did not have time for any consideration of it and considered it arrant nonsense. But now some of them have gone after the irrigation project and provided for the appropriations to promote it so that certain individuals who have got hold of some of the land to be irrigated by one means or another may have their lands irrigated for them by the government for their benefit.

And the proceeds of the disposal of the public land, the fund that you people have contributed to by the purchase of government lands, those land owners have the modesty to come forward and claim—they want it for Oklahoma, Arizona and some of those states where without irrigation and good society a man could not live. You have heard the story, perhaps, that all they wanted out there on the arid plains was a little water and good society and the answer was that is all they wish for in hell. (Laughter.)

Now we have carried this forward for five years and have put our money into the general plan of education upon the subject of irrigation to bring the question before the people, but we cannot go any further. Your representatives must take hold. And after we have done this, your representatives must see that you are not robbed. (Applause.) You must strenuously insist on having your fair share, and if Dakota does have her fair share, she will fare well.

I have traveled over a lot of ground and have taken much time in speaking to you and I want to express my gratitude to you for listening to me. I want you to bear this in mind always, that wherever I am I want you to feel that if there is anything I can do you must call upon me and I will help in any way I can. In helping you I feel that I am helping a good cause.

You men of North Dakota are willing to work for the prosperity of the state and I am ready to stand with you side by side and shoulder to shoulder in the work. (Applause.) I feel that your growth is our growth and that if you have outgrown any of the western or north-western states in the last five years, you deserve all the credit of doing so.

Let me thank you.

COPY OF LETTER RECEIVED BY HON. P. J. M'CUMBER, FROM
F. H. NEWELL, CHIEF ENGINEER U. S. RECLAMATION
SERVICE.

Washington, D. C., December 27, 1904.

Hon. P. J. McCumber, United States Senate, Washington, D. C.:

Dear Sir: Your letter of December 23 has been received with a clipping from the "Fargo Forum" of December 15. This gives an account of the test of the North Dakota lignites at the Geological Survey coal testing plant at St. Louis.

I have been particularly interested in these tests and our engineers succeeded in getting a carload of the lignites tested among the first, in order to obtain facts to be used in our plans for pumping water for irrigation.

The results have been very satisfactory and the economy of the gas producer over the ordinary form of steam engine has been demonstrated. Our plans for the development of pumping plants in North Dakota have been based on the results obtained at the testing plant.

I should be very glad to discuss with you the results of this and other work relating to development in North Dakota. The various projects are well under way as far as the engineering features are concerned, but the local interests are somewhat slow in coming together. I have taken this matter up with Gen. E. A. Williams and others in the hope that they will make a campaign of education to get the people to see the importance of irrigation, to utilize individually the resources they now have and to get together to cooperate with the Reclamation Service in the projects under contemplation.

Very truly yours,

F. H. NEWELL, Chief Engineer.

COMMUNICATION FROM H. A. STORRS, U. S. ENGINEER IN
CHARGE OF NORTH DAKOTA PUMPING PROJECTS IN
RELATION TO IRRIGATION WHERE THE RAINFALL IS TWO
AND ONE-HALF TIMES THE RAINFALL OF WESTERN NORTH
DAKOTA.

In a recent bulletin issued by the Agricultural Department, Professor Elwood Mead presents an interesting report regarding irrigation in Northern Italy as seen by him during a two months' visit in the summer of 1903.

This report deals only with irrigation in the valley of the Po, and the comparisons drawn between this section and certain sections of the United States, will certainly interest the people of North Dakota.

It may be a surprise to some to have their attention called to the fact that Milan and Turin, the principal cities in the valley of the Po, are farther north than St. Paul or Portland.

Still more surprising is the statement that the range of temperature is from 100 degrees in summer to zero in the winter and "the difference between the average temperature of the hottest month of summer and the coldest month of winter is 80 degrees F." The corresponding difference in North Dakota does not exceed 70 degrees.

The most surprising statement in the report, however, relates

to the average annual rainfall in Northern Italy. Considering the great extent and cost of the irrigation works one would expect to find that the rainfall was very small. On the contrary, it is larger than in the so-called humid sections of our own country.

For instance, at Milan, which is in the center of the irrigated area, the average annual rainfall is more than 40 inches; to be exact, it is 40.57 inches. Whereas, the average annual rainfall for Cincinnati is only 33.50; for Omaha, Nebraska, only 26.47, and for Minneapolis, only 28.35. The contrast is still more startling when the 40 inch rainfall of Milan is compared with the 18.25 inches for Sacramento; 12.70 for Denver, and 6.72 inches for Phoenix, Arizona.

To people of western North Dakota who have been trying to persuade themselves and others that their 15 to 18 inches of annual rainfall was sufficient and that irrigation works were needless or at least not worth their cost, the history of irrigation in the valley of the Po furnishes a lesson worth studying.

Another peculiarity of the rainfall of Northern Italy is that it is well distributed throughout the year, being somewhat greater during the irrigating season than in winter, as shown from the following statement:

From December to March, the average rainfall is 2 to 3 inches per month; from April to September, 3 to 4 inches per month; and for October and November, 4 to 5 inches per month.

With such an amount of rain as this one would hardly expect that farmers could be induced to pay much for a supply of irrigation water, but from a study of the charges for water as presented by Professor Mead, it becomes evident that the cost for irrigation water in the humid climate of Northern Italy is little if any less than the usual cost in the arid regions of the United States.

For instance, the annual rental on one canal system mentioned, is \$166 per year for a flow of one cubic foot per second. If we assume for comparison that a steady flow during the irrigation season of one cubic foot is sufficient for 80 acres, it is evident that the annual rental is about \$2 per acre per year. In addition to this 40 annual payments of about one-sixth the above amount are required in order to secure a perpetual water right.

Another basis on which water is sold affords one run of irrigating water per week at the rate of about \$1 per acre foot of water actually used. This is equivalent to covering each acre of land 3 inches deep each week during an irrigation season of 12 weeks, at a cost of \$3 per acre.

The above prices, it should be remembered, are in a country where irrigation has been practiced for hundreds of years; where irrigation works of the most substantial character have been constructed in response to the ever increasing demand, and where the government has for many years owned, controlled and operated a large portion of the irrigation systems not as a source of revenue, but for the benefit of the country.

These prices would, however, not be so high on many systems were it not that many perpetual water rights have been recklessly given away during the centuries past by kings, princes and others. These perpetual rights exempt the holders from bearing their fair share of the cost of the construction of more extensive and permanent works and even of the operating and maintenance costs of the systems which supply them water, thus throwing an unfair burden upon the farmers who secure their water and water rights by purchase.

It is stated in the report that one of the canal systems which is owned and operated by a private corporation, cost about \$3,000,000 for main and secondary canals and nearly as much more for laterals, measuring boxes, drainage works, etc., representing an outlay of

\$37.50 per acre of land irrigated to cover first cost of the works. Professor Mead says "As an irrigation enterprise it affects the well being of the 150,000 people, and over 8,000 farmers rent water for irrigation."

A portion of the above cost for irrigation works should, however, be charged to navigation and power development. Most of the large canals are rendered navigable, sometimes at large increase in cost of construction, but warranted by the cheapness of the means of transportation so afforded. The development of power for pumping and for commercial uses is an interesting feature of many canal systems, the income from these sources serving as an offset in part to the operating expenses of the irrigation systems as a whole.

Regarding the use of water power for pumping, Professor Mead mentions one pumping station, now being built by an association of farmers, to irrigate about 3,000 acres of land, which will be provided with power by the government free for 30 years, the association to pay annually to the government \$90.72 per cubic foot per second for the water supplied for irrigation.

According to the estimates, "irrigators will have to pay \$8,000 a year interest, \$4,500 a year for operation, and \$5,500 a year for the water purchased, making a total outlay of \$18,000 a year, or about \$5.80 an acre. In addition to this, provision is made for a sinking fund, amounting to about \$10 an acre. This makes the annual charge for water \$16 per acre in a region where the annual rainfall is about 30 inches. The fact that this is being done in a country where adjacent lands have been watered for centuries, and where the value of irrigation is not a matter of experiment, but a demonstrated fact, means much for the extension of irrigation in the eastern part of the United States."

Aside from the descriptions of the irrigation works, perhaps the most interesting part of the report is that describing the nature and extent of the crops. These include, in sections nearest the mountains, wheat, corn and clover fields, varied by orchards and vineyards; farther down the valley are mulberry trees, rice fields, marcite meadows, flax and hemp fields. Referring to crops grown under irrigation, the writer says, "In the irrigated portion of America irrigation and aridity are always associated, and the contrast between the barrenness above the ditches and the productiveness below them is one of the most striking and interesting features of our irrigation development. It is otherwise in Italy, and one soon gets rid of the idea that irrigation is a feature of agriculture only where crops cannot be grown without it. The fields above the ditches were being cultivated in the same way as those below, and the same crops were being grown. Although the sun was intensely hot and the roads white with dust, the grass which grew along the roadside above the ditch was as green and fresh as one would be likely to find at the same season of the year in Indiana or Illinois. The clover and corn fields looked as well as they would in soil no more fertile in either of those two states. In the clover fields the first crop had been cut and the second was well advanced. The corn crop would have been considered a poor yield in the Mississippi valley, but the land was not suited to growing corn. The fields whose only moisture had come from rains had what would have been considered average crops in the United States, but seen directly in contrast with the luxuriant growth and beautiful green of the corn and clover fields below the ditches, they showed what a factor in production irrigation can be made."

Again Professor Mead refers to the nature of the crops as compared with similar crops in America as follows:

"The conditions under which farmers work in this part of Italy are wholly different from those which prevail in the arid regions of America. In the midst of the Corbetta district there are farms which are being cultivated without irrigation which grow the same crops as

surrounding farms that are artificially watered. Farming by rainfall alone here is not unlike farming in Kentucky, Tennessee, southern Missouri and northern Arkansas. The rainfall in Italy is, if anything, a little greater and equally well distributed.

In the fields devoted to wheat only one crop a year is grown where irrigation is not practiced, but where the land is irrigated a good crop of corn, beans or cabbage can be planted and brought to maturity after the wheat is harvested. Without irrigation, clover and alfalfa, if sown with wheat, make a small growth, but with irrigation a good crop can be cut the same year after the wheat is harvested and the stand in succeeding years is better because of the vigorous growth while the plants were young, due to irrigation."

Regarding the relative value of irrigated and non-irrigated lands, the report states: "The irrigated land in this section sells for 50 to 100 per cent more than the unirrigated. Land which formerly sold for \$80 an acre now brings \$160. Unirrigated land under the Parabiago canal now sells for \$100 an acre, and the price where irrigated ranges from \$160 to \$200 an acre."

The valley of the Po is unique in many respects. Only 250 miles in length, it is hemmed in on three sides by the snow-capped Alps and Appenines, yet its lower end, bordering the Adriatic sea, permits the cultivation of rice and other semi-tropic crops, in a limited area which has been reclaimed from the sea by levees. The frigid waters of the glacial streams flowing from the mountains are tempered by warmer water obtained by collecting the run off from the foothills and from natural springs. It is estimated that the springs in Lombardy discharge about 2,500 cubic feet per second, furnishing a supply of warm water which is highly prized for irrigation during cold weather.

The two principal provinces, Lombardy and Piedmont, contain about one-half of all the irrigated lands of Italy, and have been called the "store house of Europe."

In these two provinces, together with Venice, the adjacent province on the east, comprising the valley of the Po and its affluents, there are three millions of acres of land under irrigation.

Throughout the major portion of this irrigated area the temperature frequently falls to ten degrees above zero, and yet eight millions of people find abundant subsistence in this favored region, chiefly for the reason that an adequate supply of irrigation water is provided and properly utilized.

Yours very truly,

H. A. STORRS,

Engineer in Charge of North Dakota Pumping Projects.
Denver, Colorado, December 29, 1904.

TEXT OF THE IRRIGATION ACT.

An Act Appropriating the Receipts from the Sale and Disposal of Public Lands in Certain States and Territories to the Construction of Irrigation Works for the Reclamation of Arid Lands.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, that all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming, beginning with the fiscal year ending June thirtieth, nineteen hundred and one, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the five per centum of the proceeds of the sales of public lands in the above states set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the treasury to be known as

the "Reclamation Fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion and development of waters for the reclamation of arid and semi-arid lands in the said states and territories and for the payment of all other expenditures provided for in this act: Provided, that in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several states and territories, under the act of August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July second, eighteen hundred and sixty-two," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the treasury not otherwise appropriated.

Sec. 2. That the secretary of the interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct as herein provided, irrigation works for the storage, diversion and development of waters, including artesian wells, and to report to congress at the beginning of each regular session, as to the results of such examinations and surveys, giving estimates of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

Sec. 3. That the secretary of the interior shall, before giving the public notice provided for in section four of this act, withdraw from public entry the lands required for any irrigation work contemplated under the provisions of this act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this act; and the secretary of the interior is hereby authorized at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: Provided, that all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms and conditions of this act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the secretary of the interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable, he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than forty nor more than one hundred and sixty acres, and shall be subject to the limitations, charges, terms and conditions herein provided: Provided, that the commutation provisions of the homestead laws shall apply to entris made under this act.

Sec. 4. That upon the determination by the secretary of the interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or section are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the secretary, may be reasonably required for the support of a family upon the lands in question; also

of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project and shall be apportioned equitably: Provided, that in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

Sec. 5. That the entryman upon lands to be irrigated by such works shall in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the government the charges apportioned against such tracts, as provided in section four. No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one land owner, and no such sale shall be made to any land owner unless he be an actual bona fide resident on such land or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

Sec. 6. That the secretary of the interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: Provided, that when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the secretary of the interior: Provided, that the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the government until otherwise provided by congress.

Sec. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the secretary of the interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the attorney general of the United States upon every application, of the secretary of the interior, under this act to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the department of justice.

Sec. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any state or territory relating to the control, appropriation, use or distribution of water used in irrigation or any vested rights acquired thereunder, and the secretary of the interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any state or of the federal government or of any land owner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: Provided, that

the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure and the limit of the right.

Sec. 9. That it is hereby declared, to be the duty of the secretary of the interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each state and territory hereinbefore named for the benefit of arid and semi-arid lands within the limits of such state or territory: Provided, that the secretary may temporarily use such portion of said funds for the benefit of arid or semi-arid lands in any particular state or territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period, after the passage of this act, the expenditures for the benefit of the said states and territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

Sec. 10. That the secretary of the interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Approved June 17, 1902.

STATEMENT SHOWING THE AMOUNT IN THE RECLAMATION FUND, AND FROM WHAT STATES RECEIVED, AT THE END OF THE FISCAL YEAR 1904.

Following is a statement showing the condition of the irrigation fund at the beginning of the present fiscal year. The sum set opposite the name of each state or territory is the sum it has contributed to the fund through the sale of public land within its borders:

Arizona	\$ 166,403.86
California	1,971,908.21
Colorado	1,591,167.56
Idaho	1,645,529.55
Kansas	97,849.58
Montana	1,749,002.90
Nebraska	477,973.42
Nevada	48,153.41
New Mexico	420,202.26
North Dakota	3,406,100.14
Oklahoma	2,552,137.33
Oregon	4,230,659.75
South Dakota	742,780.60
Utah	302,351.03
Washington	2,733,362.98
Wyoming	875,253.88

Total\$23,012,836.46

IRRIGATION PROJECTS.

Below will be found a statement showing the states and territories in which the irrigation projects thus far investigated are situated. It will be noticed that the total cost of the projects investigated exceeds the total sum available, but this is not an important point, in view of the fact that the irrigation fund is growing at the rate of about \$3,000,000 per year and several years will elapse before any of the larger projects can be completed. The fund will increase with greater rapidity as soon as works are completed, for under the law, one-tenth

of the total cost is to be repaid to the government each year, thus creating a fund which may be used over and over again through as many years as the government may desire:

Arizona, Salt river	\$ 3,000,000
California, Yuma	3,000,000
Colorado, Gunnison	2,500,000
Idaho, Minidoka	2,600,000
Montana, Milk river	1,500,000
Nebraska (Wyoming) Pathfinder	1,000,000
Nevada, Truckee	3,000,000
New Mexico, Hondo	275,000
North Dakota, Fort Buford	1,200,000
North Dakota, Bismarck	250,000
North Dakota, Trenton	300,000
Oregon, Malheur	2,000,000
South Dakota, Belle Fourche	2,100,000
Utah, Utah Lake	1,000,000
Washington, Big Bend	1,500,000
Wyoming, Cody	2,250,000
Total	\$27,000,000

REPORT OF COMMITTEE ON RULES.

Mr. Speaker:

Your committee on rules beg leave to report and recommend that this house be governed by the following rules, to wit:

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 the members called and the names of the absentees entered upon the journal of the house.

2. Upon the appearance of a quorum the journal of the preceeding day shall be referred to the committee on revision and correction. Any mistake therein shall be corrected by the committee and reported to the house for action.

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

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

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

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

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

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

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

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

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

12. When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely—which several motions shall have precedence in the order which they shall 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 be admitted only when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to decision of the main question.

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

16. All incidental questions of order arising after motion is made for the previous question, during the pendency of such motion, or after the house shall have determined that

the main question shall be now put shall be decided, whether on appeal or otherwise without debate.

17. Petitions, memorials and others papers addressed to the house shall be presented by the speaker or by a member in his place.

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

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

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

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

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

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

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

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

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

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

28. In forming a committee of the whole house the speaker shall appoint a chairman to preside.

29. Bills committed to the committee of the whole house shall be read, be open to amendment and debated by sections, unless otherwise ordered, leaving the title to be last con-

sidered; all amendments shall be noted in writing and reported to the house by the chairman.

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

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

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

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

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

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

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

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

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

- On rules to consist of nine members.
- On mileage and per diem to consist of three members.
- On judiciary to consist of fifteen members.
- On ways and means to consist of eleven members.
- On railroads to consist of fifteen members.
- On appropriations to consist of fifteen members.
- On engrossment to consist of nine members.
- On enrollment to consist of nine members.
- On education to consist of nine members.
- On elections and privileges to consist of nine members.
- On municipal corporations to consist of nine members.
- On corporations other than municipal to consist of nine members.
- On agriculture to consist of thirteen members.
- On public printing to consist of nine members.
- On irrigation to consist of nine members.
- On insurance to consist of nine members.
- On banking to consist of eleven members.
- On labor to consist of nine members.
- On immigration to consist of nine members.
- On apportionment to consist of a member from each senatorial district.
- On schools and public lands to consist of nine members.
- On public health to consist of nine members.

- On military affairs to consist of nine members.
- On warehouses, grain, grading and dealing to consist of fifteen members.
- On federal relations to consist of nine members.
- On mines and mining to consist of nine members.
- On temperance to consist of fifteen members.
- On highways, bridges and ferries to consist of nine members.
- On state affairs to consist of fifteen members.
- On supplies and expenditures to consist of nine members.
- On forestry to consist of nine members.
- On public debt to consist of nine members.
- On woman suffrage to consist of nine members.
- On manufactures to consist of nine members.
- On counties and county boundaries to consist of nine members.
- On taxes and tax laws to consist of fifteen members.
- On coal lands and mining to consist of nine members.
- On live stock industry to consist of eleven members.
- On revision and correction of the journal to consist of seven members.
- On game and fish to consist of nine members.
- Also joint committees on the following subjects:
 - On public buildings to consist of nine members.
 - On charitable institutions to consist of nine members.
 - On penal institutions to consist of nine members.
 - On educational institutions to consist of nine members.
 - On state library to consist of nine members.
 - On joint rules to consist of nine members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53. In case all the members of any committee, required or entitled to report on any subject referred to them, cannot agree upon any report the majority and minority may each make a special report, and any member dissenting in whole or in part from the 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.

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

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

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

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

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

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

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

61. It shall be the duty of the chairman of the committee to whom a bill has been referred, before reporting adversely to give notice of a time and place, when and where a hearing may be had.

E. L. RICHMOND,
Chairman.

R. N. STEVENS,
GEO. ROSE,
T. D. CASEY.

Committee.

Mr. Richmond moved

That reading at length of the report be dispensed with and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

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

Resolved, That permission be granted Company A, N. D. N. G. of Bismarck to use the hall of the house of representatives Tuesday evening,

January 17, 1905, for the purpose of giving its annual ball and reception to the governor and state militia. Said permission being conditioned upon the restoration of the chamber without expense to the state.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That in compliance with the suggestion contained in the message of the governor just read, that the speaker of the house appoint a committee of seven to act with a like committee to be appointed on the part of the senate, to confer with Governor Sarles in regard to the meeting of the state irrigation congress which convenes in Bismarck, January 24, 1905, and the chief clerk of the house is instructed to forthwith transmit a copy of this resolution to the senate.

Which motion prevailed and
The resolution was adopted.

The speaker appointed the following members such committee: Messrs. F. B. Chapman, Chas. Weigel, J. E. Phelan, C. W. Buttz, Geo. D. Palmer, Aug. Peterson, R. N. Stevens.

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

CONCURRENT RESOLUTION.

Resolved, by the house of representatives, the senate concurring:

That a special committee consisting of three members of the house be appointed by the speaker and two members of the senate be appointed by the president of the senate, to inquire into and assign, after consulting with the board of capitol commissioners, the necessary rooms for the various committees of the two houses, and to arrange and designate such other matters connected with the organization of the two houses as may be necessary for the transaction of the routine business connected with the assignment of said committee rooms.

Which motion prevailed, and
The concurrent resolution was adopted.

FIRST READING OF HOUSE BILLS.

Mr. Streeter introduced
House Bill No. 2,

A concurrent resolution to amend section 217 of the constitution of North Dakota in relation to the sale or giving away of intoxicating liquors.

Which was read the first time.

Mr. Buttz introduced
House Bill No. 3,

A bill for an act to amend subdivision 2 of section 5653 revised codes of North Dakota for the year 1899, relating

to civil actions or proceedings against executors, administrators and heirs at law or next of kin.

Which was read the first time.

Mr. Casey introduced

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Which was read the first time.

Mr. Stevens of Burleigh introduced

House Bill No. 5,

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

Which was read the first time.

Mr. Buttz introduced

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Which was read the first time.

Mr. Streeter introduced

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Which was read the first time.

Mr. Moore introduced

House Bill No. 8,

A bill for an act to regulate insurance companies and provide for conditions in policies.

Which was read the first time.

Mr. Thoreson introduced

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state

of North Dakota, and providing penalties for the violation thereof.

Which was read the first time.

Mr. Buttz introduced

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Which was read the first time.

Mr. Casey introduced

House Bill No. 11,

A bill for an act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties penalties and remedies for the violation of this act.

Which was read the first time.

Mr. Morgan moved

That the house return to rule No. 7 of the house rules.

Which motion prevailed, and

The house returned to rule 7 of the order of business.

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

CONCURRENT RESOLUTION.

Concurrent resolution and memorial of the house of representatives and senate of the state of North Dakota, to the senate and house of representatives of the United States, asking for the election of United States senators by a direct vote of the people.

Whereas, Experience has demonstrated that the interests of the people would be best served by the election of United States senators by the vote of the people of the various states; therefore, be it

Resolved, by the house of representatives of the state of North Dakota, the senate concurring, That our senators and representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States, providing for the election of United States senators by the direct vote of the people.

Resolved, further, That copies of this resolution, properly attested, be sent to our senators and representatives in congress of the United States, and be it hereby further

Resolved, That a copy of the foregoing resolution, duly signed and certified, be sent to the proper officials of the several states of the United States, together with the request hereby expressed that such resolution be laid before the legislative assembly of each such state, to be by it approved, at the discretion thereof, and notice of such approval communicated, when given, to the senators and representatives acting for such state in the congress of the United States.

Mr. Buttz moved

That the concurrent resolution be referred to the committee on privileges and elections when appointed.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 13, 1905.

Mr. Speaker:

I have the honor to inform the house that the senate has passed the following resolution, and the concurrence of the house therein is respectfully requested:

CONCURRENT RESOLUTION.

Whereas a bill has been introduced in the senate of the United States by Hon. P. J. McCumber (S. 199) to provide for the fixing of a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye and other grains; and

Whereas, it is a well established fact that grain cannot be inspected conveniently or in any practical manner excepting at the terminal markets, viz: the markets now established at points of trans-shipment or large milling centers; and

Whereas, many of the states have no such terminal markets within their borders and are dependent upon the systems of grain inspection established under the laws of neighboring states, which laws lack uniformity, and are sometimes executed unfairly; and

Whereas the natural markets of North Dakota, the great wheat state, are at Duluth, West Superior and Minneapolis, beyond our state lines, and our grain is inspected under laws enacted in legislatures in which our people are not represented; and

Whereas, Such inspection has proved unsatisfactory and has occasioned great injustice to our grain growers; now therefore,

Be it resolved by the senate of North Dakota, the house of representatives concurring.

(1) That we desire the establishment of a system of grain inspection by the Congress of the United States, the only legislative body in which we have representation which can properly deal with the subject.

(2) That we believe the grain growers of North Dakota are in favor of the passage of senate bill No. 199, and that if a system of grain inspection is established thereunder it will result in great benefit, not only to the grain growers of North Dakota, but every farmer in the United States.

That an engrossed copy hereof be forwarded to the secretary of agriculture and to each of our senators and representatives.

Also,

I have the honor to inform the house that, approving the suggestion contained in the message of the governor, relating to the forthcoming meeting of the state irrigation congress which convenes in Bismarck January 24, 1905, the president of the senate has appointed Senators Hanna, LaMoure, Little, Simpson and Fox as a committee to act

with a similar committee from the house, to confer with the governor in regard to such congress.

Respectfully,
R. M. TUTTLE,
Secretary.

Mr. Davis moved

That the house concur with the senate resolution on the inspection of grain.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That senate concurrent resolution relating to the shipment of North Dakota exhibit from St. Louis to Portland, Oregon, be referred to the committee on appropriations.

Which motion prevailed, and

The resolution was referred to the committee on appropriation when appointed.

SECOND READING OF HOUSE BILLS.

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Was read the second time, and

Referred to the committee on appropriations when appointed.

House Bill No. 2,

A concurrent resolution to amend section 217 of the constitution of North Dakota in relation to the sale or giving away of intoxicating liquors.

Was read the second time, and

Referred to the committee on temperance when appointed.

House Bill No. 3,

A bill for an act to amend subdivision 2 of section 5653 revised codes of North Dakota for the year 1899, relating to civil actions or proceedings against executors, administrators and heirs at law or next of kin.

Was read the second time, and

Referred to the committee on judiciary when appointed.

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Was read the second time, and

Referred to the committee on judiciary when appointed.

House Bill No. 5,

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

Was read the second time, and

Referred to the committee on judiciary when appointed.

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Was read the second time

Mr. Buttz moved

That house bill No. 6 be referred to the committee on military affairs when appointed.

Mr. Stevens of Burleigh moved

To amend by striking out the words "Military Affairs" and inserting in lieu thereof the word "Appropriation."

Which motion prevailed, and

House Bill No. 6 was referred to the committee on appropriations when appointed.

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Was read the second time, and

Referred to the committee on state affairs when appointed.

House Bill No. 8,

A bill for an act to regulate insurance companies and provide for conditions in policies.

Was read the second time, and

Referred to the committee on insurance when appointed.

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Was read the second time, and

Referred to the committee on state affairs when appointed.

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Was read the second time, and

Referred to the committee on appropriations when appointed.

House Bill No. 11,

A bill for an act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and to provide penalties and remedies for the violation of this act.

Was read the second time, and

Referred to the committee on privileges and elections when appointed.

Mr. McClure moved

That all absent members be excused.

Which motion prevailed, and

The members were excused.

Mr. Stevens of Burleigh moved

That the speaker pro tem appoint the house committee on joint rules, said committee to be announced at the next session.

Which motion prevailed.

Mr. Nicholson moved

That the house take a recess for 10 minutes.

Which motion prevailed, and

The house took a recess for 10 minutes.

AFTER RECESS

The house reassembled.

Mr. Stevens of Burleigh moved

That the house proceed to elect a person to succeed

George Sands, cloak room attendant, who died since the organization of the house.

Which motion prevailed, and

The house proceeded to the election of a cloak room attendant.

Mr. Flados nominated Herman Melby as cloak room attendant.

There were 59 votes cast of which Mr. Melby received 59 and was declared the duly elected cloak room attendant.

Those who voted for Mr. Melby were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Richmond
Allen	Jennings	Rogers
Arnold	Johnson of Ward	Rose
Belden	Juzeler	Rue
Blake	Lemieux	Scheer
Braaten	Lyon	Schlenker
Burtness	McClure	Sheils
Buttz	Meidenger	Simpson
Chapman	Meiklejohn	Spangberg
Cooper of Sargent	Midgarden	Stavens
Dahlen	Mitchell	Stevens of Burleigh
Davis	Mooney	Stevens of Dickey
Duncan	Morgan	Streeter
Ellison	Nelson	Sunderland
Flados	Nicholson	Swendseid
Fried	Palmer	Thoreson
Ganssle	Peterson	Tofsrud
Gibbens	Purdon	Truemner
Goulet	Rice	Weigel
Hardt		White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Robillard
Blank	Johnson of Richland	Ryan
Briden	Kyle	Sowle
Brown	Lillie	Sweet
Burgum	Martin	Tallackson
Casey	McCrea	Thompson
Chevalier	McKechnie	Treat
Clendening	McLain	Underwood
Cooper of Stutsman	Moore	Vernon
Dahl	Oveson	Walter
Dickinson	Ovind	Watson
Eggen	Palfrey	Welo
Gilbert	Phelan	Mr. Speaker
Glasgow	Piper	

Who were excused.

The speaker pro tem administered the oath of office to Harry Wieland as assistant door-keeper for the hall and

Miss Laura W. Connor as stenographer for the members, and to J. W. Daly, clerk.

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

Resolved, That a committee of three, of which Anton Fried shall be chairman, be appointed to see that Speaker Piercy is properly taken care of and that he be given assurances of the good will that can only come from a body of this kind, over which he presides, as an evidence of good feeling and a hope that he will soon be with us.

Which motion prevailed, and

The resolution was adopted.

The speaker pro tem appointed as such committee Messrs. Fried, Midgarden and Streeter.

Mr. Stevens of Burleigh moved

That as a mark of respect to Mr. Geo. Sands, one of the employees of the house, who has died since the organization of the house that the house do now adjourn until Monday, January 16,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FOURTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baeverstad, Burgum, Cooper of Stutsman, Juzeler, McKechnie, Meiklejohn, and Peterson, who were excused.

STANDING COMMITTEES.

The speaker announced the following standing committees:

HOUSE STANDING COMMITTEES.

Judiciary—Messrs. Buttz, chairman; Treat, Dickinson, Stevens of Burleigh, Ryan, Rose, Adams, Peterson, Briden, Johnson of Ward, Gilbert, Richmond, Lillie, Cooper of Sargent, Ellison.

Ways and Means—Messrs. McKechnie, chairman; Braaten, Ganssle, Heglie, Streeter, Duncan, Robillard, Glasgow, Welo, Palfrey, Johnson of Ward.

Railroads—Messrs. Davis, chairman; Rose, Chapman, Chevalier, Belden, Treat, Dickinson, Cooper of Stutsman, Buttz, Tofsrud, Mitchell, Glasgow, Richmond, Blank, Gilbert,

Appropriations—Messrs. Sweet, chairman; Fried, Allen, Rogers, Stevens of Dickey, Johnson of Richland, McLain, Gilbert, Phelan, Nicholson, Stevens of Burleigh, Underwood, Chevalier, Simpson.

Engrossed Bills—Messrs. Brown, chairman; Welo, Meidinger, Goulet, Weigle, Eggen, Flados, Stavens, Dahl.

Enrolled Bills—Messrs. McClure, chairman; Gilbert, Glasgow, Johnson of Richland, Palmer, White, Piper, Underwood, Eggen.

Education—Messrs. Martin, chairman; McCrea, Purdon, Mooney, Fried, Burgum, Rogers, Thoreson, Juzeler.

Elections and Privileges—Messrs. Blake, chairman; Davis,

Briden, Robillard, Blank, Palmer, McKechnie, Piper, Chapman.

Municipal Corporations—Messrs. Ryan, chairman; White, Rice, Phelan, Gibbens, Sowle, Meiklejohn, Heglie, Sweet.

Corporations Other Than Municipal—Messrs. Tofsrud, chairman; Belden, McKechnie, Lillie, Nelson, Schlenker, Eggen, Sunderland, Palmer.

Agriculture—Messrs. Robillard, chairman; Duncan, Morgan, Nicholson, White, McKechnie, Lillie, Truemner, Midgarden, Hemmingsen, Tallackson, Kyle, Rue.

Public Printing—Messrs. Mitchell, chairman; Johnson of Ward, Arnold, Watson, Streeter, Gilbert, Weigel, Brown, Eggen.

Irrigation—Messrs. Chapman, chairman; Phelan, Mitchell, Spangberg, Simpson, Juzeler, Lillie, Streeter, Ellison.

Insurance—Messrs. Fried, chairman; Treat, Ganssle, Glasgow, Weigel, Brown, Dickinson, Stevens of Dickey, Ovind.

Banking—Messrs. Clendening, chairman; Chapman, Arnold, Peterson, Piper, Cooper of Stutsman, Martin, Underwood, Totsrud, Weigel, Lyon.

Labor—Messrs. Flados, chairman; Kyle, Walters, Dahl, Vernon, Dahlen, Jennings, Mooney, Duncan.

Immigration—Messrs. Mooney, chairman; Swendseid, Spangberg, Meidinger, Weigel, Schlenker, Hemmingson, Lemieux, Flados.

Apportionment—Messrs. Briden, chairman; Walters, Sunderland, Tallackson, Mooney, Burtness, Sowle, Thompson, Eggen, Moore, Piper, Purdon, Flados, Buttz, Rogers, Stevens, Dahl, Meiklejohn, Lemieux, Baeverstad, Nelson, Adams, Fried, Ellison, Stevens of Dickey, Belden, Spangberg, Watson, Lyon, Simpson, Martin, Rue, Scheer, Welo, Schlenker, Meidinger, Heglie, Goulet, White, Jennings.

School and Public Lands—Messrs. Palfrey, chairman; Adams, Vernon, Truemner, Piper Baeverstad, Rice, Phelan, Swendseid.

Public Health—Messrs. Lemieux, chairman; Dahlen, Jennings, Ovind, McKechnie, Dickinson, Hardt, Thoreson, Weigel.

Military Affairs—Messrs. Purdon, chairman; Nicholson, Dahl, Spangberg, Ganssle, Buttz, Casey, Allen, Moore.

Warehouses, Grain Grading and Dealing—Messrs. Dickinson, chairman; Underwood, Swendseid, Truemner, Nicholson, Shiels, Stevens of Dickey, Casey, Nelson, Ovind, Palfrey, Goulet, Lyon, Duncan, Clendening.

Federal Relations—Messrs. Johnson of Richland, chairman; Braaten, Casey, Cooper of Sargent, Stevens, Morgan, Welo, Meidinger, Goulet.

Mines and Mining—Messrs. Sowle, chairman; Walter, Belden, Hardt, Rue, Tallackson, Watson, Martin, Robillard.

Temperance—Messrs. McCrea, chairman; Stevens of Burleigh, Shiels, Hardt, Burgum, Blank, Rue, Moore, Hemmingson, Morgan, Oveson, Streeter, Midgarden, Juzeler, Burtness.

Highways, Bridges and Ferries—Messrs. Lyon, chairman; Baeverstad, Dahlen, Gibbens, Jennings, Chapman, Thoreson, White, Simpson.

State Affairs—Messrs. Richmond, chairman; Davis, McCrea, Mitchell, Blake, Chapman, Shiels, Rose, Stevens of Burleigh, Clendening, Cooper of Stutsman, Schlenker, McClure, Palmer, Streeter.

Supplies and Expenditures—Messrs. Ganssle, chairman; Sunderland, Scheer, Ovind, Hemmingson, Burtness, Meidinger, Blake, Cooper of Stutsman.

Forestry—Messrs. Lillie, chairman; Thompson, Morgan, Vernon, Kyle, Chevalier, Tallackson, Glasgow, Burgum.

Public Debt—Messrs. Peterson, chairman; Treat, Rogers, Johnson of Richland, McCrea, McLain, Moore, Palfrey, Lemieux.

Woman Suffrage—Messrs. Oveson, chairman; Braaten, Midgarden, Tallackson, Eggen, Hemmingson, Flados, Hardt, Nicholson.

Manufacturers—Messrs. Vernon, chairman; Ryan, Thompson, Chevalier, Treat, Truemner, Heglie, Arnold, Juzeler.

Counties and County Boundaries—Messrs. Johnson of Ward, chairman; Stavens, Palfrey, Brown, Midgarden, Watson, Blank, Scheer, Morgan.

Taxes and Tax Laws—Messrs. Rice, chairman; Gibbons, Johnson of Ward, Arnold, McLain, Burgum, Peterson, Ellison, Underwood, Davis, Richmond, Kyle, Meiklejohn, Tofsrud, Clendening.

Coal Lands and Mining—Messrs. Shiels, chairman; Lyon, Gibbons, Underwood, Arnold, Ovind, Phelan, Sweet, Stevens of Burleigh.

Live Stock Industry—Messrs. Phelan, chairman; Oveson, Duncan, Ellison, Blank, Duncan, Heglie, Blake, Rice, Mooney, Sowle.

Revision and Correction of Journal—Messrs. McLain, chairman; Adams, Burgum, Moore, Rice, Schlenker, Braaten.

Fish and Game—Messrs. Meiklejohn, chairman; Watson, Casey, Sowle, Thompson, Kyle, Baeverstad, Nelson, Walter.

Rules—Messrs. Richmond, chairman; Stevens of Burleigh, Rose, Scheer, Casey, Sweet, Briden, Purdon, Welo.

Mileage and Per Diem—Messrs. Davis, Chairman, Shiels, Rose.

JOINT COMMITTEES.

Public Buildings—Messrs. Palmer, Chairman; Meidinger, Gibbons, Fried, Dahl, Midgarden, Robillard, Chevalier, Johnson of Ward.

Charitable Institutions—Messrs. Weigel, chairman; Stavens, Lemieux, Spangberg, Adams, Cooper of Sargent, Thompson, Johnson of Richland, Heglie.

Penal Institutions—Messrs. Streeter, chairman; Blake, Rue, Swendseid, Briden, Martin, Cooper of Stutsman, McClure, Baeverstad.

Educational Institutions—Messrs. Rose, chairman; McCrea, Allen, Sweet, McLain, Walter, Davis, Duncan, Ryan.

State Library—Messrs. Casey, chairman; Oveson, Vernon, Burtness, Jennings, Simpson, Kyle, Dahlen, Purdon.

Joint Rules—Messrs. Stevens of Burleigh, chairman; Brown, Buttz, Lyon, Allen, Welo, Treat, Tofsrud, Ganssle.

MESSAGE FROM THE SENATE.

The following message from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1905.

Mr. Speaker:

I have the honor to inform the house that the senate has adopted the following:

CONCURRENT RESOLUTION.

Whereas, Much grain is raised for sale by the farmers in the Red River valley, and

Whereas, Much of this grain could be more conveniently marketed, at warehouses along the river than at railway stations, and

Whereas, It would save much expense and labor to farmers if they were able to market at such warehouses, and

Whereas, the river channel is so filled up as to prevent boats loaded to their full capacity from passing, now, therefor, be it

Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the appropriation of \$20,000 from the United States government for the purpose of dredging the Red River and aiding navigation; and, be it further

Resolved, That a copy of this resolution be forwarded to each of the senators and representatives of this state in Washington.

And your concurrence in the same is respectfully requested.

JAMES TWAMLEY,
Acting Secretary.

Mr. speaker called Mr. Sweet to the chair.

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh, presented the following communication:

MR. GEORGE PIERCY, Speaker of the House of Representatives:

Dear Sir: Thanking yourself, and through you, the members of the house of representatives, for the favor of an election to the position of members' stenographer, I now most respectfully place in your hands my resignation of such a position, and request its acceptance at once. I have the honor to be
Yours very respectfully.

CLARA E. STEVENS.

Bismarck, N. D., January 16.

Mr. Stevens of Burleigh, moved
That the resignation of Miss Stevens be accepted.
Which motion prevailed, and
The resignation was accepted.

Mr. Ryan nominated Miss Ara Waggoner as members' stenographer.

The roll being called there were 88 votes cast of which Miss Waggoner received 88 and was declared the duly elected members' stenographer.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Richmond
Allen	Heglie	Robillard
Arnold	Hemmingson	Rogers
Belden	Jennings	Rose
Blake	Johnson of Richland	Rue
Blank	Johnson of Ward	Ryan
Braaten	Kyle	Scheer
Briden	Lemieux	Schlenker
Burtness	Lillie	Sheils
Buttz	Lyon	Simpson
Casey	Martin	Sowle
Chapman	McCrea	Spangberg
Chevalier	McClure	Stavens
Clendening	McLain	Streeter
Cooper of Stutsman	Meldinger	Sunderland
Cooper of Sargent	Midgarden	Sweet
Dahl	Mitchell	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thoreson
Dickinson	Morgan	Tofsrud
Duncan	Nelson	Treat
Eggen	Nicholson	Truemner
Ellison	Oveson	Underwood
Flados	Ovind	Vernon
Fried	Palfrey	Walter
Ganssle	Phelan	Watson
Gibbens	Piper	Weigel
Gilbert	Purdon	Welo
Glasgow	Rice	White
Goulet		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	McKechnie	Stevens of Burleigh
Brown	Meiklejohn	Stevens of Dickey
Burgum	Palmer	Thompson
Juzeler	Peterson	Mr. Speaker

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

Whereas, Samual Cross has been assigned to a position as assistant clerk and

Whereas, he is unable to perform the duties of said office, therefore be it

Resolved, that the name of Samual Cross be stricken from the roll of the house employees and that the name of James McDougal be substituted therefor

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1905.

Mr. Speaker:

I have the honor to inform the house that the senate has concurred in the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a special committee consisting of three members of the house be appointed by the speaker and two members of the senate to be appointed by the president of the senate, to inquire into and assign, after consulting with the board of capitol commissioners, the necessary rooms for the various committees of the two houses, and to arrange and designate such other matters connected with the organization of the two houses as may be necessary for the transaction of the routine business connected with the assignment of said committee rooms.

Very respectfully,
L. M. McGLASHAN,
Secretary.

And the president of the senate appointed as such committee Messrs. Little and Hanna.

The speaker appointed Messrs. Buttz, Davis and Spangberg as the house members of such committee.

MESSAGE FROM THE SECRETARY OF STATE.

The following message was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,
January 16, 1905.

I hereby certify that the following proposed constitutional amendment was passed by the eighth legislative assembly, and was advertised by me in accordance with the law.

E. F. PORTER,
Secretary of State.

CONCURRENT RESOLUTION—INVESTMENT OF SCHOOL FUNDS.

Be it resolved by the Senate of the state of North Dakota, the House of Representatives concurring:

That the following proposed amendment to section 162 of the constitution of the state of North Dakota be referred to the legislative assembly to be chosen at the next general election in said state, to be by said last mentioned

legislative assembly submitted to the qualified electors of the state for approval or rejection, in accordance with the provision of section 202 of the constitution of the state of North Dakota.

That section 162 of the constitution of the state of North Dakota be amended so as to read as follows:

Sec. 162. The moneys of the permanent school fund, and other educational funds, shall be invested only in bonds of school corporations, or of counties or townships within the state, bonds of the United States, bonds of the state of North Dakota, municipal bonds, or on first mortgages on farm lands in the state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands.

Approved February 24, 1903.

Which was referred to the committee on state affairs.

The house returned to the fifth order of business.

REPORT OF COMMITTEE ON JOINT RULES.

The committee on joint rules made the following report:
Mr. President:

Your committee on joint rules beg leave to report the same joint rules for the government of the senate and house as were adopted by the legislative assembly of 1903 and recommend that the secretary of state be authorized to incorporate them in proper or in the legislative manual of 1905, which shall also contain similar information to that contained in the last manual, and when printed that copies be furnished the state officers and ten copies to each member of the ninth legislative assembly; one to each newspaper in the state, exchange with other states, and sufficient copies shall be retained by the secretary of state to supply each member of the tenth legislative assembly with one copy, which shall be forwarded to him immediately upon his election. Advance sheets of the manual, containing the rules of each house and the standing committees, shall be furnished at once for the use of the respective bodies.

Respectfully submitted,

JUDSON LAMOURE,

Chairman of the Senate Committee.

R. N. STEVENS,

Chairman of the House Committee.

Mr. Buttz moved

That the report of committee on joint rules be adopted.

Which motion prevailed, and

The report of the committee was adopted.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

Mr. Jennings introduced

House Bill No. 12,

A bill for an act to provide for the payment and expenses of district judges called out of their district to try cases: An act to provide for the payment and expenses of district judges upon being called out to try a case for a district judge in his district under article 5 of chapter 9 of the code of criminal procedure of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. C. A. Johnson introduced

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. W. R. Purdon introduced

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Mooney introduced

House Bill No. 15,

A bill for an act to encourage elementary education.

Which was read the first and second times and

Referred to the committee on education.

Mr. White introduced

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

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

Mr. Duncan introduced
House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

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

Mr. O. T. Tufsrud introduced
House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

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

Mr. C. A. Johnson introduced
House Bill No. 19,

A concurrent resolution providing for an amendment of the constitution of the state of North Dakota, to the effect that the term of office of the several judges of the district court be increased to six years.

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

Mr. Stevens of Burleigh introduced
House Bill No. 20,

A bill for an act preventing the adulteration, misbranding and imitation of foods, beverages, candies, drugs and condiments in the state of North Dakota, providing penalties for violation thereof, appointing a pure food commission for the enforcement of the provisions thereof, prescribing the duties of said commissioners and providing an appropriation for the carrying out of the provisions of this act.

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

Mr. Stevens of Burleigh introduced
House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the

cancellation of articles of incorporation for failures to do so.

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

Mr. H. C. Scheer introduced

House Bill No. 22,

A bill for an act to promote forest tree culture.

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

Mr. Ellison introduced

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

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

Mr. Stevens introduced

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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

Mr. Midgarden introduced

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

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

Mr. Davis introduced

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

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

Mr. Ryan moved

That the house concur in the senate concurrent resolution relating to the dredging of the Red River.

Which motion prevailed, and

The senate concurrent resolution was adopted.

The speaker pro tem administered the oath of office to James McDougal and Miss Ara Waggoner as stenographer for the members.

Mr. Stevens of Burleigh, moved

That immediately after the senatorial vote shall have been taken tomorrow, the house do then adjourn until the next day.

Which motion prevailed.

Mr. Fried moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,

Chief Clerk.

FIFTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 17, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Burgum, McKechnie, Meiklejohn, Peterson and Simpson, who were excused.

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

Mr. Speaker:

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

Page 2 line 1 change name Wm. M. Glasgan to Wm. W. Glasgow. Page 3 last line change name Treet to Treat and wherever same occurs throughout the journals.

And when so amended recommend that the same be approved

Also,

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

Page 6 line 9 add the names "Fern Lincoln," "Arthur South."

And when so amended recommend that the same be approved.

Also,

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

Page 39, lines 8 and 9, change figures 56 to 59.

And when so amended recommend that the same be approved.

Also,

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

Page 1, line 17, change name "McClure" to "Adams."

Page 11, line 4, change word stenographers to stenographer.

Page 1, line 21, after name "Simpson" add name "Mitchell."

Page 7 after line 13 add "Referred to committee on State Affairs."

Page 3, line 32, change name "Ryan" to "Belden."

Page 3, line 34, change name "McLean" to "McLain" and wherever same occurs throughout the journal.

Page 4, last line, change word "resolution" and substitute therefor "resignation."

Page 5, line 3 and 4, change figures "87" to "88."

Page 11 insert "pro tem" after word speaker.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

MOTIONS AND RESOLUTIONS.

Whereas, the Act of Congress, providing for the election of a United States senator, requires the legislative assembly to meet in joint session, at 12 o'clock noon, the day succeeding the vote in the respective houses; therefore be it,

Resolved, That when the house adjourns today, January 17th, it shall stand adjourned until Wednesday the 18th day of January, at 11:30 o'clock, a. m., so as to make proper arrangements for holding the joint session of both houses in the hall of the house of representatives.

Which motion prevailed, and

The resolution was adopted.

The speaker called Mr. Ryan to the chair.

ELECTION OF UNITED STATES SENATOR.

Mr. McCrea moved

That the house now proceed to the election of a United

States senator to represent North Dakota in congress of the United States for the term of six years, beginning March 4, 1905.

Which motion prevailed.

Mr. Purdon or Richland placed in nomination Porter J. McCumber of Richland county.

Mr. Davis seconded the nomination of Mr. McCumber on the behalf of Ramsey county.

Mr. Buttz on the behalf of Ransom county.

Mr. Welo on the behalf of McHenry county.

The roll was called and there were 94 votes cast, of which Mr. McCumber received 94 votes.

Those who voted for Mr. McCumber were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burntress
Buttz
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McClure
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Phelan
Piper
Purdon
Rice
Richmond

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Burgum
Casey

Messrs.—

Meiklejohn
McKechnie

Messrs.—

Peterson
Simpson

Mr. Casey being excused from voting.

The speaker announced that he had substituted Guy De France to take the place of Paul Gross as committee clerk.

The speaker administered the oath of office to Guy De France as committee clerk.

Mr. Nicholson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

SIXTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

The house assembled at 11:30 a. m., pursuant to adjournment.

The speaker presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Meiklejohn and Peterson, who were excused.

Mr. Speaker:

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

Page 40, lines 17 and 18, omit the words "tomorrow (Saturday) Jan. 14" after the word "until" and add Monday, Jan. 16th.

Strike out lines 19, 20 and 21 of same page.

And when so amended recommend that the same be approved.

Also,

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

Page 2 after line 31, add "Mr. Buttz offered the following resolution and moved its adoption."

And when so amended recommend that the same be approved.

Also,

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

Page 2 line 28 substitute the name "Weigel" for "Juzeler."

Page 2, line 25, substitute the name "Weigel" for "Clendening."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 5,

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

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

C. W. BUTTZ,
Chairman.

REPORT OF SELECT COMMITTEES.

The committee on selection of rooms for the use of the different committees, made the following report:

Mr. Speaker:

Your committee on selection of rooms for the use of the different committees beg leave to report the following selections:

Judiciary committee—Large room on second floor west side of new building.

State affairs—In large room first floor west side of new building.

Railroads—North room off house retiring chamber.

Ways and means—South room off house retiring chamber.

Appropriations—Main hall, old senate chamber.

Apportionment—Main hall old senate chamber.

Highways and bridges—Main hall of old senate chamber.

Supplies and expenditures—In small room off room assigned to committee on state affairs.

Forestry—The small room off room assigned to the committee on state affairs.

Public debt—In small room off the room assigned to the committee on state affairs.

Woman suffrage—In small room off room assigned to judiciary committee.

Manufacturies—Old senate chamber.

Counties and county boundaries—Old senate chamber.

Taxes and tax laws—In south room off house retiring chamber.

Coal lands and mining—In small room off room assigned to committee on state affairs.

Live stock—Old senate chamber.

Public printing—In south room off house retiring chamber.

Irrigation—In a small room off the room assigned to the committee on state affairs.

Insurance—In small room off room assigned to the committee on state affairs.

Banking—In small room off state affairs room.

Labor, immigration, school and public lands—In main hall of old senate chamber.

Public health, mines and mining, agriculture and military affairs—In small room off judiciary room.

Ware house, grain, and grain grading—In state affairs committee room.

Federal relations—In north room off house retiring chamber.

Temperance—In south room off house retiring chamber.

Ingross bills—In north room off house retiring chamber.

Enroll bills—In south room off house retiring chamber.

Education—In south room off house retiring chamber.

Privileges and elections—In north room off the house retiring chamber.

Municipal corporations—In room off judiciary committee room.

Corporations other than municipal—In room off judiciary committee room.

Revision and correction of the journal—North room off house retiring chamber.

Fish and game—The small room off state affairs committee room.

Rules—In south room off house retiring chamber.

Mileage and per diem—In north room off house retiring room.

Joint committee—Will meet at such times and places as may be designated by the chairman of such joint committee.

C. W. BUTTZ,

GEO. W. H. DAVIS,

M. SPANGBERG,

Committee.

Mr. Davis moved

That the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

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

Resolved, That in the judgment of the house it is deemed necessary for the proper transaction of its business to appoint five assistant clerks, therefore the speaker is hereby authorized and empowered to appoint such clerks, and assign them to such committees and other duties as the business of the house may require.

Mr. Davis moved

That the consideration of the resolution be made a special order of business at 3:30 o'clock this afternoon.

Which motion prevailed.

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

Resolved, That the chief clerk forthwith notify the senate that the house is now ready to receive the senate in joint session for the purpose of taking such further proceedings in relation to the election of a United States senator as shall be necessary and proper.

Which motion prevailed, and

The resolution was adopted.

The speaker appointed Messrs. Ryan, Richmond and Stevens of Burleigh a committee to escort and seat the senators.

The sergeant at arms announced the members of the senate and officers in waiting.

JOINT SESSION.

The joint session of the two houses was called to order by the lieutenant governor, who announced that the hour had arrived for the joint session.

The roll of the members of the senate was called by the secretary of the senate.

All members present.

The roll of the members of the house was called by the chief clerk of the house.

All members present except Messrs. Meiklejohn and Peterson.

The president announced that the purpose of the joint session was the comparison of the journals of the house and senate relative to the election of a United States senator.

The journal of the senate and house being read, and it appearing therefrom that Hon. Porter J. McCumber had received a majority of all the votes cast by senators and representatives of the ninth session of the legislative assembly of the state of North Dakota, the president and the joint assembly formally declared Hon. Porter J. McCumber of Richland county duly elected United States senator for the term of six years beginning March 4, A. D., 1905.

The following certificate of election was then duly signed in open session:

HOUSE OF REPRESENTATIVES,
NINTH LEGISLATIVE SESSION,,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

This is to certify that at a meeting of the two houses of the ninth legislative assembly of the state of North Dakota, in point session, held on Wednesday, the 18th day of January, A. D., 1905, at 12 o'clock meridian, a majority of all members of each house being present, it was found upon examination and comparison of the journals of the respective houses, that, upon the day before, and after the meeting

and organization of the legislative assembly, each house had, by an open viva voce vote of the members present, a majority of all senators and representatives elect being present and voting, named Porter J. McCumber of Richland county, state of North Dakota, for senator in the congress of the United States, for the state of North Dakota. Whereupon the joint assembly, in session as aforesaid, formally declared said Porter J. McCumber of Richland county, North Dakota, duly elected senator to represent the state of North Dakota in the congress of the United States for the term beginning March 4, A. D., 1905.

DAVID BARTLETT,

President of the Senate and Joint Assembly.

L. M. McGLASHAN,

Secretary of the Senate.

GEORGE H. PIERCY,

Speaker of the House of Representatives.

OTTO SOUGSTAD,

Chief Clerk of the House.

Mr. Simpson moved

That the joint assembly do now dissolve.

Which motion prevailed, and

The joint assembly dissolved.

House reassembled.

The speaker announced that the name of John Gordon who had been sworn in as an employee on the third day had been dropped from the rolls and the name of F. A. McDonald substituted therefor.

Mr. McCrea moved

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

Which motion prevailed, and

The house took a recess until 2 o'clock p. m.

AFTER RECESS.

The house reassembled at 2 o'clock p. m.

The speaker called Mr. Sweet to the chair.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the seargent at arms be, and he is hereby instructed to cause each desk in this house to be plainly marked with the name and county of the occupant thereof by suitable printed cards.

Which motion prevailed, and
The resolution was adopted.

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

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

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

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

Which motion prevailed, and
The resolution was adopted.

The house returned to the fourth order of business.

PETITIONS AND COMMUNICATIONS.

Mr. Stevens of Burleigh presented the following communications:

St. Paul, Minn., January 12, 1905.

Gen. E. A. Williams,
President, North Dakota Irrigation Congress,
Bismarck, N. D.

Mr. Dear Sir:

Your letter of January 10th to Mr. Hannaford in regard to rates for the North Dakota irrigation congress which convenes at Bismarck on the 24th of January, has been referred to me.

We are very much interested in the development of the country along our line, and we feel that irrigation is one of the most important means to this end, and are glad to make an exception to our general rule and apply rate of one fare for the round trip from points in North Dakota to Bismarck, tickets to be sold January 23rd and 24th going, and returning 26th. This low rate, however, not to be considered as establishing a precedent.

Yours very truly,

A. M. OLELAND,
General Passenger Agent.
St. Paul, Minn., January 13, 1905.

Gen. Williams,
President, North Dakota Irrigation Association,
Bismarck, North Dakota.

My Dear General:

Referring to your communication to Mr. Hill relative to rates account

Irrigation Congress, Bismarck, January 24, I beg to enclose herewith our rate circular. You will note that we have granted one fare for the round trip. Both the Soo line and Northern Pacific will issue similar instructions.

Trusting this will be entirely satisfactory, I beg to remain,

Yours truly,

C. E. STONE,

A. G. P. A.

Minneapolis, Minn., Jan. 13th, 1905.

Mr. E. A. Williams,

President, North Dakota Irrigation Congress,
Bismarck, North Dakota.

Dear Sir:

By reference of Mr. Pennington I have your letter of the 10th inst., and under his instructions am pleased to advise that the North Dakota Irrigation Congress to be held at Bismarck on the 24th inst., this company will make rate of single fare for the round trip from all stations in North Dakota, selling tickets January 23rd and 24th with final return limit of Jan. 26th.

I trust this will be satisfactory, and that your convention will have a good representation.

Yours truly,

W. R. GALLAWAY,

General Passenger Agent.

REPORT OF JOINT COMMITTEE.

Mr. Speaker:

Your committee appointed to confer with the governor in response to the request contained in his communication of January 13th, after a conference, report the following recommendations with regard to the meeting of the state irrigation congress to be held in Bismarck, January 24th.

1. That this legislative assembly take official notice of the forthcoming meeting and extend to the state irrigation congress an invitation to hold its meeting in the hall of the house of representatives.

2. That for that purpose, when this legislative body adjourns on Monday, an adjournment shall be taken until Wednesday afternoon at two o'clock.

3. That the stenographers of the house and the senate transcribe the proceedings of the congress for the future use of this legislative body.

4. That the members of the house and the senate attend the session of the congress in a body.

F. B. CHAPMAN,

Chairman of House Committee.

L. B. HANNA,

Chairman of Senate Committee.

Mr. Gilbert moved

That the report of the joint committee be adopted.

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

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

Whereas, The organized and persistent agitation for reduction of the

tariff on farm products, so apparent in Twin City papers, is leading government officials and others to believe that the northwest, including North Dakota, is favorable to action detrimental to every interest in this state, and

Whereas, such agitation leads to unrest and undermining of confidence in farm and ranch investments, and ultimately, if persisted in, will impair the value of farm products and the revenue resulting to merchants and transportation interests, retarding the development of new land and unsettled regions of our state, and

Whereas, part of the agitation has resulted in a plea for free seed wheat from the Canadian northwest, when according to Prof. Bolley, northwest and westward from Valley City, this state, has seldom raised so fine a crop of wheat of so high seed value, and the supply of such seed wheat is ample for North Dakota farms, therefore be it

Resolved by the house of representatives of the ninth assembly of the state of North Dakota, the senate concurring, that we oppose any and all tinkering with the tariff or the granting of special privileges favorable to special interests not in harmony with the spirit and letter of the Dingley tariff governing farm products, and that we oppose any reduction of duty on wheat for seed or other purposes, or on other products of the range and farm.

Resolved, That an engrossed copy of these resolutions be forwarded to the president and honorable secretary of the treasury, and to each of our senators and members of congress.

Roll call demanded.

The question being on the adoption of the resolution.

The roll was called and there were ayes 95, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McClure
McKechnie
McLain
Meldinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseld
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemiier
Underwood

Messrs.—

Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Oveson
Ovind
Palmer
Phelan
Piper
Purdon
Rice

Messrs.—

Vernon
Walter
Watson
Weigel
Welo
White

Absent and not voting:

Messrs.—

Meiklejohn
Palfrey

Messrs.—

Peterson
Richmond

Messrs.—

Mr. Speaker

Messrs. Meiklejohn, Peterson and Mr. Speaker being excused.

So the motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

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

L. M. McGLASHAN,
Secretary.

FIRST AND SECOND READING OF HOUSE BILLS
AND MEMORIALS.

Mr. Sweet introduced
House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the first and second times, and
Referred to the committee on public health.

Mr. Dickinson introduced
House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was read the first and second times, and
Referred to the committee on public health.

Mr. Underwood introduced
House Bill No. 29,

A bill for an act prescribing the duties of county register of deeds, in reference to certification of abstracts of chattel mortgages and liens upon personal property and providing a penalty for failure to comply.

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

Mr. Stevens of Burleigh introduced
House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

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

Mr. Fried introduced
House Bill No. 31,

A bill for an act to provide an appropriation of the current and contingent expenses for the state hospital for the insane at Jamestown.

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

Mr. Eggen introduced
House Bill No. 32,

A bill for an act to amend section 1530, revised codes of 1899, relating to the compensation and expenses of the board of insanity, as amended by chapter 58 of the laws of North Dakota for 1903.

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

Mr. Thorenson introduced

House Bill No. 33,

A bill for an act to regulate the price and sale of product of the twine and cordage plant of the state penitentiary.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. McCrea introduced

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Was read the first and second times, and

Referred to the committee on education.

Mr. McCrea introduced

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Vernon introduced

House Bill No. 36,

A bill for an act to amend section 4064 of the revised codes of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Lyon introduced

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Was read the first and second times, and

Referred to the committee on highways and bridges.

Mr. Jennings introduced

House Bill No. 38,

A bill for an act to amend chapter 4 of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure of civil action.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Purdon introduced

House Bill No. 39,

A bill for an act making an appropriation for erecting a building, furnishing and equipping the same, for the use of the North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Was read the first and second times, and

Referred to the committee on appropriations.

Mr. Morgan introduced

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Morgan introduced

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

Mr. Treat introduced

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the first and second times, and

Referred to the committee on public health.

Mr. Shiels introduced

House Bill No. 43,

A bill for an act to provide for commissioners of grain, and for reports and records relating thereto, and providing a penalty for violation thereof.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Watson introduced

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Piper introduced

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Oveson introduced

House Bill No. 46,

A bill for an act to amend section 5253 of the revised codes, 1899, relating to the service of summons.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Arnold introduced

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. White introduced

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172

of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

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

Mr. Scheer introduced
House Bill No. 49,

A bill for an act to amend section one (1) of chapter one hundred and twenty-three (123) session laws nineteen hundred one (1901), being an act to amend section fifteen forty-nine (1549), revised codes, eighteen ninety-nine (1899), relating to time when lawful for stock to run at large.

Was read the first and second times, and
Referred to the committee on live stock.

The speaker pro tem announced a recess of ten minutes.

AFTER RECESS.

The house reassembled.

SPECIAL ORDER.

Mr. Treat moved

That the resolution relating to the appointment of five assistant clerks be adopted.

Roll call demanded.

The roll being called there were ayes 48, nays 46, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Adams
Baeverstad
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan

Messrs.—

Ganssle
Gilbert
Hardt
Johnson of Ward
Juzeler
Lemieux
Lillie
Martin
McCrea
McClure
McLain
Meldinger
Mitchell
Palfrey
Palmer
Phelan

Messrs.—

Piper
Richmond
Robillard
Rogers
Rose
Scheer
Simpson
Stavens
Stevens of Burleigh
Stevens of Dickey
Sweet
Tofsrud
Treumner
Underwood
Watson
Weigel

Those voting in the negative were:

Allen	Johnson of Richland	Ryan
Arnold	Kyle	Sheils
Blake	Lyon	Sowle
Casey	McKechnie	Spangberg
Cooper of Sargent	Midgarden	Streeter
Dahl	Mooney	Sunderland
Eggen	Moore	Swendseid
Ellison	Morgan	Tallackson
Flados	Nelson	Thompson
Fried	Nicholson	Thoreson
Gibbens	Oveson	Treat
Glasgow	Ovind	Vernon
Goulet	Purdon	Walter
Heglie	Rice	Welo
Hemmingson	Rue	White
Jennings		

Absent and not voting:

Belden	Meiklejohn	Schlenker
Brown	Peterson	Mr. Speaker

Messrs. Meiklejohn, Peterson, and Mr. Speaker being excused.

So the motion prevailed, and

The resolution was adopted.

The speaker pro tem announced the receipt of a telegram from the Hon. P. J. McCumber, United States senator from North Dakota.

Which was read.

Mr. Ryan moved

That telegram be made a part of the house journal.

Which motion prevailed.

TELEGRAM

Washington, D. C., Jan. 18, 1905.

Hon. George Percy, Bismarck, N. D.

Please express to the house my gratitude and sincere thanks for the confidence evidenced and honor conferred in its votes of yesterday.

P. J. McCUMBER.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

Mr. Speaker:

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

Resolved, by the Senate or North Dakota the House of Representatives concurring, That a committee consisting of two senators and three representatives be named by their respective presiding officers to arrange for exercises commemorative of the valuable services rendered his state by the late John M. Cochrane, associate justice of the supreme court.

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

Very respectfully,

L. M. McGLASHAN,
Secretary.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Ryan moved

That the house concur in the senate resolution and that the speaker appoint a committee.

Which motion prevailed.

The speaker pro tem administered the oath of office to Albert Daugherty, committee clerk.

The speaker announced that John Cameron had been appointed in place of John Stevenson as assistant clerk.

Mr. Stevens moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brown and Meiklejohn.

Who were excused.

The speaker announced as the committee to act in conjunction with the senate committee appointed to arrange for memorial services in honor of the late John M. Cochrane, Messrs. Buttz, Ryan and Stevens of Burleigh.

The speaker called Mr. McCrea to the chair.

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

Mr. Speaker:

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

Page 6, line 9, add name "Thomas Pasey."

And when so amended recommend that the same be approved.

Also,

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

Page 9, line 1, change word "foreign" to read "farm."

Page 9, line 11, change word "where" to "when."

Line 14, same page after word therefore add the words "be it."

Page 15, line 25, change "45" to read "46."

Page 15, line 26, change "7" to read "6."

Pages 15 and 16 change name "Braaten" as voting from nay to aye.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

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

REPORT OF STANDING COMMITTEES.

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

Your committee on education to, whom was referred
House Bill No. 15,

A bill for an act to encourage elementary education.

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

A. L. MARTIN,
Chairman.

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

The committee on engrossment made the following
report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 5,

A bill for an act to amend section 413 of the revised
codes of 1899, and to fix the salary and provide for the
payment of necessary expenses for the judges of the district
court of the state of North Dakota.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Whereas the services of J. G. Hamilton have been of great value to the house members and clerical force in and since organization of this session, therefore be it,

Resolved, That the speaker and chief clerk of the house be authorized and directed to be issued to J. G. Hamilton a voucher at the same rate per diem as is allowed the chief clerk for 10 days, to be in full settlement for services rendered by him to the members of the house, and the administrative officers thereof.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Ryan introduced

House Bill No. 50,

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Ryan introduced

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Ryan introduced

House Bill No. 52,

A bill for an act to amend chapter 59 of the session laws of 1901, being section 6676e, of the revised codes of 1899, relating to garnishee procedure in justice court.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Ryan introduced

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

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

Mr. Ryan introduced

House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

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

Mr. Ryan introduced

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

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

Mr. White introduced

House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

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

Mr. Morgan introduced

House Bill No. 57,

A bill for an act to amend section 5848, revised codes, 1899, relating to the filing of mortgage foreclosure papers.

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

Mr. Morgan introduced

House Bill No. 58,

A bill for an act amending and re-enacting section 5861 revised codes, 1899, relating to affidavit of publication and register's receipt filed.

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

Mr. Lemieux

House Bill No. 59,

A bill for an act to amend section 421, revised codes of 1899.

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

Mr. Midgarden introduced
House Bill No. 60,

A bill for an act to amend sections 3605, 3617, 5519 and 6391 of the 1899 revised codes of North Dakota, and section 5518 of the 1899 revised codes of North Dakota as amended by chapter 76 of the 1901 session laws of the state of North Dakota, all of which relate to the exemption of homestead and personal property of the head of the family and also relating to exemption of heirs of deceased persons.

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

Mr. Streeter introduced
House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

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

Mr. Casey introduced
House Bill No. 62,

A bill for an act to amend sections 6677 and 6678 of the revised codes of North Dakota for the year 1899.

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

Mr. Watson introduced
House Bill No. 63,

A bill for an act to repeal section 1549 of the compiled laws of 1899, relating to stock running at large.

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

Mr. Stevens of Burleigh requested that
House Bill No. 5,

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

Be laid aside for third reading until some future time.
Which request was granted.

FIRST AND SECOND READING OF SENATE BILLS
AND MEMORIALS.

Senate Bill No. 11.

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Stevens of Burleigh moved

That a committee of three, consisting of Messrs. Streeter, Sweet and Mr. Speaker, be appointed to wait upon the capitol commission to determine what could be done to improve the acoustic properties of the house chamber.

Mr. Martin moved

That house bill No. 15 be referred back to committee on education for further consideration.

Which motion prevailed.

The speaker administered the oath of office to E. Chapman as assistant clerk.

Mr. Morgan moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1905.

Mr. Speaker:

I have the honor to inform the house of representatives that the president of the senate has appointed, under the concurrent resolution providing for memorial exercises in honor of the late Judge John M. Cochrane, Messrs. Crane and Bacon, as a committee on the part of the senate.

Also,

I have the honor to inform the house of representatives that the senate has adopted the following concurrent resolution and your concurrence therein is respectfully requested:

CONCURRENT RESOLUTION.

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

That a committee consisting of two senators and three members of the house be appointed for the purpose of conferring with the heads of the various departments to ascertain their requirements for clerk hire for the biennial period.

The president of the senate having appointed as such committee on the part of the senate, Messrs. Talcott and Simpson.

Also,

I have the honor to inform the house of representatives that the senate has passed the following concurrent resolution, and your concurrence therein is respectfully requested:

CONCURRENT RESOLUTION.

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

That when the senate and house adjourn, they stand adjourned until Monday, January 23, 1905, at 2 p. m.

Also,

I have the honor to transmit herewith
Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

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

Very respectfully,
L. M. McGLASHAN,
Secretary.

CORRECTION OF THE JOURNAL.

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

Mr. Speaker:

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

Page 1, line 23, change spelling of name "Pasey" to "Posey."
Page 6, after line 13, add "which motion prevailed."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

COMMITTEE REPORT.

The committee on state affairs made the following report.

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

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

By adding the following: "Whereas, an emergency exists in that there is but one regular term of court to be held in Emmons or McLean county, therefore this act shall take effect and be in force from and after its passage."

And when so amended recommend that the same do pass.

Also,

Your committee on state affairs to whom was referred House Bill No. 14,

A bill for an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Have had the same under consideration and recommend that the same be amended to read as follows, according to printed bill:

A bill for an act to amend section 3563 of the revised codes of North Dakota of 1899, relative to the recording of instruments in the office of the register of deeds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That section 3563 of the revised codes of North Dakota of 1899 be and the same is amended as follows:

1. Any instrument or judgment affecting the title to or possession of real property may be recorded under this chapter.

2. Judgments affecting the title to or the possession of real property, authenticated by the certificate of the clerk of court in which such judgments were rendered may be recorded without acknowledgment of further proof.

3. Letters patent from the United States and final receivers' receipts from the United States land offices may

be recorded without acknowledgment of further proof; and certified copies of such patents and receivers' receipts, certified and proved according to the laws of the United States and of this state in such manner as to entitle them to admission as evidence in the courts of this state are likewise entitled to be recorded without acknowledgment or further proof, and when so recorded shall be notice in like manner and to the same extent as the originals thereof would of such instruments heretofore recorded, which are certified in accordance herewith, is hereby validated and from the passage and approval of this act, such record shall operate as notice to the same extent as hereinbefore provided for such certified copies of such instruments to be hereafter recorded.

Section 2. Whereas, there is no law for the recording of certified copies of patents and other like instruments in this state, and the record thereof is a necessity, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

And when so amended recommend the same do pass.

Also,

Your committee on state affairs to whom was referred House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

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

In line 6 of section 1, change 15 to 20.

Insert after the word "gasoline" in line 1 of section 2 the words "or steam."

Insert a comma after "called" in line 2 of section 2.

Substitute the word "within" for the words "with in" line 8 section 2, and insert the letter "a" before the word "city" in the same line.

In line 9 section 2, substitute the word "whenever" for the word "wherever."

Insert the words "or village", in line 3 of section 4.

In line 6 of section 2 strike out the words "from behind."

Insert the following after the word "passed" in line 5 of section 4: "and if approaching said vehicle from behind he shall stop and give the driver of said vehicle a reasonable time to prepare for the passage of said automobile."

Strike out in line 2 of section 5 after the word "automobile" the following: "or the owner thereof whose agent the driver or operator shall be."

Insert the word "of" in line 4 of section 5 between the words "fine" and "not."

Insert the word "by" between the words "or" and "imprisonment" in line 5 of section 5.

Strike out the words "nor more" and insert in lieu thereof the words "and not exceeding" in line 6 of section 5.

Add after the word "thereto" in line 7 of section 5, the following: "the driver or owner of such automobile."

That section 6 be stricken out.

And when so amended recommend the same do pass.

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

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

By striking out all after the word "aforesaid" in line 30, page 2, of the printed bill, down to and including the word "State" in line 35.

And when so amended recommend the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Richmond moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following majority report:

Mr. Speaker:

Your committee on temperance to whom was referred
House Bill No. 2,

A concurrent resolution to amend section 217 of the constitution of North Dakota in relation to the sale or giving away of intoxicating liquors.

Have had the same under consideration and recommend that the same do not pass and that the further consideration thereof be indefinitely postponed.

GEO. A. McCREA,
C. H. SHIELDS,

T. O. BURGUM,
OLE RUE,
CLARK MOORE,
NEILS HEMMINGSON,
VIVIAN MORGAN,
JOHN OVESON,
G. MIDGARDEN,
E. O. BURTNES.

Also,

The undersigned members of the committee on temperance made the following minority report:

Mr. Speaker:

The undersigned members of the committee on temperance to whom was referred

House Bill No. 2,

A concurrent resolution to amend section 217 of the constitution of North Dakota in relation to the sale or giving away of intoxicating liquors.

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

D. R. STREETER,
HERMAN HARDT,
PHILIP BLANK,
DAVID JUZELER,
R. N. STEVENS.

Mr. McCrea moved

The adoption of the majority report.

Mr. Stevens of Burleigh moved as a substitute motion that the minority report be adopted.

Roll call demanded.

The roll was called and there were ayes 27, nays 68, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Belden
Blake
Blank
Briden
Brown
Casey
Chev  lier
Cooper of Stutsman
Fried

Messrs.—

Goulet
Hardt
Juzeler
Martin
McClure
Meidinger
Mitchell
Palmer
Peterson

Messrs.—

Phelan
Robillard
Ryan
Scheer
Schlenker
Streeter
Tallackson
Thoreson
Weigel

Those who voted in the negative were:

Messrs.—

Adams
Arnold
Baeverstad
Braaten
Burgum
Burtness
Buttz
Clendenning
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lyon
McCrea
McKechnie
McLain
Midgarden
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Piper
Purdon
Rice
Richmond
Rogers

Messrs.—

Rose
Rue
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Sweet
Swendseid
Thompson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Allen
Chapman

Messrs.—

Lillie
Meiklejohn

Messrs.—

Simpson

Messrs. Allen, Lillie, Meiklejohn and Simpson being excused.

Mr. Stevens of Burleigh explained his vote.

So the substitute motion was lost.

The motion to adopt the majority report prevailed, and
The report was adopted.

REPORT OF SELECT COMMITTEES.

Mr. Speaker:

Your committee appointed for the purpose of investigating the possible remedies to be made in regard to the acoustic properties of this hall, having as directed consulted the capitol commission, have to report as follows:

That the first great requisite for improvement in this direction is the laying of the carpet, and we are assured that the same is expected daily and should be laid within a day or two, and the expectation is that this will greatly remedy the difficulty complained of. Further that there are at this time being strung numerous fine silvered wires, especially adapted to break the echoes and which it is hoped will further remedy the difficulty complained of. The capi-

tol commission have today wired the architect of this building to come at once and give his advice as to what should be done.

Your committee have to suggest further that if the above proposed improvements and recommendations of architect do not accomplish the purpose designed, that the capitol commission be instructed to forthwith provide the services of a thoroughly competent accoustic architect to professionally investigate the conditions existing and recommend what it is possible to have done that will most materially improve the accoustic properties of this hall.

Your committee suggests that as it is of paramount importance that the proceedings of this assembly be distinctly heard and understood during the progress of business it is necessary that every reasonable effort be made to accomplish this purpose.

Very respectfully,
GEO. A. McCREA,
D. R. STREETER,
WM. D. SWEET.

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

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh offered the following resolution and moved its adoption:

Whereas, The eighth legislative assembly passed an act creating a commission to be known as the world's fair commission, and provided in section 7 of said act that said commission should report to the next session of the legislature an itemized statement of its receipts and disbursements, and

Whereas, Governor Frank White in his message to the ninth legislative assembly informs the legislature that there was about \$5,000 left of the appropriation made by the legislative enactment aforesaid, and informs the legislature that a report of the world's fair commission will be placed upon the desks of the members, and

Whereas, The present governor of the state in his message has recommended a suitable appropriation for an exhibit to be made at the Lewis and Clark exposition at Portland, Oregon, in 1905, and

Whereas, There has passed the senate and is now pending before the committee on appropriations of the house a joint resolution directing the removal of the material used at the St. Louis exposition to Portland, Oregon, and

Whereas, It is highly necessary that the house of representatives be informed before acting upon further appropriations the amount necessary to be appropriated to make a creditable exhibition at Portland, and a knowledge of the various items of expense, and for what expended in connection with the St. Louis world's fair exposition will greatly aid the house of representatives in ascertaining what is necessary to be appropriated, and

Whereas, The St. Louis exposition closed on the first day of December, and Whereas, Fifty days have already elapsed since the closing of said exposition and no report has yet been made by said commission, and

Whereas, Two of the active members connected with said exposition have retired from official life since that time; now, therefore, be it

Resolved, That the governor of the state of North Dakota be most respectfully requested to secure from the executive commissioner of the St. Louis world's fair commission a report giving in detail each item of expense, to whom paid, the service rendered or item purchased, and including all the money expended in connection with the said exposition, together with the balance of the money now on hand under the appropriation heretofore made for the use of the house, and that a copy of this resolution be presented to the governor for his consideration.

Which motion prevailed, and

The resolution was adopted.

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

Whereas, Announcement has been made from Washington of the appointment of the Honorable William A. McClure to the position of receiver of the United States land office at Dickinson, North Dakota, and

Whereas, The said William A. McClure is at the present time an experienced efficient and active member of this assembly, therefore be it

Resolved, That the house of representatives hereby extends congratulations to Mr. McClure, and commends all concerned for placing this worthy and competent man in public office.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That in the judgment of the house it is deemed necessary for the proper transaction of its business to appoint two additional pages, therefore the speaker is hereby authorized and empowered to appoint such pages and assign them to duty.

Which motion prevailed, and

The resolution was adopted.

The speaker called Mr. McCrea to the chair.

Mr. Buttz moved that

House Bill No. 5,

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

Be referred back to the committee on judiciary.

Roll call demanded.

The roll was called and there were ayes 36, nays 56, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Adams
Baeverstad
Briden
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Davis
Dickinson
Duncan

Messrs.—

Ganssle
Gilbert
Glasgow
Johnson of Ward
Lemieux
Lyon
Martin
McClure
McCrea
McLain
Nelson
Palfrey

Messrs.—

Palmer
Peterson
Phelan
Piper
Richmond
Rose
Ryan
Stevens of Burleigh
Stevens of Dickey
Truemner
Walter
Welo

Those who voted in the negative were:

Messrs.—

Arnold
Belden
Blake
Blank
Braaten
Brown
Clendening
Cooper of Stutsman
Cooper of Sargent
Dahl
Dahlen
Eggen
Ellison
Flados
Fried
Gibbens
Goulet
Hardt
Heglie

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
McKechnie
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Purdon
Rice
Robillard
Rogers

Messrs.—

Rue
Scheer
Schlenker
Shells
Sowle
Spangberg
Stavens
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Vernon
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Allen
Lillie
Meiklejohn

Messrs.—

Simpson
Sweet
Treat

Messrs.—

Underwood
Watson

Who were excused.

So the motion was lost.

Mr. Morgan moved

That third reading of house bill No. 5 be made a special order of business for 4 o'clock p. m. Wednesday, January 25th.

Which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Davis asked for the unanimous consent for the consideration of the senate concurrent resolution relating to adjournment.

There being no objection.

Mr. Davis moved

That the house do concur in the senate concurrent resolution that when the two houses adjourn today they stand adjourned until Monday, January 23, at 2 o'clock p. m.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Stevens of Burleigh moved

That the house concur in the senate resolution relating to the appointing of a committee to ascertain the amount of clerk hire needed in the different state departments.

Which motion prevailed, and

The speaker appointed as such committee Messrs, Stevens of Burleigh, Casey and Belden.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1905.

Mr. Speaker:

I have the honor to transmit following concurrent resolution passed by the senate and your concurrence therein is respectfully requested.

CONCURRENT RESOLUTION.

Whereas, Our national congress has by law provided that nearly all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming shall be used for irrigation purposes in the arid and semiarid districts of said states, and

Whereas, There are portions of the state of North Dakota that would be greatly benefited by a proper drainage and reservoir system, and

Whereas, The expense of such a drainage system would be too burdensome under our state law as it now exists; now, therefore, be it

Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring: That our senators and representatives in congress be requested to use all honorable means to secure an amendment to the national irrigation law to the effect that a portion of the money set aside for irrigation and reservoir purposes may be used for drainage purposes where necessary in said state; and be it further

Resolved, That a copy of these resolutions be sent to each of our senators and representatives in congress.

Very respectfully,
L. M. McGLASHAN,
Secretary.

The speaker announced that Mr. Blank wished to withdraw from the committee on railroads, which request had

been granted and that Mr. Stevens of Burleigh had been appointed to fill the vacancy.

The speaker administered the oath of office to C. B. Wade as committee clerk, W. H. Crawford assistant clerk, and John Blare page.

Mr. Fried moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,

Chief Clerk.

HOUSE CALENDAR FOR JANUARY 23, 1905.

TWENTY-FIRST DAY.

GENERAL ORDERS.

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

TWENTY-FIRST DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 23, 1905.

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

The speaker presiding.

Prayer by chaplain.

There being no objection, the roll call was dispensed with.

Mr. Stevens of Burleigh moved

That the house proceed to the introduction of bills and memorials.

Which motion prevailed, and

The house proceeded to the introduction of bills and memorials.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Blake, by request, introduced
House Bill No. 64,

A bill for an act to repeal chapter 139 of the laws passed by the eighth session of the legislative assembly of the state of North Dakota, entitled "an act to establish a reward for the arrest and conviction of persons violating the provisions of chapter 63 of the penal code of North Dakota, commonly called the "prohibition law," approved March 19th, 1903.

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

Mr. Shiels introduced

House Bill No. 65,

A bill for an act providing for the construction of fences and cattle guards by railroad companys, and prescribing their liability for domestic animals killed by reason of their failure or neglect to construct such fences and cattle guards.

Which was read the first and second times, and

Referred to the committee on railroads.

Mr. Nicholson introduced

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

Which was read the first and second times, and

Referred to the committee on taxes and tax laws.

Mr. Nicholson introduced

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Which was read the first and second times, and

Referred to the committee on taxes and tax laws.

Mr. Johnson introduced

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Which was read the first and second times, and

Referred to the committee on railroads.

Mr. Burgum introduced

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

Which was read the first and second times, and

Referred to the committee on insurance.

Mr. Ryan introduced

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

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

Mr. Stevens of Burleigh, by request, introduced
House Bill No. 71,

A bill for an act making an appropriation for the maintenance of the Florence Crittenton Home of North Dakota, located at city of Bismarck, North Dakota, and providing for the auditing of the accounts and inspection of said home by the state examiner; also providing for the filing of an annual report with the governor.

Which was read the first and second times, and
Referred to the committee on charitable institutions.

Mr. Stevens of Burleigh, moved
That the house do now adjourn.

Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 25, 1905.

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

The speaker presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Meiklejohn, Nelson and Weigel, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1905.

Mr. Speaker:

I have the honor to inform you that the senate has concurred in the house concurrent resolution relative to the federal tariff on farm products.

Very respectfully,
L. M. McGLASHAN,
Secretary.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Sheils presented the following communications:

Whereas, The state of North Dakota can no longer continue as an exclusive grain state, and

Whereas, It is apparent that diversified farming is the only proper method of successful farming today, and that live stock keeping is the main factor of this diversified farming, be it

Resolved, That this convention urge upon the legislature of North Dakota, now in session, the necessity of giving the Agricultural College and Experimental Station a liberal appropriation for the carrying out of its work and its live stock work in particular.

I, J. A. Johnson, secretary of the tri-State Grain and Stock Growers association of the states of Minnesota, North Dakota and South Dakota hereby certify that the foregoing is a true and correct copy of a resolution passed by above association in convention assembled at Fargo, North Dakota, on the 20th day of January, 1905.

J. A. JOHNSON,
Secretary.

Whereas, The farmers of North Dakota, realizing the necessity and benefit of co-operation along various lines, such as co-operative creameries, elevators, stores, fire insurance companies, rural telephone companies, canning and pickling factories, etc., be it

Resolved, That the legislature of North Dakota, now in session, amend our present law, whereby the fee paid the secretary of state for incorporation be fixed, for such incorporations, at the sum of five dollars (\$5.00) which is at the present time, the minimum fee, and that the convention now assembled, demand this amendment.

I, J. A. Johnson, secretary of the tri-State Grain and Stock Growers association of the states of Minnesota, North Dakota and South Dakota, hereby certify that the foregoing is a true and correct copy of a resolution passed by the above association in convention assembled, at Fargo, North Dakota, on the 20th day of January, 1905.

J. A. JOHNSON,
Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 1, line 18, after the name "Mr. Blake" add the words "by request."

Page 3, line 3. after the word "Burleigh" add the words "by request."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved
That the report be adopted,

Which motion prevailed and
The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

And find the same correctly engrossed.

T. WELO,
Acting Chairman.

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

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

CONCURRENT RESOLUTION.

Whereas, There is a demand for a cheap and more efficient fuel to be used in gas engines, threshing engines and automobiles, for heating and lighting purposes, and

Whereas, It has been demonstrated in several European countries that alcohol when rendered unfit for use as a beverage is a most efficient source for such power, and

Whereas, Many industries would be largely stimulated and built up in this country could alcohol be had at its actual cost for production, and

Whereas, The general production of alcohol for industrial purposes, as before mentioned, would afford a largely increased and open market for many farm products and in this way benefit the farmers of the United States and at the same time furnish them a cheap substitute fuel for use in place of gasoline in engines and automobiles and would render cheaper many products in the industries, thus benefitting all the people. Therefore, be it

Resolved, By the House of Representatives of North Dakota, the Senate concurring, that our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the enactment of the Boutelle bill or of such a bill, for removing the tax from alcohol, denaturized and intended for use in the industries. And, be it further

Resolved, That a copy of these resolutions be presented to each of the senators and representatives of the state in Washington.

Roll call demanded.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Rice
Arnold	Heglie	Richmond
Baeverstad	Hemmingson	Rue
Belden	Jennings	Ryan
Blake	Johnson of Richland	Scheer
Blank	Juzeler	Schlenker
Braaten	Kyle	Sheils
Briden	Lemieux	Simpson
Burgum	Lillie	Spangberg
Burtness	Lyon	Stavens
Buttz	Martin	Stevens of Burleigh
Casey	McClure	Stevens of Dickey
Chapman	McKechnie	Streeter
Chevalier	McLain	Sunderland
Cooper of Stutsman	Meldinger	Swendseid
Cooper of Sargent	Midgarden	Tallackson
Dahl	Mitchell	Thompson
Dahlen	Mooney	Thoreson
Davis	Moore	Tofsrud
Dickinson	Morgan	Treat
Duncan	Nicholson	Truemner
Eggen	Oveson	Underwood
Ellison	Ovind	Vernon
Flados	Palfrey	Walter
Ganssle	Palmer	Watson
Gibbens	Peterson	Welo
Gilbert	Phelan	White
Glasgow	Piper	Mr. Speaker
Goulet	Purdon	

Absent and not voting:

Messrs.—

Allen
Brown
Clendening
Fried
Johnson of Ward

Messrs.—

McCrea
Meiklejohn
Nelson
Robillard
Rogers

Messrs.—

Rose
Sowle
Sweet
Weigel

Messrs. Meiklejohn, Nelson and Weigel being excused.

So the concurrent resolution was adopted.

The speaker called Mr. McClure to the chair.

The house returned to the fifth order of business.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
Senate Bill No. 11,

A bill for an act providing for specific performance by
guardians of contracts for sale of real estate in certain
cases.

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and
6191 of the revised codes of North Dakota, being article 3
of chapter 1, probate code, relating to the disqualification
of county judges and transfers of the administration of
estates from one county to some other, or the calling in of
the county judge of an adjoining county to hear the same,
by the judge disqualified.

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

By adding between the enacting clause and line 1, page 1 of the printed
bill, the following: "That sections 6188, 6189, 6190 and 6191, of the revised
codes of 1899, be amended to read as follows."

And when so amended recommend that the same do pass.

Also,

Your committee on judiciary to whom was referred
House Bill No. 25,

A bill for an act to provide for the cancellation of judg-
ments against persons discharged under the United States

bankruptcy law, and the mode of procedure to obtain such relief.

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

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

By striking out the word "fourteen" in line 6, page 1, of printed bill and inserting in place thereof the word "fifteen."

And when so amended recommend that the same do pass.

C. W. BUTTZ,

Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Hemmingson introduced

House Bill No. 72,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of this state.

Was read the first and second times, and

Referred to the committee on live stock.

Mr. Morgan introduced

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Was read the first and second times, and

Referred to the committee on highways and bridges.

Mr. Arnold introduced

House Bill No. 74,

A bill for an act limiting the terms for which any person shall be eligible to certain county offices to two successive terms of two years each.

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

Mr. Arnold introduced
House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same in to the county treasury.

Was read the first and second times, and
Referred to the committee on state affairs.

Mr. Ryan introduced
House Bill No. 76,

A bill for an act to amend section 6641 of the revised codes of North Dakota, 1899, relating to when summons may be served in other counties.

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

Mr. Blank introduced
House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

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

Mr. Oveson introduced
House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

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

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Phelan moved

That the house concur in the senate concurrent resolution relating to the setting aside of monies of the irrigation fund for drainage purposes in the Red river valley country.

Which motion prevailed, and

The concurrent resolution was adopted.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

Which was read the first and second times, and

Referred to the committee on judiciary.

GENERAL ORDERS.

Mr. Buttz moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker pro tem called Mr. Phelan to the chair.

Mr. Buttz moved

That the committee do now rise.

Which motion prevailed.

When the committee arose it submitted the following report:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

As amended.

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

That the words "and approval" be added to the end of the bill.

And when so amended recommend that the same do pass.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

As amended.

Have had the same under consideration and recommend that the same be referred back to the committee on state affairs for further consideration.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

As amended.

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

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Have had the same under consideration and recommend that the same be referred back to the committee on state affairs for further consideration.

J. E. PHELAN,
Chairman.

Mr. Richmond moved

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

The speaker in the chair.

The speaker announced a recess of ten minutes .

AFTER RECESS.

The speaker called Mr. Davis to the chair.

The speaker administered the oath of office to F. A. McDonald as committee clerk, and Joe S. Underwood as page.

SPECIAL ORDERS.

The speaker in the chair.

Mr. Morgan moved
That further consideration of
House Bill No. 5,

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

Be indefinitely postponed.

Mr. Stevens of Burleigh moved as a substitute motion
That house bill No. 5 be referred to the committee of the whole.

Roll call demanded.

The roll was called and there were ayes 38, nays 58, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Robillard
Allen	Juzeler	Rose
Baeverstad	Lillie	Simpson
Blank	Lyon	Sowle
Briden	Martin	Stevens of Burleigh
Burtness	McCrea	Sweet
Buttz	McKechnie	Treat
Casey	McLain	Truemner
Chapman	McClure	Underwood
Chevalier	Mitchell	Walter
Davis	Palmer	Watson
Ganssle	Phelan	Welo
Gilbert	Richmond	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Hardt	Rogers
Belden	Hemmingson	Rue
Blake	Jennings	Ryan
Braaten	Johnson of Richland	Scheer
Brown	Kyle	Schlenker
Burgum	Lemieux	Sheils
Clendenning	Meidenger	Spangberg
Cooper of Stutsman	Midgarden	Stavens
Cooper of Sargent	Mooney	Stevens of Dickey
Dahl	Moore	Streeter
Dahlen	Morgan	Sunderland
Duncan	Nicholson	Swendseid
Eggen	Oveson	Tallackson
Ellison	Ovind	Thompson
Flados	Palfrey	Thoreson
Fried	Peterson	Tofsrud
Gibbens	Piper	Vernon
Glasgow	Purdon	White
Goulet	Rice	Mr. Speaker
Heglie		

Absent and not voting:

Messrs.—

Dickinson
Meiklejohn

Messrs.—

Nelson

Messrs.—

Weigel

Who were excused.

So the motion was lost.

The question being upon the original motion that house bill No. 5 be indefinitely postponed.

Roll call demanded.

The roll was called and there were ayes 65, nays 31, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Arnold
Belden
Blake
Braaten
Brown
Burgum
Burtness
Clendening
Cooper of Stutsman
Cooper of Sargent
Dahl
Dahlen
Duncan
Eggen
Ellison
Flados
Fried
Gibbens
Glasgow
Goulet
Hardt
Heglie

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lemieux
McKechnie
Meidinger
Midgarden
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper
Purdon
Rice
Rogers

Messrs.—

Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Vernon
Walter
Watson
Welo
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Adams
Allen
Baeverstad
Blank
Briden
Buttz
Casey
Chapman
Chevalier
Davis

Messrs.—

Ganssle
Gilbert
Johnson of Ward
Lillie
Lyons
Martin
McCrea
McClure
McLain
Mitchell

Messrs.—

Phelan
Richmond
Robillard
Simpson
Sowle
Stevens of Burleigh
Sweet
Treat
Truemner
Underwood

Absent and not voting:

Messrs.—

Dickinson
Meiklejohn

Messrs.—

Nelson

Messrs.—

Weigel

Who were excused.

Mr. Davis explained his vote.

So the motion prevailed, and
The further consideration of the bill was indefinitely
postponed.

Mr. McClure moved
That the house do now adjourn.

Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 26, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

AH members present except Messrs. Dahl, Meiklejohn, Nelson, Robillard, Scheer, Thompson, Truemner, Weigel, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 6, line 3, change name "Wm. Paulson." to "M. Larson."

Page 6, line 4, change name "E. W. Clide" to "M. A. Edburg."

Also,

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

Page 2, line 3, change word "communication" to "communications."

Strike out all of line 20, same page.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

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

Mr. Stevens of Burleigh arose to a question of personal privilege.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

We, your committee on rules beg leave to report recommending that Rule No. 44 be amended by inserting after the words "members of congress," the words "ex-governors."

E. L. RICHMOND,
Chairman.

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

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 59,
A bill for an act to amend section 421, revised codes of
1899.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved
That House Bill No. 59 be indefinitely postponed.
Which motion prevailed, and
House Bill No. 59 was indefinitely postponed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossing have examined
House Bill No. 4,
A bill for an act to amend sections 6188, 6189, 6190 and
6191 of the revised codes of North Dakota, being article 3
of chapter 1, probate code, relating to the disqualification

of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Also,

House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Whereas the eighth legislative assembly passed chapter 129 of the session laws of 1903, entitled "Oil Inspection" and whereas provision 5 of section 6 of the said chapter provides that "It shall be the duty of the state inspector of oils or his deputies, to at least once in each ninety days have a chemical test made at the state university or the state agricultural college, demonstrating whether or not such oils contain more than four per cent residuum, after being distilled at a temperature of five hundred and seventy degrees, Fahrenheit, and shall not contain more than six per cent of oil distilling below three hundred and ten degrees Fahrenheit. The result of such chemical tests shall be included in the state oil inspector's annual report to the governor. If upon such testing and examining such oil, such oil shall meet the requirements as to the various tests herein specified, such oil shall be marked upon the package, barrel or cask containing the same "Approved" giving the date of such inspection and the name of the inspector or deputy. If upon such examination and testing such oil shall not meet the requirements as to the flash and fire tests herein specified, such oil shall be marked upon the barrel, package or cask containing the same "Rejected for Illuminating Purposes" giving the date of such examination and the official signature of the inspector or deputy making such inspection. And it shall be unlawful for any person or persons, or corporation, to sell any such oil so rejected for illuminating purposes for consumption in this state," and

Whereas, The person appointed as oil inspector has not complied with the provisions of said section, and has not made report to the governor as required by law, and has not had chemical test made

at either the agricultural college or state university as provided in said paragraph, now therefore, be it,

Resolved, That the governor be respectfully requested to give the reasons, if any there be, why the provisions of said law have not been complied with, and if they have been suspended by reason of any executive order or action on part of the chief executive, that the reasons therefor be given and that the governor be respectfully requested to inform the house at as early a date as is expediently consistent with public business, of the information required by this resolution.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That in the judgment of the house it is deemed necessary for the proper transaction of the business to appoint two (2) additional pages, Therefore the Speaker is hereby authorized and empowered to appoint such pages.

Which motion was lost.

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

Resolved, That in the judgment of the house it is deemed necessary for the proper transaction of its business that two additional clerks be appointed, therefore the speaker is hereby authorized and directed to appoint two additional clerks qualified to act as stenographers and typewriters, and to be assigned one to the committee on judiciary and state affairs and one to the committee on railroads, taxes and tax laws and warehouses, grain and grain grading.

Which motion prevailed and

The resolution was adopted.

Mr. Stevens of Burleigh offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Whereas, The navigable rivers are the heritage of all the people of our commonwealth, and

Whereas, It is necessary in order to carry out the provisions of the national irrigation act, for irrigation in the state of North Dakota, to take water from the Missouri river, and its tributaries for irrigation purposes, and

Whereas, The navigation laws of the United States may in some manner conflict with the appropriation and diversion of these water for the purpose of irrigation, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri river, and its tributaries to be taken therefrom for irrigation purposes, under such rules and regulations as may be prescribed by the reclamation service of the United States, while continuing to preserve and improve our navigable rivers for the purposes of navigation; further, be it,

Resolved, That the United States senators and members of the house

of representatives of the national congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone river below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our state.

Which motion prevailed, and

The resolution was adopted.

The speaker called Mr. Davis to the chair.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Phelan introduced

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Was read the first and second times, and

Referred to the committee on railroads.

Mr. Phelan introduced

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Morgan introduced

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Which was read the first and second times and

Referred to the committee on taxes and tax laws.

Mr. Peterson introduced

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Stevens, of Dickey, by request, introduced

House Bill No. 83,

A bill for an act to amend section 2068 of the revised statutes of the State of North Dakota, 1899, relating to the salary of county judge.

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

Mr. Piper introduced

House Bill No. 84,

A bill for an act to define and regulate the sale of matches
and to provide a penalty for the violation of this act.

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

Mr. Midgarden introduced

House Bill No. 85,

A bill for an act relating to marriage and providing for
issuance of licenses by the clerks of the district court.

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

Mr. Johnson of Ward introduced

House Bill No 86,

A bill for an act to provide for the levy of a tax in cer-
tain counties to aid in establishment and maintenance of
county agricultural fair associations.

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

Mr. Lilie introduced

House Bill No. 87

A bill for an act making an appropriation for purchasing
a site, erecting a building, furnishing and equipping the
same, for the use of the North Dakota school of forestry, lo-
cated at Bottineau, North Dakota, and to provide funds for
the maintenance of said school.

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

Mr. Purdon, by request, introduced

House Bill No. 88,

A bill for an act providing for the retirement of officers
in the national guard of the State of North Dakota, who
have rendered faithful service therein for a period of ten
years or more.

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

Mr. Purdon, by request, introduced

House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

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

Mr. Tofsrud introduced

House Bill No. 90,

A bill for an act to repeal chapter 123 of the laws of 1901, and section 1549 of the revised codes, relating to time when lawful for stock to run at large.

Which was read the first and second times and
Referred to the committee on live stock industry.

Mr. Purdon, by request, introduced

House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey Co., North Dakota.

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

Mr. Johnson introduced

House Bill No. 92,

A bill for an act providing for maintaining switch lights at railroad switches and providing a penalty for failure to do so.

Which was read the first and second times and

Was read the first and second times and

Referred to the committee on railroads.

Mr. Underwood introduced

House Bill No. 93,

A bill for an act, amending section 5696 of the revised codes of the State of North Dakota of 1899, relating to records as evidence.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Underwood introduced

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Which was read the first and second times and

Referred to the committee on banks and banking.

Mr. Underwood introduced

House Bill No. 95,

A bill for an act amending section 6648 of the revised codes of North Dakota of 1899, relating to the postponement of trials in justice courts.

Was read the first and second time, and

Referred to the committee on judiciary.

Mr. Underwood introduced

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Was read the first and second time, and

Referred to the committee on judiciary.

Mr. Underwood introduced

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Was read the first and second time, and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 98,

A bill for an act to amend sections 3200 and 3201 of the revised codes of 1899, relating to agricultural fair corporations.

Was read the first and second time, and

Referred to the committee on agriculture.

Mr. Phelan introduced

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Was read the first and second time, and

Referred to the committee on live stock industry.

Mr. Watson moved

That House Bill No. 90 be referred to the committee on judiciary.

Mr. Phelan moved

As a substitute motion that House Bill No. 90 be referred to live stock committee.

Which substitute motion prevailed, and

House Bill No. 90 was referred to committee on live stock.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,

January 26, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution which the senate has passed and your concurrence therein is respectfully requested:

CONCURRENT RESOLUTION.

Resolved, By the Senate of the Ninth Session of the State of North Dakota, the House of Representatives concurring,

That we urge our senators and members of congress to secure the passage of an act authorizing and permitting the taking of the waters of the Missouri river for irrigating purposes under the national irrigation act, approved June 17th, 1902.

Mr. Richmond moved

That a vacancy be declared in the office of second cloak room attendant and that the house proceed to elect Thorwold Torgerson to take the place of Ole Kinneberg as second cloak room attendant.

Which motion prevailed, and

The roll being called there were 92 votes cast of which Mr. Torgerson received 92 votes, and he was declared the duly elected second cloak room attendant.

Those who voted for Mr. Torgerson were:

Messrs.—

Adams
Allen
Arnold
Bæverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevallier
Clendening

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyons
Martin
McCrea
McClure
McKechnie
McLain

Messrs.—

Purdon
Rice
Richmond
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Meidenger	Sunderland
Cooper of Sargent	Midgarden	Sweet
Dahlen	Mitchell	Swendseid
Davis	Mooney	Tallackson
Dickinson	Moore	Thoreson
Duncan	Morgan	Tofsrud
Eggen	Nicholson	Treat
Ellison	Oveson	Underwood
Flados	Ovind	Vernon
Fried	Palfrey	Walter
Ganssle	Palmer	Watson
Gibbens	Peterson	Weio
Gilbert	Phelan	White
Glasgow	Piper	
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Dahl	Robillard	Weigel
Meiklejohn	Thompson	Mr. Speaker
Nelson	Truemner	

Who were excused.

THIRD READING OF HOUSE BILLS.

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 87, nays 1, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Purdon
Allen	Goulet	Rice
Arnold	Hardt	Richmond
Baeverstad	Heglie	Rogers
Belden	Jennings	Rue
Blake	Johnson of Ward	Ryan
Blank	Juzeler	Scheer
Braaten	Kyle	Schlenker
Briden	Lemieux	Simpson
Brown	Lillie	Sowle
Burgum	Lyons	Spangberg
Burtness	McCrea	Stavens
Buttz	McClure	Stevens of Burleigh
Casey	McKechnie	Stevens of Dickey
Chapman	McLain	Streeter
Chevalier	Meidinger	Sunderland
Clendening	Midgarden	Sweet
Cooper of Stutsman	Mitchell	Swenseid
Cooper of Sargent	Mooney	Tallackson
Dahlen	Moore	Thoreson
Davis	Morgan	Tofsrud
Dickinson	Nicholson	Treat

Messrs.—

Duncan
 Eggen
 Ellison
 Flados
 Fried
 Ganssle
 Gibbens

Messrs.—

Oveson
 Ovind
 Palfrey
 Palmer
 Peterson
 Phelan
 Piper

Messrs.—

Underwood
 Vernon
 Walter
 Watson
 Welo
 White

Absent and not voting:

Messrs.—

Dahl
 Hemmingson
 Martin
 Meiklejohn

Messrs.—

Nelson
 Robillard
 Rose
 Sheils

Messrs.—

Thompson
 Truemner
 Weigel
 Mr. Speaker

Messrs. Meiklejohn, Nelson, Weigel, Mr. Speaker, Dahl, Robillard, Truemner and Thompson being excused.

Mr. Johnson of Richland voted in the negative.

So the bill passed and the title was agreed to.

Also

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Adams
 Allen
 Arnold
 Baeverstad
 Belden
 Blake
 Blank
 Braaten
 Briden
 Brown
 Burgum
 Burtness
 Buttz
 Casey
 Chapman
 Chevalier
 Clendening
 Cooper of Stutsman
 Cooper of Sargent
 Dahlen
 Davis
 Dickinson
 Duncan
 Eggen

Messrs.—

Gilbert
 Glasgow
 Goulet
 Hardt
 Heglie
 Jennings
 Johnson of Richland
 Johnson of Ward
 Juzeler
 Kyle
 Lemieux
 Lillie
 Lyons
 McCrea
 McClure
 McKechnie
 McLain
 Meldinger
 Midgarden
 Mitchell
 Mooney
 Moore
 Morgan
 Nicholson

Messrs.—

Phelan
 Piper
 Purdon
 Rice
 Richmond
 Rogers
 Rose
 Rue
 Ryan
 Scheer
 Schlenker
 Simpson
 Sowle
 Spangberg
 Stavens
 Stevens of Burleigh
 Streeter
 Swendseld
 Tallackson
 Thoreson
 Tofsrud
 Treat
 Underwood
 Vernon

Messrs.—
 Ellison
 Flados
 Fried
 Ganssle
 Gibbens

Messrs.—
 Oveson
 Ovind
 Palfrey
 Palmer
 Peterson

Messrs.—
 Walter
 Watson
 Welo
 White

Absent and not voting:

Messrs.—
 Dahl
 Hemmingson
 Martin
 Meiklejohn
 Nelson

Messrs.—
 Robillard
 Sheils
 Stevens of Dickey
 Sunderland
 Sweet

Messrs.—
 Thompson
 Truemner
 Weigel
 Mr. Speaker

Messrs. Meiklejohn, Nelson, Weigel, Mr. Speaker, Dahl, Robillard. Thompson, Truemner being excused.

So the bill passed and the title was agreed to.

Also,

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such

Was read the third time.

The question being on the final passage of the bill.

The roll being called there were ayes 87, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—
 Adams
 Allen
 Arnold
 Baeverstad
 Belden
 Blake
 Blank
 Braaten
 Briden
 Brown
 Burgum
 Burtness
 Buttz
 Casey
 Chapman
 Chevalier
 Clendenning
 Cooper of Stutsman
 Cooper of Sargent
 Dahlen
 Davis
 Dickinson
 Duncan

Messrs.—
 Gilbert
 Glasgow
 Goulet
 Hardt
 Heglie
 Jennings
 Johnson of Richland
 Johnson of Ward
 Juzeler
 Kyle
 Lemieux
 Lillie
 Lyons
 McCrea
 McClure
 McKechnie
 McLain
 Meidinger
 Midgarden
 Mitchell
 Mooney
 Moore
 Morgan

Messrs.—
 Phelan
 Piper
 Purdon
 Rice
 Richmond
 Rogers
 Rose
 Rue
 Ryan
 Scheer
 Schlenker
 Simpson
 Sowle
 Spangberg
 Stavens
 Stevens of Burleigh
 Stevens of Dickey
 Streeter
 Swendseid
 Tallackson
 Thoreson
 Tofsrud
 Treat

Absent and not voting:

Messrs.—

Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Dahl
Hemmingson
Martin
Meiklejohn
Nelson

Messrs.—

Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Robillard
Shells
Sunderland
Sweet

Messrs.—

Underwood
Vernon
Walter
Watson
Welo
White
Thompson
Truemner
Weigel
Mr. Speaker

Messrs. Meiklejohn, Nelson, Weigel, Mr. Speaker, Dahl, Robillard, Thompson, Truemner being excused.

So the bill passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. McClure moved

That the house concur in the senate concurrent resolution relating to the permitting of taking water from the Missouri river for irrigation purposes.

Which motion prevailed, and

The resolution was concurred in.

THIRD READING OF SENATE BILLS.

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown

Messrs.—

Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler

Messrs.—

Phelan
Piper
Purdon
Rice
Richmond
Rogers
Rose
Rue
Ryan
Scheer

Messrs.—	Messrs.—	Messrs.—
Burgum	Kyle	Schlenker .
Burtness	Lemieux	Sowle
Buttz	Lillie	Spangberg
Casey	Lyons	Stavens
Chapman	McClure	Stevens of Dickey
Chevalier	McKechnie	Streeter
Clendening	McLain	Sunderland
Cooper of Stutsman	Meidinger	Swendseid
Cooper of Sargent	Midgarden	Tallackson
Dahlen	Mitchell	Thoreson
Davis	Mooney	Tofsrud
Dickinson	Moore	Treat
Duncan	Morgan	Underwood
Eggen	Nicholson	Vernon
Ellison	Oveson	Walter
Flados	Ovind	Watson
Fried	Palfrey	Webb
Ganssle	Peterson	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dahl	Palmer	Sweet
Hemmingson	Robillard	Thompson
Martin	Sheils	Truemner
McCrea	Simpson	Weigel
Meiklejohn	Stevens of Burleigh	Mr. Speaker
Nelson		

Messrs. Meiklejohn, Nelson, Weigel, Mr. Speaker, Dahl, Robillard, Thompson, Truemner being excused.

So the bill passed and the title was agreed to.

GENERAL ORDERS.

Mr. Palfrey moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker pro tem called Mr. Palfrey to the chair.

When the committee rose it submitted the following report:

Mr. Speaker:

Your committee of the whole to whom was referred House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of

the county judge of an adjoining county to hear the same, by the judge disqualified.

Have had the same under consideration and recommend that the same be amended by adding an emergency clause as follows:

Whereas, An emergency exists in that there is no laws for the calling in of an adjoining county judge to have a case in which the presiding judge is disqualified, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

Your committee of the whole to whom was referred
House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

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

JOHN S. PALFREY,
Chairman.

Mr. Davis in the chair.

Mr. Ryan moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

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

C. W. BUTTZ,
Chairman.

The speaker pro tem administered the oath of office to Thorwald Torgerson as cloak room attendant, and to M. A. Edburg, clerk.

Mr. Ryan moved
That the house do now adjourn.

Which motion prevailed, and
The house adjourned

OTTO SOUGSTAD,
Chief Clerk.

TWENTY-FIFTH DAY

HOUSE OF REPRESENTAVES,
BISMARCK, NORTH DAKOTA,
January 27, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Cooper of Sargent, Hemmingson, Meiklejohn, Shiels, Truemner and Weigel, who were excused.

REFERENCE OF THE JOURNAL.

Mr. Speaker:

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

Page 9, lines 21 and 22, change name "Thoswold Torgenson" to "Thorwald Torgerson," and the name "Ole Kinneberry" to "Ole Kinneberg," and wherever names appear throughout the Journal.

Page 11, after line 16 insert as line 17, "Mr. Johnson of Richland voted in the negative."

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

Page 12, line 18, change word "discussion" to "decision."

And when so amended recommend that he same be approved.

JOHN H. McLAIN,
Chairman.

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

REPORT OF STANDING COMMITTEES.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred
House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

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

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

Mr. Stevens of Burleigh moved

That House Bill No. 27 be referred to the committee on state affairs for further consideration.

Which motion prevailed, and

The bill was referred to the committee on state affairs.

D. LEMIEUX,

Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

D. LEMIEUX,
Chairman.

Mr. Lemieux moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

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

Also,

House Bill No. 32,

A bill for an act to amend section 1530, revised codes of 1899, relating to the compensation and expenses of the board of insanity, as amended by chapter 58 of the laws of North Dakota for 1903.

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

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Have had the same under consideration and recommend that the original bill as amended and engrossed be further amended as follows:

That in line 2 of section 3, after the word "offices" insert the following: "Contracts between the state and purchasers of school and institution lands for the purchase and sale of such lands, and assignments of such contracts."

After the word "all" in line 11, section 3, insert the word "such instruments or copies thereof."

In line 12, section 3, strike out the words "such instruments."

And when so amended recommend the same do pass.

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

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

Also,

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same in to the county treasury.

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

E. L. RICHMOND,

Chairman.

The committee on state affairs made the following minority report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same in to the county treasury.

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

F. B. CHAPMAN,
Chairman.

Mr. Chapman moved

That the minority report on House Bill No. 75 be substituted for the majority report.

Which motion was lost.

Mr. Richmond moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

Mr. Brown moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on bridges, highways and ferries made the following report:

Mr. Speaker:

Your committee on bridges, highways and ferries to whom was referred

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

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

Line 1 of section 1, the word "noxious" be inserted before the word "weeds."

That section 2 be stricken out.

That in line 1 of section 3, "20th" be changed to "15th," and in line 2 of section 3, 1st be changed to 5th.

And when so amended recommend that the same do pass.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

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

F. J. LYON,
Chairman.

Mr. Lyon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on agriculture to whom was referred

House Bill No. 60,

A bill for an act to amend sections 3605, 3617, 5519 and 6391 of the 1899 revised codes of North Dakota, and section 5518 of the 1899 revised codes of North Dakota as amended by chapter 76 of the 1901 session laws of the state of North Dakota, all of which relate to the exemption of homestead and personal property of the head of the family and also relating to exemption of heirs of deceased persons.

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

JAMES DUNCAN,
Acting Chairman.

MOTIONS AND RESOLUTIONS.

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

Whereas, There is need of more attention being given to the files and records for desks of members in the house of representatives, and the pages now employed are not equal to the task therefore be it

Resolved, That the speaker be empowered to add two additional pages to the present force.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Rice introduced

House Bill No. 100,

A bill for an act to prohibit the use of any free pass or frank, or privilege withheld from any person, for the traveling accommodation or transportation of any person or property or the transmission of any message or communication.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. White introduced

House Bill No. 101,

A bill for an act to define "vagrant," and prescribe the punishment for vagrancy, and to repeal chapter 206 of the laws of 1903, defining vagrancy.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Sowle, by request, introduced

House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Watson introduced

House Bill No. 103,

A bill for an act providing for the obtaining of threshing liens.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Allen, by request, introduced

House Bill No. 104,

A bill for an act making it unlawful for any person, firm

or corporation to sell so-called "non-intoxicating" liquors as a beverage, unless the bottle or package containing the beverage has affixed thereto a label containing a true and correct analysis of the constituents or ingredients of such beverage.

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

Mr. McLain introduced
House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Which was read the first and second times and
Referred to the committee on live stock industry.

Mr. Purdon, by request, introduced
House Bill No. 106,

A bill for an act providing that it shall be a misdemeanor for any person to obtain any barn or stable room, feed, or accommodation of any kind, at any public livery barn or stable or public feed or boarding barn or stable, without paying therefor, or to obtain any credit or accommodation at any such public livery barn or stable or public feed or boarding barn or stable by use of any false pretense, or to abscond or surreptitiously to remove any property left or placed therein from such public livery barn or stable or public feed or boarding barn or stable without paying for same.

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

Mr. White introduced
House Bill No. 107,

A bill for an act to repeal section 2, of chapter 38, of the laws of 1903.

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

Mr. White introduced
House Bill No. 108,

A bill for an act to repeal chapter 79 of the laws of 1903, relating to the importation of dependent children.

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

Mr. Purdon, by request, introduced
House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

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

Mr. Rogers introduced
House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

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

Mr. Davis, by request of the caucus committee, introduced

House Bill No. 111,

A bill for an act providing for the selection of candidates for election by popular vote, and relating to their nomination and the perpetuation of political parties.

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

Mr. Richmond introduced
House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

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

Mr. Richmond introduced
House Bill No. 113,

A bill for an act to cure defective acknowledgments.

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

The speaker called Mr. Sweet to the chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification

of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Purdon
Allen	Hardt	Rice
Arnold	Heglie	Rogers
Baeverstad	Jennings	Rose
Belden	Johnson of Richland	Rue
Blake	Johnson of Ward	Ryan
Blank	Kyle	Scheer
Braaten	Lemieux	Schlenker
Briden	Lillie	Simpson
Burgum	Lyon	Sowle
Burtness	Martin	Spangberg
Buttz	McCrea	Stavens
Casey	McClure	Stevens of Burleigh
Chapman	McLain	Streeter
Chevalier	Me'dinger.	Sunderland
Clendenning	Midgarden	Sweet
Dahl	Mitchell	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Thoreson
Duncan	Nelson	Tofsrud
Eggen	Nicholson	Treat
Ellison	Oveson	Underwood
Flados	Ovind	Walter
Fried	Palfrey	Watson
Ganssle	Palmer	Welo
Gibbens	Peterson	White
Gilbert	Phelan	Mr. Speaker
Glasgow	Piper	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	McKechnie	Stevens of Dickey
Cooper of Stutsman	Meiklejohn	Truemner
Cooper of Sargent	Richmond	Vernon
Hemmingson	Robillard	Weigel
Juzeler	Sheils	

Messrs. Hemmingson, Cooper of Sargent, Meiklejohn, Weigle, Shiels and Truemner being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 4 was passed be

reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

Was read the third time.

Mr. Davis asked unanimous consent to amend House Bill No. 35.

There being no objection Mr. Davis moved

That the bill be amended by inserting in section 2, line 1, after the word "individually" the words "as agent of."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 2, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Dahl
Dahlen
Davis
Dickinson

Messrs.—

Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McClure
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore

Messrs.—

Purdon
Rice
Rogers
Rue
Ryan
Scheer
Schlenker
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Swendseid
Thompson
Thoreson
Tofsrud
Treat

Messrs.—

Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow
Goulet

Messrs.—

Morgan
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper

Messrs.—

Underwood
Walter
Watson
Welo
White
Mr. Speaker

Those who voted in the negative were:

Nicholson

Tallackson

Absent and not voting:

Messrs.—

Chevalier
Clendening
Cooper of Stutsman
Cooper of Sargent
Gilbert
Hemmingson

Messrs.—

McKechnie
Meiklejohn
Nelson
Richmond
Robillard
Rose

Messrs.—

Sheils
Stevens of Dickey
Sweet
Truemner
Vernon
Weigel

Messrs. Cooper of Sargent, Hemmingson, Meiklejohn, Shiels, Truemner and Weigel being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 35 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

And

House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

Was read the third time.

The question being on the final passage of the bill.

The roll being called there were ayes 87, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten

Messrs.—

Glasgow
Goulet
Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler

Messrs.—

Phelan
Piper
Purdon
Rice
Rogers
Rose
Rue
Ryan

Messrs.—	Messrs.—	Messrs.—
Briden	Kyle	Scheer
Brown	Lemieux	Schlenker
Burgum	Lillie	Simpson
Burtness	Lyon	Sowle
Buttz	Martin	Spangberg
Casey	McCrea	Stevens of Burleigh
Chapman	McClure	Streeter
Clendenning	McKechnie	Sunderland
Cooper of Stutsman	McLain	Sweet
Dahl	Midgarden	Swendseid
Dahlen	Meldinger	Tallackson
Davis	Mitchell	Thompson
Dickinson	Mooney	Thoreson
Duncan	Moore	Tofsrud
Eggen	Morgan	Treat
Ellison	Nicholson	Underwood
Flados	Oveson	Walter
Fried	Ovind	Watson
Ganssle	Palfrey	Welo
Gibbens	Palmer	White
Gilbert	Peterson	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Chevalier	Richmond	Stevens of Dickey
Cooper of Sargent	Robillard	Truemner
Hemmingson	Shells	Vernon
Meiklejohn	Stavens	Weigel
Nelson		

Messrs. Cooper of Sargent, Hemmingson, Meiklejohn, Shiels, Truemner and Weigel being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 56 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 27, 1905.

Mr. Speaker:

I have the honor to inform you that the senate has concurred in the following house concurrent resolution:

CONCURRENT RESOLUTION.

Whereas, There is a demand for a cheap and more efficient fuel, to be used in gas engines, threshing engines, and automobiles, for heating and lighting purposes, and

Whereas, It has been demonstrated in several European countries that alcohol when rendered unfit for use as a beverage is a most efficient source for such power, and

Whereas, Many industries would be largely stimulated and built up in this country could alcohol be had at its actual cost for production, and

Whereas, The general production of alcohol for industrial purposes, as before mentioned would afford a largely increased and open market for many farm products and in this way benefit the farmers of the United States and at the same time furnish them a cheap substitute fuel for use in place of gasoline in engines and automobiles and would render cheaper many products in the industries, thus benefitting all the people, therefore, be it

Resolved, by the House of Representatives of North Dakota, the Senate concurring, That our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the enactment of the Boutelle bill, or of such a bill, for removing the tax from alcohol, denaturized and intended for use in the industries. And be it further

Resolved, That a copy of these resolutions be presented to each of the senators and representatives of the state in Washington.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The speaker administered the oath of office to Miss Fani C. Oeltjen and Miss Annetta I. E. Erickson as stenographers; T. H. Murphy, J. E. Cameron and Miss Minnie Larson as clerks.

Mr. Ryan moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,

Chief Clerk.

TWENTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1905.

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

The speaker presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Blank, Burgum, Cooper of Sargent, Goulet, Hemmingson, Juzeler, Meiklejohn, Richmond, Robillard, Shiels, Simpson, Truemner, Vernon and Weigel, who were excused.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
January 27, 1905

To the Speaker and House of Representatives:

Gentlemen: I have the honor to state, in obedience to the resolutions passed by your body requesting information as to the report of the oil inspector under provision 5 of section 6, chapter 129 of the session laws of 1903, and under section 7 of the same act, that I have no knowledge of the reasons for the failure of the oil inspector to make report as provided, and that so far as the present executive of the state is concerned, the provisions of law providing for such report have not been suspended by an executive order.

Section 7 of chapter 129 of the session laws of 1903, provides that the state inspector of oils shall in the month of January of each year, make and deliver to the governor a report of his act and those of his deputies during the year preceding. At the expiration of the time fixed by law in which this report may be filed, if it has not been received by the executive of this state, immediate steps will be taken to insure compliance with the provisions of law requiring this report to be made.

I have the honor to be,
E. Y. SARLES,
Governor.

Also,

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
January 27, 1905.

To the Speaker and House of Representatives:

Gentlemen: I have the honor to state, in obedience to the resolution passed by your body requesting the executive of the state to obtain from the executive commissioner of the St. Louis World's Fair commission a report of its transactions, that a report covering the details set forth in the resolution has been prepared by the executive commissioner and will be submitted to your honorable body at the earliest possible moment.

I have the honor to be,
E. Y. SARLES,
Governor.

Mr. White asked for unanimous consent to reconsider the vote by which House Bill No. 56 was passed yesterday, January 27, 1905.

There being no objection Mr. White moved

That the vote by which the bill was passed be reconsidered and that the bill be placed before the house for further consideration.

Which motion prevailed.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 2, change line 29 "That the report of the committee be adopted," to read "That House Bill No. 59 be indefinitely postponed."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

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

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 46,

A bill for an act to amend section 5253 of the revised codes, 1899, relating to the service of summons. •

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved
That the report be adopted,
Which motion prevailed and
Further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 62,

A bill for an act to amend sections 6677 and 6678 of the revised codes of North Dakota for the year 1899.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 36,

A bill for an act to amend section 4064 of the revised codes of North Dakota.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

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

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

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

Also,

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

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

Also,

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

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

Also,

House Bill No. 64,

A bill for an act to repeal chapter 139 of the laws passed by the eighth session of the legislative assembly of the state of North Dakota, entitled "an act to establish a reward for the arrest and conviction of persons violating the provisions of chapter 63 of the penal code of North Dakota, commonly called the "prohibition law," approved March 19th, 1903.

Have had the same under consideration and recommend that the same be referred to committee on temperance.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted.

Which motion prevailed, and

House Bill No. 64 was referred to the committee on temperance.

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

Your committee on education to whom was referred House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

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

Also,

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

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

In line 3, of the title, after the word "in" insert the words "platted or."

In section 1, line 3, after the word "any" add the words "platted or."

In line 4 after the word "over" substitute the word "one" for "two."

And when so amended recommend the same do pass..

A. L. MARTIN,
Chairman.

Also,

House Bill No. 15,

A bill for an act to encourage elementary education.

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

In section 2, line 12, after word "first" add words "or second."

In section 3, line 7, after word "first" add words "or second."

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

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report be adopted,

Which motion prevailed, and .

The report of the committee was adopted.

And House Bill No. 15 was referred to the committee on appropriations.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Also,

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or

Also,

House Bill No. 60,

A bill for an act to amend sections 3605, 3617, 5519 and 6391 of the 1899 revised codes of North Dakota, and section 5518 of the 1899 revised codes of North Dakota as amended by chapter 76 of the 1901 session laws of the state of North Dakota, all of which relate to the exemption of homestead and personal property of the head of the family and also relating to exemption of heirs of deceased persons.

Also,

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the

violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Also,

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

Mr. Brown moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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

In lines 12 and 13 the words "And interest thereon at the rate of one per cent per month" be stricken out and in lieu thereof be inserted the words "Up to the date of redemption with interest at the rate of two per cent per month."

And when so amended recommend the same do pass.

Also,

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

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

Strike out all after the word "follows:" in line 3 of section 1 of the printed bill and insert in lieu thereof the following:

"Making rate of taxation on flax of one cent per bushel; on wheat at the rate of three-fourths of one cent per bushel, and on oats, barley, speltz, corn and rye, each at the rate of one-fourth of one cent per bushel."

And when so amended recommend the same do pass..

C. D. RICE,
Chairman.

Mr. Rice moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House Bill No. 11,

A bill for an act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and to provide penalties and remedies for the violation of this act.

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

GEO. BLAKE,
Chairman.

Mr. Blake moved

That the report be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

Concurrent resolution introduced by Mr. Morgan relating to the election of United States senators by direct vote of the people.

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

GEO. BLAKE, ..
Chairman.

Mr. Blake moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the concurrent resolution was indefinitely postponed.

The committee on rules made the following report:

Mr. Speaker:

Your committee on rules recommend that rule 61 be repealed and annulled.

R. N. STEVENS,
Chairman pro tem.

Mr. Buttz moved

That the report of the committee be referred back to committee on rules for further consideration.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1905.

I have the honor to transmit herewith

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Also,

Senate Bill No. 13,

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

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

Very respectfully,

L. M. McGLASHAN,
Secretary.

The speaker called Mr. Streeter to the chair.

Mr. Stevens of Dickey offered the following resolution and moved its adoption:

Whereas, The printing of bills is at times behind, and

Whereas, Some bills might come up for consideration before the printing of same, therefore, be it,

Resolved, That no bills shall receive consideration by this house before said bills are printed and on our desks twenty-four hours.

Mr. Phelan moved

As an amendment to the resolution that a committee of three be appointed to investigate and see what could be done to facilitate the printing of copies of bills.

The question being on the amendment the motion prevailed and the resolution was so amended.

Mr. Buttz moved

That the resolution be laid on the table.

Which motion was lost.

The question being on the original resolution as amended.

The motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Dickinson introduced

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Which was read the first and second times and

Referred to the committee on banks and banking.

Mr. Adams introduced

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Kyle introduced

House Bill No. 116,

A bill for an act providing for penalty for entering in or upon fenced or cultivated lands.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Lillie introduced

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Purdon, by request, introduced

House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

Referred to the committee on military affairs.

Which was read the first and second times and

Mr. Martin introduced

House Bill No. 119,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

Which was read the first and second times and

Referred to the committee on education.

Mr. Martin introduced

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Which was read the first and second times and

Referred to the committee on judiciary..

Mr. Purdon introduced

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

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

Mr. Treat introduced
House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 60,

A bill for an act to amend sections 3605, 3617, 5519 and 6391 of the 1899 revised codes of North Dakota, and section 5518 of the 1899 revised codes of North Dakota as amended by chapter 76 of the 1901 session laws of the state of North Dakota, all of which relate to the exemption of homestead and personal property of the head of the family and also relating to exemption of heirs of deceased persons.

Was read the third time.

Mr. Piercy moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 73, nays none, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Clendening
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow

Messrs.—

Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Lyon
Martin
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palmer
Peterson
Phelan

Messrs.—

Piper
Purdon
Rice
Rogers
Rue
Scheer
Schlenker
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Underwood
Walter
White
Mr. Speaker

Absent and not voting:

Messrs.—

Belden
Blank
Casey
Chevalier
Cooper of Sargent
Dahl
Gilbert
Goulet
Hemmingson

Messrs.—

Juzeler
McClure
McCrea
Meiklejohn
Nelson
Palfrey
Richmond
Robillard
Rose

Messrs.—

Ryan
Sheils
Simpson
Treat
Truemner
Vernon
Watson
Weigel
Welo

Messrs. Blank, Cooper of Sargent, Dahl, Goulet, Hemmingson, Meiklejohn, Richmond, Robillard, Shiels, Truemner and Weigel being excused.

So the bill passed and the title was agreed to.

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 67, nays none, absent and not voting 33.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Piper
Allen	Hardt	Purdon
Arnold	Heglie	Rice
Baeverstad	Jennings	Rogers
Blake	Johnson of Richland	Scheer
Braaten	Johnson of Ward	Schlenker
Briden	Kyle	Sowle
Brown	Lyons	Spangberg
Burgum	Martin	Stevens of Burleigh
Burtness	McKechnie	Streeter
Buttz	McLain	Sunderland
Clendening	Meidinger	Sweet
Cooper of Stutsman	Midgarden	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Thoreson
Duncan	Nicholson	Tofsrud
Eggen	Oveson	Treat
Ellison	Ovind	Underwood
Flados	Palfrey	Walter
Fried	Palmer	White
Ganssle	Peterson	Mr. Speaker
Gibbens	Phelan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	Lemieux	Ryan
Blank	Lillie	Shiels
Casey	McCrea	Simpson
Chapman	McClure	Stavens
Chevalier	Meiklejohn	Stevens of Dickey
Cooper of Sargent	Mitchell	Truemner
Dahl	Nelson	Vernon
Gilbert	Richmond	Watson
Goulet	Robillard	Weigel
Hemmingson	Rose	Welo
Juzeler	Rue	

Messrs. Blank, Dahl, Goulet, Hemmingson, Juzeler, Meiklejohn, Richmond, Robillard, Shiels, Truemner and Weigel being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh asked for the unanimous consent to suspend the rules and to proceed to the thirteenth order of business.

There being no objection the house proceeded to the first and second reading of senate bills.

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the

capitol building of the state of North Dakota, and the erection of an executive mansion; and for that purpose creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the insurance of interest-bearing certificates against said fund.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 13,

A bill for an act to amend section 5653 of the revised codes of North Dakota for the year 1899 relating to witnesses and evidence.

Was read the first and second times and

Referred to the committee on judiciary.

The house returned to the eleventh order of business.

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Was read the third time.

Mr. Stevens of Burleigh asked for unanimous consent to amend House Bill No. 61 by inserting after the enacting clause the following:

Section 1. Section 2097 of the political code of 1899 is hereby amended to read as follows:

The question being upon the final passage of the bill.

The roll was called and there were ayes 68, nays none, absent and not voting 32.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Purdon
Allen	Hardt	Rice
Arnold	Heglie	Rogers
Baeverstad	Jennings	Rose
Blake	Johnson of Richland	Rue
Braaten	Johnson of Ward	Scheer
Brown	Kyle	Schlenker
Burgum	Lillie	Sowle
Burtness	Martin	Spangberg
Buttz	McKechnie	Stevens of Burleigh
Chapman	McLain	Streeter
Clendening	Meidinger	Sunderland
Cooper of Stutsman	Midgarden	Sweet
Dahlen	Mooney	Swendseid
Davis	Moore	Tallackson
Dickinson	Morgan	Thompson
Duncan	Nicholson	Thoreson

Messrs.—

Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Oveson
Ovind
Palmer
Peterson
Phelan
Piper

Messrs.—

Tofsrud
Treat
Walter
White
Mr. Speaker

Absent and not voting:

Messrs.—

Belden
Blank
Briden
Casey
Chevalier
Cooper of Sargent
Dahl
Gilbert
Goulet
Hemmingson
Juzeler

Messrs.—

Lemieux
Lyons
McCrea
McClure
Meiklejohn
Mitchell
Nelson
Palfrey
Richmond
Robillard
Ryan

Messrs.—

Sheils
Simpson
Stavens
Stevens of Dickey
Truemner
Underwood
Vernon
Watson
Weigel
Welo

Messrs. Blank, Dahl, Goulet, Hemmingson, Juzeler, Meiklejohn, Richmond, Robillard, Shiels, Truemner and Weigel being excused.

So the bill passed and the title was agreed to.

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 73, nays none, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Burgum
Burtness
Buttz
Casey
Chapman
Clendening
Cooper of Stutsman

Messrs.—

Gibbens
Glasgow
Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lillie
Lyons
Martin
McKechie
McLain
Meidinger
Midgarden

Messrs.—

Peterson
Phelan
Piper
Purdon
Rice
Rogers
Rue
Scheer
Schlenker
Sowle
Spangberg
Stavens
Streeter
Sunderland
Sweet

Messrs.—

Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle

Messrs.—

Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer

Messrs.—

Swendseid
Tallackson
Thoreson
Tofsrud
Treat
Underwood
Walter
White
Mr. Speaker

Absent and not voting:

Messrs.—

Blank
Brown
Chevalier
Cooper of Sargent
Dahl
Gilbert
Goulet
Hemmingson
Juzeler
Lemieux

Messrs.—

McClure
McCrea
Meiklejohn
Nelson
Richmond
Robillard
Rose
Ryan
Sheils

Messrs.—

Simpson
Stevens of Burleigh
Stevens of Dickey
Thompson
Truemner
Vernon
Watson
Weigel
Welo

Messrs. Blank, Cooper of Sargent, Dahl, Goulet, Hemmingson, Meiklejohn, Richmond, Robillard, Sheils, Truemner and Weigel being excused.

So the bill passed and the title was agreed to.

The speaker in the chair.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 26, 1905.

I have the honor to transmit herewith

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and the transfer thereof.

Also,

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Also,

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualifications of the members thereof.

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

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

Also,

I have the honor to inform you that the senate has concurred in the following house concurrent resolution:

CONCURRENT RESOLUTION.

Whereas, The navigable rivers are the heritage of all the people of our commonwealth, and

Whereas, It is necessary in order to carry out the provisions of the national irrigation act, for irrigation in the state of North Dakota, to take water from the Missouri river, and its tributaries for irrigation purposes, and

Whereas, The navigation laws of the United States may in some manner conflict with the appropriation and diversion of these water for the purpose of irrigation, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri river, and its tributaries to be taken therefrom for irrigation purposes, under such rules and regulations as may be prescribed by the reclamation service of the United States, while continuing to preserve and improve our navigable rivers for the purposes of navigation; further, be it,

Resolved, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone river below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our state.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The speaker administered the oath of office to Messrs. Ralph Brown, and William Pollock, as pages.

Mr. Nicholson moved

Mr. Nicholson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

TWENTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

January 30, 1905.

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

The speaker presiding.

Prayer by Rev. Magin of Burleigh county.

Roll call.

All members present except Messrs. Cooper, of Sargent, Dahl, Ganssle, Hemmingsen, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan, Spangberg, Stevens of Dickey, Vernon, Weigel, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 14, line 23, change name "Miss O. Ellgen" to "Miss Fani C. Oeltjen."

Also,

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

Page 1, line 12, after name "Weigel" insert "who were excused."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.
The speaker called Mr. Gilbert to the chair.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The speaker laid the following communication before the house:

Tower City, N. D., Jan. 28, 1905.

Hon. Speaker, House of Representatives, Bismarck, N. D.

My dear sir: Herewith I hand you copies of resolutions adopted at our annual meeting of the Retail Merchants' Association, and I sincerely hope that the same may be given the due consideration of the honorable body over which you preside. Thanking you in advance, I am,

Yours truly,

W. W. KING,
Secretary.

Also the following:

Tower City, N. D., Jan. 25th, 1905.

The following resolutions were adopted at the Annual Convention of the Retail Merchants Association of North Dakota:

BULK SALE OF GOODS.

Resolved, That this association is in favor of the passage by the state legislature now assembled, of a law regulating the sale of stocks of goods in bulk similar in form and substance to the law on that subject now in force in the state of Minnesota.

INSURANCE.

Resolved, That this association approve the bill introduced by Hon. Geo. M. Young having reference to mutual life insurance companies.

PURE FOODS.

Resolved, That this association heartily endorse the pure food bill now before the state legislature, introduced by Hon. L. B. Hanna, and recommend its adoption, and ask that the appropriation for the enforcement of same be made, and, be it further,

Resolved, That we consider the house bill No. 20, if adopted, would be an injustice to the people of the state and should be condemned, and ask our senators and representatives to vote it down.

Resolved, That this association ask the passage of our legislature of the bill now under consideration for an appropriation of \$1,500.00 to defend Prof. Ladd in suits brought against him by certain manufacturers in connection with the enforcement of the pure food law.

WEIGHTS AND MEASURES.

Resolved, That this association favor the repeal of the present law providing for inspection of weights and measures by sheriffs, or an amendment thereto providing for the payment of fees for such inspection from the general fund of the respective counties.

W. W. KING,
Secretary Retail Merchants Association of North Dakota.

Treasury Department,
Washington, January 23, 1905.

The Speaker of the House of Representatives,
Bismarck, North Dakota.

Sir: I am in receipt of a concurrent resolution introduced and passed in the North Dakota legislature relative to the application of certain millers for a drawback on wheat produced in part from Canadian and in part from American wheat.

Section 15 of the Dingley tariff act relates to manufactures in bond. Material used in bonded factories pays no duty whatever, and the question of drawback does not apply. Section 30 of the Dingley tariff act unequivocally permits a drawback on the exportation of articles produced wholly from imported material. This, of course, applies to flour as well as to other manufactures.

Thus far there is no conflict of opinion. The only ambiguity is in reference to a drawback on the exportation of articles produced in part from domestic material when the amount of imported material does not so appear to the eye in the completed article that the quantity or measure thereof can be ascertained. You will see that it is important to understand the issue involved in order to understand either the argument in support of the request or the effect of granting the same.

It is conceded, of course, that the amount of imported wheat used in the manufacture of a barrel of flour does not appear to the eye. In an analogous case Attorney-General Olney held that the amount or quantity of imported material used must appear to the eye in the completed article to entitle it to a drawback. This opinion was overruled, however, by Attorney-General Griggs, who, in an analogous case, held that if the amount of imported material was ascertainable in any other way than by the exercise of the sense of sight, the drawback could be allowed. In his opinion the requirement was met if the amount of imported material used was made to appear to the knowledge and understanding of the person charged with the responsibility of deciding.

This opinion, I repeat, overruled the opinion of Attorney-General Olney, and is as binding upon the secretary of the treasury as though the Olney opinion had never been rendered. It does not leave the secretary of the treasury in the position of having two opinions with a discretion as to which one he shall follow.

But, antagonistic opinion having been rendered, and there being some opposition to the request, I have taken occasion again to submit the question to the attorney-general. I doubt not your body will approve this course. The treasury department, in the execution of the laws, is controlled by the opinion of the attorney-general, and his opinion is the department's court of last resort.

Having explained what has been done I would be authorized to dismiss the subject, but I notice in the resolution the expressed opinion that "the granting of the application will practically nullify paragraph 234 of the Dingley law." Evidently Mr. Dingley was not of this opinion, for the two provisions are in the same bill. But if you are correct, and if section 30 nullifies any portion of the act of which it is a part, then the remedy is with the congress and not with the administrative branch of the government.

The provisions of law under consideration first appear in the McKinley tariff act of 1890. In his speech explaining what was intended, after referring to the right of drawback previously granted on articles produced wholly of foreign material, Mr. McKinley uses this language:

"We have extended this provision and in every way possible liberalized it so that the domestic and foreign product can be combined and still allow the exporter ninety-nine per cent upon the duty he pays upon

his foreign material intended for export, which is in effect what free traders and our political opponents are clamoring for, namely, free raw material for the foreign trade."

During the speech, Mr. Springer interrupted: "Will the gentleman permit me to ask if that applies also to wool?" To this Mr. McKinley answered, "Yes, it applies to anything they choose to import for purposes of manufacture."

It therefore occurs to me that possibly you may have slightly misunderstood the intent of the Dingley tariff act and the preceding McKinley tariff act. Tariff schedules were enacted for the purpose of protecting the American producer within the American market, and sections 15 and 30 of the same law were enacted to aid the American producer in his efforts to successfully compete in foreign markets. You will readily understand that congress could not protect the American producer in foreign markets, however it might try. Taking this view of the case, you will recognize that the two provisions—protection for the encouragement of American producers for the American market, and drawbacks for the encouragement of American exporters—are consistent.

If I understand the Dingley law correctly it in effect says to the American producer, artisan, and farmer, you shall have protection within the American market. Whoever invades the American market must pay duty upon the articles with which he makes invasion. But the same law says to the American exporter, if you will employ American labor, pay American wages, you shall have every possible advantage in your effort to reach foreign markets. You shall have free iron, free lead, free wool, free hides, free wheat, free everything except labor. There must be neither contract labor nor coolie labor employed even in the manufacture of goods for export. American wages must be paid so that the American laborer shall be able to put a roof over his family, unpatched clothes upon his children, and have meat upon his table at least once each day. If I am correct, the Dingley law is consistent with itself, and does no violence to the principle of protection to and the encouragement of American industries.

From what I have already said it will appear that the real issue involved is quite unimportant. The American manufacturer of flour has the unquestioned right to grind imported wheat in bond, export his product, and pay no duty. He also has the unquestioned right to grind Canadian wheat out of bond, and, if he export all his product, get a drawback equal to ninety-nine per cent of the duty he has paid. He also has the unquestioned right to export a portion of his product, and get a proportionate share of the ninety-nine per cent of the duty he has paid, based upon the relative market value of the portion exported and the portion entering the American market for consumption. This has been passed upon and approved by the supreme court of the United States.

Worked out in an actual example we have this proposition: The American miller can import, say, four bushels of wheat, paying one dollar duty thereon, and when he exports a barrel of flour, the product of this wheat, get in drawback such portion of ninety-nine cents as the market value of the barrel of flour bears to the market value of the entire product of the imported wheat. The question submitted to the attorney-general is whether the American miller can import two bushels of Canadian wheat, paying fifty cents in duty, blend this with two bushels of American wheat, export a barrel of flour, and recover any portion of the duty he has paid. It has from the beginning seemed a little strange to me that there should be so much objection to the consumption of a moiety of American wheat.

Believing the question has not been fairly presented to your body, I have taken the liberty of replying somewhat in detail to your very cour-

teous resolution. I have carefully avoided the legal questions involved. My aim has been rather to invite careful investigation of all phases of the question than to support a conclusion.

Yours very truly,

L. M. SHAW.

Mr. Davis moved

That the communication be referred to a special committee of three,

Which motion prevailed, and

The speaker appointed as such committee, Messrs. Davis, Phelan, and Johnson of Richmond.

REPORT OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and

prescribing punishment for the violation of the provisions hereof.

Also,

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Also,

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Also,

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

Mr. Brown moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Sweet moved

That House Bill No. 6 be referred to the committee on military affairs.

Which motion prevailed and

The bill was so referred.

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

Resolved, That there be printed a sufficient number of extra copies of the permanent edition of the house and senate journals to be distributed by the secretary of state to the newspapers published in the state when they shall request the same.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, In furtherance of the action of this body on January 18, 1905, that the recommendations regarding the proceedings of the irrigation congress be adopted and that the resolutions passed by that body be printed in the journal and referred to the committee on irrigation for such further action as may seem proper.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That in the judgment of the house it is deemed necessary for the proper transaction of its business that one additional janitor be appointed, therefore the speaker is hereby authorized and directed to appoint A. Olson additional janitor and to be assigned to the committee on judiciary whose room is also used by the committee on state affairs and several other committees.

Mr. Davis moved

That the consideration of the resolution be made a special order for tomorrow at 4 o'clock p. m.

Which motion was lost.

The roll was called and there were: Ayes, 29; nays, 47; absent and not voting, 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Rogers
Baeverstad	Jennings	Stevens of Burleigh
Belden	Johnson of Ward	Sunderland
Briden	Lillie	Tallackson
Burtness	McClure	Thoreson
Casey	McKechnie	Treat
Chapman	McLain	Truemner
Chevalier	Mitchell	Underwood
Clendening	Mooney	Walter
Dickinson	Phelan	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Glasgow	Purdon
Arnold	Hardt	Rice
Blake	Heglie	Rue
Blank	Johnson of Richland	Scheer
Braaten	Kyle	Sheils
Brown	Lemieux	Simpson
Buttz	Lyon	Sowle
Cooper of Stutsman	Meidinger	Stavens
Dahlen	Midgarden	Streeter
Davis	Moore	Sweet

Messrs.—

Duncan
 Eggen
 Ellison
 Flados
 Fried
 Gibbens

Messrs.—

Morgan
 Nicholson
 Oveson
 Ovind
 Palfrey
 Palmer

Messrs.—

Swendseid
 Thompson
 Watson
 Welo
 White

Absent and not voting:

Messrs.—

Burgum
 Goulet
 Juzeler
 McCrea

Messrs.—

Peterson
 Piper
 Rose

Messrs.—

Schlenker
 Tofsrud
 Mr. Speaker

Messrs. Cooper, of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Wilson, Richmond, Robillard, Ryan, Spanberg, Stevens of Dickey, Vernon, Weigel, being excused.

So the resolution was lost.

Mr. Casey explained his vote.

Mr. Streeter explained his vote.

Mr. Buttz gave notice that he would make a motion tomorrow at 3 o'clock p. m., to reconsider the vote by which the resolution was lost.

Mr. Stevens of Burleigh, moved

That the house take a recess of 30 minutes for the purpose of listening to an address of Prof. Ladd, of Fargo, on pure food.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That a committee of three be appointed to escort Prof. Ladd to the speakers desk.

Which motion prevailed.

The speaker pro tem appointed as such committee: Messrs. Stevens of Burleigh, Sweet, and Mooney.

The house took a recess for 30 minutes.

AFTER RECESS.

The house reassembled.

UNFINISHED BUSINESS.

The speaker pro tem appointed as committee to investigate delay in printing of bills: Messrs. Stevens, of Dickey, Sheils, Hardt.

Mr. Davis moved

That further consideration of House Bill No. 56 be indefinitely postponed.

Mr. White moved

As a substitute motion that the bill be referred back to the judiciary committee.

The question being on the substitute motion,

The motion prevailed and the bill was so referred.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

The speaker in the chair.

Mr. Sheils introduced

House Bill No. 123,

A bill for an act to amend section 6207 of the revised codes of North Dakota for 1899, relating to the service of citations and other papers in probate cases by publication.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Chapman introduced

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Stevens, of Dickey, introduced

House Bill No. 125,

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Dahlen (by request) introduced

House Bill No. 126,

A bill for an act to amend section 2724 of chapter 4 of the revised codes of 1899, relating to marriages.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Clendening (by request) introduced

House Bill No. 127,

A bill for an act to prohibit the probate judge of any county, his clerk, or anyone employed in his office from being employed as solicitor, attorney or counselor in any testamentary matters coming before such judge, and fixing

the court to hear such matters in case of such probate judge being unable to act.

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

THIRD READING OF HOUSE BILLS.

Mr. Arnold asked for the unanimous consent to amend
House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

There being no objection, Mr. Arnold moved

That the bill be amended by inserting as section 2,

Sec. 2 This action shall not apply to fees received by judge of probate performing the marriage ceremony, nor to clerks of courts in counties having increased jurisdiction.

Mr. Underwood moved

That House Bill No. 75 be referred back to the committee on state affairs for further consideration.

Which motion prevailed, and

And the bill was so referred.

Mr. Morgan moved

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Be referred back to committee on state affairs.

Which motion prevailed, and the bill was so referred.

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Was read the third time.

Mr. Davis asked unanimous consent to amend House Bill No. 30.

There being no objection, Mr. Davis moved

That on line 15 after the word "deeds," there be inserted

“county auditor, treasurer and superintendent of schools, clerk of the supreme, district, and county court, and county judges.”

Mr. Stevens, of Burleigh, moved
That the amendment be adopted
Which motion prevailed, and
The bill was so amended.

The question being on the final passage of the bill as amended.

The roll was called and there were: Ayes, 79; nays, 0; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Rogers
Allen	Heglie	Rose
Arnold	Jennings	Rue
Blake	Johnson of Richland	Scheer
Blank	Johnson of Ward	Schlenker
Braaten	Juzeler	Sheils
Brown	Kyle	Simpson
Burgum	Lemieux	Sowle
Burtness	Lillie	Stevens
Buttz	Lyon	Stevens of Burleigh
Casey	McClure	Streeter
Chapman	McLain	Sunderland
Chevalier	Meldinger	Sweet
Clendening	Midgarden	Swandseid
Cooper of Stutsman	Mooney	Tallackson
Dahlen	Moore	Thompson
Davis	Morgan	Thoreson
Dickinson	Nicholson	Tofsrud
Duncan	Oveson	Treat
Eggen	Ovind	Truemner
Ellison	Palmer	Underwood
Flados	Peterson	Walter
Fried	Phelan	Watson
Gibbens	Piper	White
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	Martin	Richmond
Baeverstad	McCrea	Robillard
Briden	McKechnie	Ryan
Cooper of Sargent	Meiklejohn	Spangberg
Dahl	Mitchell	Stevens of Dickey
Ganssle	Nelson	Vernon
Hemmingson	Palfrey	Weigel

Messrs. Cooper of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan,

Spangberg, Stevens of Dickey, Vernon and Weigel being excused.

So the bill passed and the title was agreed to.

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

Was read the third time.

Mr. Piper asked unanimous consent to amend House Bill No. 45.

There being no objection Mr. Piper moved

That the bill be amended by adding to section 1 the following:

"In all other cases he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not more than one year or by both such fine and imprisonment."

Mr. Davis moved

That the amendment be adopted.

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill as amended.

The roll was called and there were: Ayes, 80; nays, 0; absent and not voting, 20.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman

Messrs.—

Glasgow
Goulet
Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyons
McClure
McKechnie

Messrs.—

Piper
Purdon
Rice
Rogers
Rose
Rue
Shells
Simpson
Sowle
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet

Messrs.—

Chevalier
Clendenning
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Gibbens
Gilbert

Messrs.—

McLain
Meidinger
Midgarden
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Swenaseid
Tallackson
Thompson
Thoreson
Treat
Truemner
Underwood
Walter
Watson
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Cooper of Sargent
Dahl
Ganssle
Hemmingson
Martin
McCrea

Messrs.—

Meiklejohn
Mitchell
Nelson
Richmond
Robillard
Ryan
Scheer

Messrs.—

Schlenker
Spangberg
Stevens of Dickey
Tofsrud
Vernon
Weigel

Messrs. Cooper of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan, Spangberg, Stevens of Dickey, Vernon and Weigel being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That consideration of

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Be made a special order for Tuesday afternoon.

Which motion prevailed.

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 77, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rice
Allen	Hardt	Rogers
Arnold	Heglie	Rose
Blake	Jennings	Rue
Blank	Johnson of Richland	Sheils
Braaten	Johnson of Ward	Simpson
Briden	Juzeler	Sowle
Brown	Kyle	Stavens
Burgum	Lemieux	Stevens of Burleigh
Burtness	Lillie	Streeter
Buttz	Lyon	Sunderland
Casey	McClure	Sweet
Chapman	McKechnie	Swendseid
Chevalier	McLain	Tallackson
Clendenning	Meidinger	Thompson
Cooper of Stutsman	Midgarden	Thoreson
Dahlen	Mitchell	Tofsrud
Davis	Mooney	Treat
Dickinson	Moore	Truemner
Duncan	Morgan	Underwood
Ellison	Nicholson	Walter
Flados	Ovind	Watson
Fried	Palmer	Welo
Gibbens	Peterson	White
Gilbert	Phelan	Mr. Speaker
Glasgow	Purdon	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	McCrea	Ryan
Belden	Meiklejohn	Scheer
Cooper of Sargent	Nelson	Schlenker
Dahl	Oveson	Spangberg
Eggen	Palfrey	Stevens of Dickey
Ganssle	Piper	Vernon
Hemmingson	Richmond	Weigel
Martin	Robillard	

Messrs. Cooper of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan, Spangberg, Stevens of Dickey, Vernon and Weigel being excused.

So the bill passed and the title was agreed to.

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 77, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Goulet	Phelan
Arnold	Hardt	Piper
Belden	Heglie	Purdon
Blake	Jennings	Rice
Blank	Johnson of Richland	Rogers
Braaten	Johnson of Ward	Scheer
Briden	Juzeler	Sheils
Burgum	Kyle	Simpson
Burtness	Lemieux	Sowle
Buttz	Lillie	Stavens
Casey	Lyon	Streeter
Chapman	McClure	Sunderland
Chevalier	McKechnie	Sweet
Clendenen	McLain	Swendseid
Cooper of Stutsman	Meidinger	Tallackson
Dahlen	Midgarden	Thompson
Davis	Mitchell	Thoreson
Dickinson	Mooney	Tofsrud
Duncan	Moore	Truemner
Eggen	Morgan	Underwood
Ellison	Nicholson	Walter
Flados	Oveson	Watson
Fried	Ovind	Welc
Gibbens	Palfrey	White
Gilbert	Palmer	Mr. Speaker
Glasgow	Peterson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	McCrea	Schlenker
Baeverstad	Meiklejohn	Spangberg
Brown	Nelson	Stevens of Burleigh
Cooper of Sargent	Richmond	Stevens of Dickey
Dahl	Robillard	Treat
Ganssle	Rose	Vernon
Hemmingson	Rue	Weigel
Martin	Ryan	

Messrs. Cooper of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan, Spangberg, Stevens of Dickey, Vernon, Weigel, being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 30, 1905.

Mr. Speaker:

I have the honor to transmit therewith

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised

codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

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

Very respectfully,
L. M. McGLASHAN,
Secretary.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899 relating to the issuance of certificates of stock of corporations and the transfer thereof.

Was read the first and second time, and

Referred to the committee on judiciary.

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Was read the first and second time, and

Referred to the committee on state affairs.

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Was read the first and second time, and

Referred to the committee on judiciary.

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Was read the first and second times, and

Referred to the committee on military affairs.

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, re-

vised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

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

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

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

GENERAL ORDERS.

Mr. Davis moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into the committee of the whole.
The speaker called Mr. Johnson of Ward to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred
House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

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

Line one of section 1, the word "noxious" be stricken out of the amended bill, and that section two of the original bill be re-inserted.

And when so amended recommend that the same do pass.

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

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

Also,

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, entitled an act to

provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

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

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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

Also,

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Have had the same under consideration and recommend that the same be referred back to the committee on taxes and tax laws.

C. A. JOHNSON,
Chairman.

The speaker in the chair.

The courtesies of the floor were extended to Mr. F. W. Push of Jamestown.

Mr. Dickinson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 31, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Dahl, Glasgow, Hemmingson, Meiklejohn, Richmond, Robillard and Schlenker, who were excused.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
January 31, 1905.

To the House of Representatives:

Gentlemen:—I have the honor to transmit herewith estimate of the board of trustees of public property of the expenses necessary for keeping and maintaining the capitol building, executive mansion and public grounds for the ensuing two years.

I have the honor to be, very respectfully,

E. Y. SARLES,

Governor.

To the Senate and House of Representatives:

In compliance with the provisions of section 155, revised codes, we beg leave to submit the following:

We estimate the appropriation necessary to defray the expenses of keeping the capitol building, executive mansion and public grounds in repair, and for fuel and other incidental expenses for keeping and maintaining the state offices for the ensuing two years to be forty-eight thousand dollars (\$48,000).

E. Y. SARLES,
E. F. PORTER,
H. L. HOLMES,

Board of Trustees of Public Property.

Mr. Stevens of Burleigh moved

That the communication be referred to the committee on appropriations.

Which motion prevailed.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 5 next to last line change name "Alfred Ellsworth" to "Myren Stensland"

And when so amended recommend that the same be approved.

Also,

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

Page 6 strike out all of lines 30, 31, 32, 33 and 34.

Page 7 insert after line 6 "Which motion prevailed and the resolution was adopted."

After line 13 insert "Which motion prevailed and the resolution was adopted."

Page 8 after line 16 insert "So the resolution was lost."

Line 19 same page change name "Butler" to "Buttz."

Line 22 same page after name "Stevens" insert words "of Burleigh."

Line 27 same page insert after name "Stevens" the words "of Burleigh."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

REPORTS OF STANDING COMMITTEES.

The committee on military affairs made the following report:

Mr. Speaker:

Your committee on military affairs to whom was referred Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

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

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servic medals to officers and enlisted men in the national guard of the State of North Dakota.

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

Following the last word of the last line of the act insert the following: "the same to be paid out on the order of the commander in chief, who shall file vouchers with the state auditor."

And when so amended recommend that the same do pass.

WM. R. PURDON,

Chairman.

Mr. Purdon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

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

Strike out all in lines 15 and 16 on page 2 commencing with the word "supervisor" in line 15 and insert the following: "board of supervisors at their

first regular meeting shall elect one of their members as chairman to serve for the period of one year."

And when so amended recommend that the same do pass.

C. W. BUTTZ,

Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 101,

A bill for an act to define "vagrant," and prescribe the punishment for vagrancy, and to repeal chapter 206 of the laws of 1903, defining vagrancy.

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

GEO. W. H. DAVIS,

Acting Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following minority report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

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

Also,

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer,

and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or

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

In line 11 section 1 of printed bill, insert after the word "fund" the following: "Provided, that the provision of this act shall not apply to present term of officers named therein."

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Acting Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock industry made the following report:

Mr. Speaker:

Your committee on live stock industry to whom was referred

House Bill No. 63,

A bill for an act to repeal section 1549 of the compiled laws of 1899, relating to stock running at large.

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

J. E. PHELAN,
Chairman.

Mr. Phelan moved

That the report be adopted,

Which motion prevailed, and

Further consideration of the bill was indefinitely postponed.

The committee on live stock industry made the following report:

Mr. Speaker:

Your committee on live stock industry to whom was referred

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session

laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

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

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

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

J. E. PHELAN,

Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

And find the same correctly re-engrossed.

C. V. BROWN,

Chairman.

The committee on forestry made the following report:

Mr. Speaker:

Your committee on forestry to whom was referred

House Bill No. 22,

A bill for an act to promote forest tree culture.

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

That in line 2 of page 1, the words "has heretofore or" be stricken out.

Line 7, page 1, after the word "deducted" insert the word "annually."

In line eleven, strike out the words "any longer than" and insert in their place the word "unless."

Insert after last word in section 2, "Provided, however, that no bounty shall be paid or deduction allowed under the provisions of this act for a longer period than five (5) years, upon any one tract or row of trees."

And when so amended recommend the same do pass.

G. L. LILLIE,

Chairman.

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

MOTIONS AND RESOLUTIONS.

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

Whereas: It has become apparent that many of the employes of this house are negligent in attending to their duties, therefor be it

Resolved, That all pages, cloak room attendants, janitors and bill clerks of this house shall report to the sergeant of arms of this house for duty at 9 o'clock a. m. and 1:50 p. m., said employes to be assigned by him to various duties as he deems necessary.

Which motion prevailed, and
The resolution was adopted.

IRRIGATION CONGRESS.

The following resolutions adopted by the Irrigation Congress were ordered printed in the journal by resolution of January 30th:

RESOLUTIONS.

The committee on resolutions reported as follows, which report was adopted.

Your committee on resolutions is pleased to know the growing interest manifested by the people of the state in the subject of irrigation.

The investigations of Prof. E. F. Chandler, as Acting State Engineer, have disclosed many small irrigation enterprises which can be successfully developed by private enterprise, and some of these have already been undertaken. In consequence of this we feel that the money expended for this work has been worth to the state a hundred times its cost, and we recommend the creation of the office of state engineer, and that this official take charge of drainage problems as well as irrigation investigation.

We further recommend the adoption of the Irrigation Code introduced in the senate by Col. C. B. Little, after the necessary amendments have been made to make it conform to the provisions of the state constitution, and still keep it in accord with the provisions of the National Irrigation Act, under which all aid from the national government must come.

We request the Legislative Assembly to make such provisions as will enable the State Board of University and School Lands to subscribe for and take stock in Waters Users associations, organized in conformity with the National Irrigation Act, approved June 17, 1902, for all state lands tributary to any reclamation service irrigation project, guaranteeing by trust deed to offer and consummate sale of all such state lands "not sold prior to the time of public notice by the Secretary of the Interior of Lands Irrigable under a project and charged thereunder" at a minimum price as fixed by the state constitution, and disposing of the same as required by the National Irrigation Act, and in farm units as classified by the Secretary of the Interior, the purchasers to pay the assessments made to cover the placing of water thereon.

We call attention to the drainage situation in the eastern part of the state where action is necessary for better surface drainage, the building of dams and reservoirs to prevent the overflow of streams and ask the legislature to request the Agricultural department at Washington to make a complete survey of that portion of the state at the earliest possible opportunity that relief may be had for the farmer in consequence of a lack of drainage and overflow of streams.

The agricultural prosperity of North Dakota will be aided and increased settlement made possible by the extension of irrigation by the individual farmer through the construction of pumping plants, small reservoirs and the conservation of moisture through scientific methods of cultivating the soil, and by sub-soil and surface drainage; we therefore favor experiments and investigations by the office of experimental stations and other agencies to determine the possibilities of the state, and the methods best suited to the state, soil and climate.

While urging our delegation from this state in Congress to preserve our streams for navigation purposes, we hereby specially request them to ask for such actions by the government as may be necessary so that water can be appropriated and diverted from inter-state and international streams, whether navigable or not, so that water can be secured therefrom for irrigation purposes.

The Legislative Assembly is hereby requested to encourage the organization of water users associations by making the fees for filing Articles of Incorporation and issuing the necessary certificate a small minimum one of five dollars, simply to cover the necessary expenses of the state. Further that an act be passed, authorizing the Register of Deeds of counties to accept from water users associations organized in conformity with the requirements of the United States under the Reclamation Act, books containing printed copies of their Articles of Incorporation and forms of subscription to stock, and to use said books for recording the stock subscriptions of said corporations; and the charges for recording thereof shall be made on the basis of the number of words actually written therein.

We feel that the supply of native coal is a safeguard to our people as well as a source of greatly increased wealth, and we ask the Legislative Assembly to take such steps as their judgment may suggest to properly conserve and keep these deposits so the people can obtain the same at reasonable prices for irrigation purposes as well as other uses, by reserving the full rights when disposing of the lands, and making such restrictions on the leasing of the coal mining rights on public lands as will prevent the fuel supply from falling into the hands of any monopoly.

This congress appreciates the efforts of the reclamation service and the Agricultural department to educate the citizens of this state on irrigation questions, and in its determination to find feasible irrigation projects in North Dakota which can be undertaken in accord with the provisions of the National Reclamation Act. We especially thank the gentlemen representing these branches of the government for their presence here and their very entertaining and instructive addresses, which vote of hearty thanks also extends to the gentlemen from Minnesota and Montana who have so kindly come here and so effectively described improved agricultural methods and the results of irrigation in our sister states to the west.

We feel that the present session of this congress will in the future be considered as opening a new era in agricultural prosperity in this great state of North Dakota, and ask the legislature now in session to take every possible step to continue this important campaign of education in regard to irrigation and its benefits.

We therefore recommend to the legislature that ten thousand copies of the proceedings of this session of the State Irrigation Congress be printed for the use of the Commissioner of Agriculture and Labor, and that five thousand copies be provided for the members of the legislature.

Respectfully submitted,

H. C. PLUMLEY,
A. J. GRONNA,
GEORGE M. YOUNG,
H. G. VOSS,
W. A. M'CLURE,
F. B. CHAPMAN,
R. N. STEVENS,
C. H. SHEILS,
G. L. ROBINSON,

Committee.

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

Whereas, In certain localities in this state, corporations, firms, and individual owners, of large tracts of land, adjoining government land, have fenced their own lands, and also including large tracts of government lands, much to the disadvantage of actual settlers; and

Whereas, It is commonly reported that by connivance of these same parties, by persons who do not live on same, and who turn said land over to the parties fencing it as soon as they prove up on it, thereby evading the intent of the law by depriving actual settlement of same; and

Whereas, The number of special agents now employed by the government to investigate such cases are not large enough to speedily perform the work to be done; therefore be it

Resolved, By the House of Representatives of the state of North Dakota, the Senate concurring, That the senators and representatives in congress from the state of North Dakota, be requested to use all honorable means to obtain an appropriation large enough so that the department of the interior may place ten additional special agents in the field for the purpose of investigating all cases as above mentioned, as the present force is inadequate.

Mr. Hardt moved

That the concurrent resolution be referred to the committee on judiciary.

Which motion prevailed, and

The resolution was so referred.

PURE FOOD.

Mr. Sweet moved

That the address delivered during yesterday's recess by Prof. Ladd be made of record in the house journal.

Which motion prevailed.

Gentlemen of the assembly: It gives me, I assure you, a great deal of gratification that I should be invited at this time to speak to you on the subject of pure foods. I assure you I consider it a high honor to be permitted to speak on this subject at this time, and at the request of those who are interested in the subject of pure food; I am sure that I can make plain some things by speaking to you. I would first tell you about the character of the food sold in North Dakota during the past few years. Two years ago when our law went into force there was hardly a food that was not

adulterated, misbranded or affected in some way; the spurious goods have been largely driven from the market, and high class goods have taken their place. We have tried under the food law in this state to drive out adulterated goods and encourage pure goods, and I want to say that the food law in North Dakota has but three underlying principles. First, let your label tell the truth, the whole truth and nothing but the truth; don't sell Tennessee sorghum made out of glucose coal tar dye and numerous other products, and second, our food law says: "You shall not use harmful preserves, you shall not use salicylic acid, and those acids generally recognized by the medical fraternity as being injurious; third, you shall not use coal tar dyes as a means of covering up every form of fraud and deception."

Coal tar dye is used by the man who makes strawberry jelly, raspberry jelly preserves, etc., out of starch, paste, glucose and apples for the purpose of making it appear like pure strawberry jelly, and then together with the use of other chemicals he is able to sell that jelly or preserves under disguise. That the coal tar dyes are harmful is shown from the fact that in Germany during the past year an able experimenter has investigated fifty of these dyes, the experimenting only lasting fourteen days, and were made upon dogs and men. They reported that thirty per cent was poison. Why? Because at the end of fourteen days the dogs were either dead or in such physical shape that they were classed as poisoned. Forty per cent of these dyes were classed as mildly poisonous, then seventy per cent of these dyes are harmful; it is true that many of these dyes are not poisonous, but the dyes may be replaced tomorrow by those that are on the market today that are poisonous. We do not have to go out of the state of North Dakota to find that these dyes are poisonous; we have the statement of a physician at the city of Wimbledon; a child took a small quantity of butter and was taken ill, doctor was present in twenty-five minutes, and yet within thirty-six hours the child died in great agony. You may go back here to Jamestown: one of the leading merchants in that town opened up a pail of candy in the evening and sold a quantity to one of his patrons; the next morning the man came back and asked, "What is the trouble with that candy?" It came near poisoning my child last night." The candy was examined at the college and found that it contained coal tar dye. I hold in my hand a sample of the candy and that brown sample is a coal tar dye. If you eat three or four pieces of that candy it produces a nauseating effect. I have another candy which was sold in Fargo and found to contain a large amount of coal tar dye, which was the only harmful product that we could find; I started to throw out a portion of the product and three of the young ladies working in my laboratory asked to have it. I told them it was not a desirable product, but they said it was the same as they would get down town. Two of them ate very little, while the third ate considerable and became sick, vomiting and headache, which continued until midnight; the result of the dye used in the candy.

Now I want to show you just one of the samples of cloth showing the amount of dye that is used and the character of the dye. Here is a cloth that I colored, a perfectly white cloth, by taking half a pint of cherry cider. What was that product? It was citric acid, colored with coal tar dye, preserved with salicylic acid, sweetened with saccharine, sold as cherry cider.

Again this shows the color taken from a small sample of strawberry preserves, one of the most popular and expensive brands in North Dakota. From less than one-half pint of these preserves we took the color for this cloth. Again, from one pint of strawberry preserves I took the color for this piece of cloth, and yet they tell us there is no need of a law regulating these things, but we have found in North Dakota that there is. Again, here are some samples that will not be seen readily from the different parts of the house, but they show the amount of sodium sulphite which I took from two ounces of hamburger steak. In two ounces of meat right here in the city of Bi-marck we took this amount, and it is said by the German government that this product is positively poisonous and prohibited in that country.

We need a law to be so drawn that it shall prohibit the sale of drugs unless they are labeled, which contain chloral, cocaine, morphine, etc., or any of these compounds.

There seems to be some misunderstanding with regard to House Bill No. 20. As presented this bill is drawn along the lines of the McCumber bill, but after the McCumber bill had been presented there were some amendments made which were not taken into consideration in this bill, making it a bill not as well adapted as the modified Hepburn-McCumber bill. In the next place it should be borne in mind that the Hepburn-McCumber bill has been preceded by two other bills, intended to prepare the way for it. And further money has been appropriated to the secretary of agriculture for making an investigation, and when he says coal tar dye is poison in the McCumber bill you have a basis for work; when he says that sulfurous or salicylic acids, formaldehyde, etc. are poison, you have a basis for work; our proposed law does not prohibit these things. Then there was another law preceding the McCumber law and that is that the government shall prohibit importation into this country goods which are prohibited in the foreign country from which they come. Then, again one objection to the McCumber bill as adapted for this state is that it necessitates a jury trial in every case, and that is a cumbersome method of enforcing the law; it should be before a justice of the peace. In the next place this house bill does not make provision in its present form for any means of inspection. You can go into a store and buy samples, but it gives you no authority to inspect. No food law can be enforced where there is no authority to inspect. This has been found true in other states. Also it seems to me that wherever they have a commission that the law has not been so well enforced as it is in the hands of a commissioner. Why? Because there is a larger body to be brought together and more likelihood of misunderstanding. It should be the duty of one man and one man only. In South Dakota they have a commissioner, in Minnesota they have a commissioner, so I think that feature of the bill is not one that would make it most effective.

Now I want to say that the McCumber bill with its modifications is an excellent bill for regulating interstate commerce, because it has back of it two other bills that have paved the way for it, but do not think it is adapted for use in this state.

There seems to be some misunderstanding with regard to the several bills that have been introduced. I want to take just a few moments time to explain the character of our law, and the bills that have been introduced. The law as it stands now, in my judgment, needs to be strengthened. Why? Because there has sprung up new abuses since our law went into effect. Every package sold in North Dakota ought to show the net weight. I find products supposed to contain 10 pounds actually weigh 8½ pounds. They are selling other goods in packages supposed to weigh one pound and actually weigh 10, 12, 14 or 14½ ounces, and the size is generally the same as the pound packages. Therefore we should have a law that requires the manufacturer to show the net weight; also it should show the name of the true manufacturer. It is unfair to the manufacture of good New York cream cheese for a manufacturer from some other region to manufacture and put up cheese under the name of New York cream cheese. We need another amendment; they should state the quality of goods. At the present time nearly 33 per cent of the canned corn sold in this state contains filling material. A great deal of the corn contains nothing but "slops" which has been thickened with corn flour. That is not right. We need also a drug law that shall prohibit the sale of adulterated drugs, and the U. S. Pharmacopoeia should be the standard. I should prohibit the sale of any drug in the United States used internally or externally for man that contains methyl alcohol. It is a fact that during the past four years not less than 100 persons have been poisoned in New York, poisoned to death from the substitution of methyl alcohol in place of the ordinary alcohol. It is claimed that nine Indians have been poisoned in this state within the past few recent years, and I believe at least two men have been poisoned in this state by drinking that alcohol.

UNFINISHED BUSINESS.

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 90, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendening
Cooper of Stutsman
Cooper of Sargent
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Goulet
Hardt

Messrs.—

Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McClure
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Rogers
Rose
Rue
Ryan
Scheer
Shiels
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Braaten

Messrs.—

White

Messrs.—

Absent and not voting:

Messrs.—

Dahl
Glasgow
Hemmingson

Messrs.—

Meiklejohn
Richmond
Robillard

Messrs.—

Schlenker
Sweet

Messrs. Dahl, Glasgow, Hemmingson, Meiklejohn, Richmond, Robillard and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Sweet asked to be excused from voting,

Which request was granted.

Mr. Buttz moved

That the vote by which House Bill No. 55 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Buttz moved

That the vote by which the resolution appointing A. Olson as janitor was lost be reconsidered and that the reconsideration of same be made a special order for 4 o'clock p. m. tomorrow.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 31, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Also,

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of

Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Also,

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized for civil government, and provide revenue to support the same.

Also,

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Also,

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Also,

Senate Bill No. 43,

A bill for an act regulating the fees to be charged and collected by the register of deeds.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Cooper, of Stutsman, introduced

House Bill No. 128,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, N. D.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Gilbert by request of Undertakers' Association of North Dakota, introduced

House Bill No. 129,

Establishing a state board of embalmers.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Midgarden introduced

House Bill No. 130,

A bill for an act to regulate the use of automobiles and other vehicles propelled by steam, gasoline, electricity or other mechanical motive power on the streets and highways of this state.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Burgum, by request, introduced

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Which was read the first and second times and

Referred to the committee on taxes and tax laws.

Mr. Eggen introduced

House Bill No. 132,

A bill for an act to create the office of state fire marshal; and providing for the appointment of state fire marshal; term; oath, bond; removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purposes of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of ex-

penses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

Which was read the first and second times and

Referred to the committee on insurance.

Mr. Rose introduced

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Rose introduced

House Bill No. 134,

A bill for an act to provide for the selection of candidates for election by popular vote and relating to their nomination.

Which was read the first and second times and

Referred to the committee on privileges and elections.

Mr. Lyon introduced

House Bill No. 135,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof, and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Which was read the first and second times, and

Referred to the committee on elections and privileges.

Mr. Underwood introduced

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

Which was read the first and second times and

Referred to the committee on taxes and tax laws.

Mr. Heglie introduced

House Bill No. 137,

A bill for an act to amend and re-enact sections 2058, 2062, 2074, 2078, and 2081 of the revised codes of 1899, and to repeal section 2069.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Stevens, of Burleigh, introduced
House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

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

Mr. Stevens, of Burleigh, introduced
House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

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

Mr. Palfrey introduced
House Bill No. 140,

A bill for an act to amend section 7900 of the revised codes of North Dakota, for 1899, relating to the taking of bail in criminal actions.

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

Mr. Palfrey introduced
House Bill No. 141,

A bill for an act to amend section 2767 of the revised codes of North Dakota, 1899, relating to the rights and capacities of husband and wife.

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

Mr. Palfrey (by request) introduced
House Bill No. 142,

A bill for an act to amend section 3742 of the revised codes of North Dakota, 1899, relating to succession.

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

Mr. Mitchell introduced
House Bill No. 143,

A bill for an act to amend section 4737 of the revised codes of 1899, relating to the renewal of chattel mortgages, and to provide for the contents of the affidavit of renewal.

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

Mr. Cooper, of Stutsman, introduced

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

Which was read the first and second times and

Referred to the committee on warehouses and grains.

Mr. Stevens, of Dickey, introduced

House Bill No. 145,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on appropriations.

The house proceeded to the thirteenth order of business

FIRST AND SECOND READING OF SENATE BILLS.

The Speaker called Mr. Ryan to the chair

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 8.

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

Was read the first and second times, and

Referred to the committee on municipal corporations.

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Was read the first and second times and

Referred to the committee on state affairs.

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the investment of school funds.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 43,

A bill for an act regulating the fees to be charged and collected by the register of deeds.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Stevens of Burleigh moved

That the house do now adjourn.

The motion prevailed, and

The house adjourned

OTTO SOUGSTAD,
Chief Clerk.

THIRTIETH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 1, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn, Richmond, who were excused.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 1, 1905.

To the Speaker and Members of the House of Representatives:

I have the honor to transmit herewith the report of the commission in charge of the exhibit of the state of North Dakota at the World's Fair, St. Louis, with a financial statement and the report of the executive commissioner, for your consideration.

E. Y. SARLES,
Governor.

Mr. Phalen moved

That the reading of the governor's communication be dispensed with and that it be made of record in the House Journal.

Which motion prevailed.

(Report will appear in Journal of Feb. 4, 1905.)

Mr. Davis presented the following communication:

To the Legislative Assembly, State of North Dakota:

The undersigned residents of Ramsey county, North Dakota, respectfully petition that a law be passed limiting the speed of all vehicles propelled by steam, gasoline, or electricity, and defining the rights of the same upon the public highways of this state, and safeguarding the rights of others in passage over said highways.

W. A. KIMMERLY
and 300 others.

REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Have had the same under consideration and recommend that this bill be reported back to the house with the recommendation that all after the enacting clause be stricken out, and that there be substituted therefor the following:

Section 1. No person, driver or operator in charge of any automobile or motor cycle on any public road, highway or street within the state shall drive, operate, or move or permit to be driven, operated or moved any automobile or motor cycle at a speed faster than 8 miles per hour within any town, village or city within this state, or at a rate faster than 25 miles an hour on any public road or highway outside of any town, village or city.

Sec. 2. Every automobile or motor cycle shall be provided with a bell or horn which when operated outside of a city or village, shall be rung or blown by the driver or operator when approaching from behind a vehicle propelled by animals so as to give timely notice of the approach of said motor vehicle.

Sec. 3. Every automobile or motor cycle using gasoline, steam or any other substance as a motive power shall use the muffler, so-called, when operated, driven or moved upon the streets of any town, village or city within the state, or when meeting or passing animal propelled vehicles on any public road or highway within the state. Every such automobile, or motor cycle shall also be provided with lights, the automobile to carry not less than two lights, in front of such machine, one of which to be on either side and the motor cycle to carry at least one light.

Sec. 4. The driver or operator of any automobile, or motor cycle shall be governed by the usual law of the road by turning to the right in meeting vehicles, teams or persons moving or headed in an opposite direction, and by turning to the left when passing vehicles, teams or persons moving or headed in the same direction.

Sec. 5. The driver or operator in charge of any automobile or motor cycle on any public road or highway outside the limits of any town, village or city within the state, when signalled by the driver of any vehicle propelled by horses, or other animal power shall stop said automobile or motor cycle until the vehicle propelled by such animal power has passed; and if approaching said vehicle from behind, the driver or operator in charge of said automobile or motor cycle shall stop and give the driver of the said animal propelled vehicle a reasonable time for the passage of such automobile.

Sec. 6. Any person, driver or operator of any such automobile or motor cycle who shall violate any provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars, (\$10), and not more than fifty dollars, (\$50), and if default is made in the payment of such fine, such person or persons shall be committed to the county jail until such fine is paid, conditioned, however, that each day's service in jail shall be equal to two dollars, (\$2), of such fine. And the driver or owner of such automobile or motor cycle shall be liable for damages in a civil action to any person who shall have been injured in person or property by reason of such violation of this act.

Also,

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the

capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

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

GEO. W. H. DAVIS,
Acting Chairman.

Mr. Davis moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servic medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the treasury.
January 31, 1905.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,
House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Also,
House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

The committee on military affairs made the following report:

Mr. Speaker:

Your committee on military affairs to whom was referred

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

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

Also,
House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

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

Also,
House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey Co., North Dakota.

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

Also,

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

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

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

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

After the word "state" in line 4 of section 1 of the printed bill insert the following: and the certificate of the surgeon showing such disability.

And when so amended recommend that the same do pass.

WM. R. PURDON,

Chairman.

Mr. Purdon moved

That the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock industry made the following report:

Mr. Speaker:

Your committee on live stock industry to whom was referred

House Bill No. 49,

A bill for an act to amend section one (1) of chapter one hundred and twenty-three (123) session laws nineteen hundred one (1901), being an act to amend section fifteen forty-nine (1549), revised codes, eighteen ninety-nine (1899), relating to time when lawful for stock to run at large.

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

Also,

House Bill No. 90,

A bill for an act to repeal chapter 123 of the laws of 1901,

and section 1549 of the revised codes, relating to time when lawful for stock to run at large.

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

J. E. PHELAN,
Chairman.

Mr. Phelan moved

That the report of the committee be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

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

Also,

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

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

Also,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

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

In line 6 of the printed bill strike out the word "exceed" and insert in lieu thereof the words "be less than." Further, in line 7 strike out the word "one" and in lieu thereof insert the word "two," also, in line 7 add to the word "dollar" the letter "s", making it read thus after the word imprisonment, "which must not be less than one day for every two dollars of the same and costs."

And when so amended recommend that the same do pass.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

C. W. BUTTZ,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

Have had the same under consideration and recommend that the same be referred to the committee on taxes and tax laws.

C. W. BUTTZ,

Chairman.

Mr. Stevens of Burleigh, moved that the report be adopted,

Which motion prevailed, and

The bill was so referred.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Have had the same under consideration and recommend that the same be referred to the temperance committee.

C. W. BUTTZ,

Chairman.

Mr. Stevens of Burleigh, moved

That the report be adopted.

Which motion prevailed, and

The bill was so referred.

MOTIONS AND RESOLUTIONS.

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

Resolved, By the House of Representatives:

Whereas, Citizens residing in Logan and other counties in this state are bitterly complaining that individuals, firms and corporations owning large tracts of land adjoining the public lands, have fenced and are fencing large tracts of the public land to the inconvenience and injury of the bona fide residents; and

Whereas, It is reported and believed that many of these trespassers on the public domain have many hired settlers located upon the public lands to the injury and damage of the bona fide settlers, because those hired, so-called settlers, allow the said unlawful fencing; and

Whereas, It is reported that the department of the interior has not a sufficient number of special agents, nor appropriations to employ agents to investigate our complaints, therefore,

Resolved, That the house of representatives of the state of North Dakota request our representatives and senators in the congress of the United States to use every honorable effort to procure, if necessary, additional special agents and appropriations of the public money to enable the interior department of the government to send us one or more special agents to investigate our complaints with a view of correcting the great wrong.

Resolved, further, That a copy of these resolutions after the speaker and chief clerk sign the same be transmitted to each of our representatives and senators in congress.

Resolved, further, That this resolution be printed in the journal of the house.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Stevens introduced

House Bill No. 146,

A bill for an act to repeal section 5630 of the revised codes of 1899.

Which was read the second time, and

Referred to the committee on judiciary.

Mr. Sweet introduced

House Bill No. 147,

A bill for an act establishing the state fair, locating it at Fargo, and making appropriations therefor.

Which was read the second time, and

Referred to the committee on state affairs.

Mr. Eggen introduced

House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Which was read the second time, and
Referred to the committee on warehouses and grains.

Mr. Martin introduced
House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

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

REPORT OF JOINT COMMITTEE.

Mr. Speaker:

Your joint committee appointed to make suitable arrangements for memorial exercises in honor of the late John M. Cochrane, hereby submit the following report:

Resolved, That the senate and house meet in joint session on Wednesday, February 15, 1905, at the hour of 1:30 p. m., for the purpose of observing the "John M. Cochrane Memorial day."

C. W. BUTTZ,
Chairman of House Committee.
MAYNARD CRANE,
Chairman of Senate Committee.

Mr. Ryan moved

That the report of the joint committee be adopted.

Which motion prevailed.

The speaker called Mr. Sheils to the chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Was read the third time.

Mr. Davis asked the unanimous consent to amend
House Bill No. 73,

A bill for an act for the destruction of all weeds on all grades or cultivated highways.

There being no objection, Mr. Davis moved that the bill be amended by inserting on line 2, of section 2, after the word "center," "on each side," and strike out all after the word "road" where it now appears on line 2, section 2, of printed bill.

Which motion prevailed, and
The bill was so amended.

The question being on the final passage of the bill, as amended

The roll was called and there were: Ayes, 87; nays, 0; absent and not voting, 13.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Cooper of Sargent
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert
Hardt

Messrs.—

Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McClure
McKechnie
McLain
Meidinger
Midgarden
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Robillard
Rogers
Rose
Rue
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Dahl
Gibbens
Glasgow
Gou'et
Hemmingson

Messrs.—

Meiklejohn
Mitchell
Moore
Richmond

Messrs.—

Ryan
Streeter
Tallackson
Welo

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn, Richmond, being excused.

So the bill passed and the title was agreed to.

Mr. Morgan moved

That the vote by which House Bill No. 73 was passed be reconsidered and that a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 90, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Rogers
Allen	Johnson of Richland	Rose
Arnold	Johnson of Ward	Rue
Baeverstad	Juzeler	Ryan
Belden	Kyle	Scheer
Blake	Lemieux	Schlenker
Blank	Lillie	Sheils
Braaten	Lyon	Simpson
Briden	Martin	Sowle
Brown	McClure	Spangberg
Burgum	McKechnie	Stavens
Burness	McLain	Stevens of Burleigh
Buttz	Meldinger	Stevens of Dickey
Casey	Midgarden	Streeter
Chapman	Mitchell	Sunderland
Chevalier	Mooney	Sweet
Clendening	Moore	Swenseid
Cooper of Sargent	Morgan	Thompson
Cooper of Stutsman	Nelson	Thoreson
Dahlen	Nicholson	Tofsrud
Davis	Oveson	Treat
Dickinson	Ovind	Truemner
Duncan	Palfrey	Underwood
Eggen	Palmer	Vernon
Ellison	Peterson	Walter
Flados	Phelan	Watson
Ganssle	Piper	Weigel
Gilbert	Purdon	Welo
Hardt	Rice	White
Heglie	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dahl	Goulet	Richmond
Fried	Hemmingson	Tallackson
Gibbens	McCrea	
Glasgow	Meiklejohn	

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 14, was passed be reconsidered and that the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 87, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jennings	Rogers
Arnold	Johnson of Richland	Rose
Baeverstad	Johnson of Ward	Rue
Belden	Juzeler	Ryan
Blake	Kyle	Scheer
Blank	Lemieux	Schlenker
Braaten	Lillie	Sheils
Briden	Lyon	Simpson
Brown	Martin	Sowle
Burgum	McClure	Spangberg
Burtness	McCrea	Stavens
Casey	McKechnie	Stevens of Burleigh
Chapman	McLain	Stevens of Dickey
Chevalier	Meidinger	Streeter
Clendening	Midgarden	Sunderland
Cooper of Stutsman	Mooney	Sweet
Cooper of Sargent	Moore	Swendseid
Dahlen	Morgan	Thompson
Davis	Nelson	Thoreson
Dickinson	Nicholson	Tofsrud
Duncan	Oveson	Treat
Eggen	Ovind	Truemner
Ellison	Palfrey	Underwood
Flados	Palmer	Vernon
Fried	Phelan	Walter
Ganssle	Piper	Watson
Gilbert	Purdon	Weigel
Hardt	Rice	Welo
Heglie	Robillard	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Peterson
Buttz	Goulet	Richmond

Messrs.—

Dahl
Gibbens
Meiklejohn

Messrs.—

Hemmingson
Mitchell

Messrs.—

Tallackson
Mr. Speaker

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 16 was passed be reconsidered and that a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert
Hardt

Messrs.—

Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Phelan
Purdon
Rice

Messrs.—

Rogers
Rue
Ryan
Scheer
Schlenker
Shiels
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Treat
Treumner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Dahl
Dickinson
Gibbens
Glasgow
Goulet

Messrs.—

Hemmingson
Meiklejohn
Mitchell
Peterson
Piper

Messrs.—

Richmond
Robillard
Rose
Tallackson

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 24 was passed be reconsidered and that themotion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 42, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Brown
Burtness
Chapman
Clendenning
Cooper of Sargent
Dickinson
Duncan
Ellison
Flados
Gilbert
Heglie

Messrs.—

Johnson of Ward
Lillie
Lyon
Martin
McLain
Mooney
Morgan
Nelson
Oveson
Ovind
Palmer
Peterson
Phelan
Rogers

Messrs.—

Rose
Rue
Ryan
Scheer
Sheils
Simpson
Stavens
Streeter
Swendseid
Thoreson
Tofsrud
Vernon
Watson
Welo

Those who voted in the negative were:

Messrs.—

Adams
Blank
Braaten
Briden

Messrs.—

Johnson of Richland
Juzeler
Kyle
Lemieux

Messrs.—

Schlenker
Sowle
Spangberg
Stevens of Burleigh

Messrs.—

Burgum
Chevalier
Cooper of Stutsman
Dahlen
Davis
Eggen
Fried
Ganssle
Hardt
Jennings

Messrs.—

McClure
McCrea
McKechnie
Meidinger
Midgarden
Moore
Palfrey
Piper
Purdon
Robillard

Messrs.—

Stevens of Dickey
Sunderland
Tallackson
Thompson
Truemner
Underwood
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Buttz
Casey
Dahl
Gibbens

Messrs.—

Glasgow
Goulet
Hemmingson
Meiklejohn
Mitchell

Messrs.—

Nicholson
Rice
Richmond
Sweet
Treat

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused

So the bill was lost.

Mr. Chapman moved

That the vote by which House Bill No. 18 was lost be reconsidered.

Mr. Piercy moved

As a substitute motion, that the motion to reconsider be laid on the table.

The question being on the substitute motion the motion was lost.

The question being on the original motion,

The motion prevailed.

Mr. White moved

That House Bill No. 18 be made a special order for 3 p. m. tomorrow.

Mr. Chapman moved

As substitute motion that the reconsideration of the vote be taken up at once.

The question being on the substitute motion.

The motion prevailed, and

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 13, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold

Messrs.—

Hardt
Heglie
Johnson of Richland

Messrs.—

Rice
Robillard
Rogers

Messrs.—	Messrs.—	Messrs.—
Bæverstad	Johnson of Ward	Rose
Belden	Lemieux	Rue
Blake	Lillie	Ryan
Braaten	Lyon	Scheer
Brown	Martin	Schlenker
Burgum	McClure	Sueils
Burness	McCrea	Sowle
Casey	McLain	Stavens
Chapman	Midgarden	Stevens of Dickey
Clendening	Mitchell	Streeter
Cooper of Stutsman	Mooney	Sunderland
Cooper of Sargent	Moore	Sweet
Dahlen	Morgan	Swendseid
Davis	Nelson	Thoreson
Dickinson	Nicholson	Tofsrud
Duncan	Oveson	Vernon
Eggen	Ovind	Walter
Ellison	Palfrey	Watson
Flados	Palmer	Weigel
Fried	Peterson	Welo
Ganssle	Phelan	White
Gibbens	Piper	Mr. Speaker
Gilbert	Purdon	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Kyle	Tallackson
Briden	McKechnie	Thompson
Chevalier	Meidinger	Truemner
Jennings	Stevens of Burleigh	Underwood
Spangberg		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Buttz	Hemmingson	Richmond
Dahl	Juzeler	Simpson
Glasgow	Meiklejohn	Treat
Goulet		

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Ryan moved

That the vote by which House Bill No. 18 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Rose
Allen	Johnson of Ward	Rue
Arnold	Juzeler	Ryan
Baeverstad	Kyle	Schlenker.
Belden	Lemieux	Sheils
Blake	Lillie	Simpson
Blank	Lyon	Sowle
Braaten	Martin	Spangberg
Burgum	McClure	Stavens
Burtness	McCrea	Stevens of Burleigh
Buttz	McLain	Stevens of Dickey
Casey	Meidinger	Streeter
Chapman	Midgarden	Sunderland
Cooper of Sargent	Mooney	Sweet
Cooper of Stutsman	Moore	Swendseid
Dahlen	Morgan	Tallackson
Davis	Nelson	Thompson
Dickinson	Nicholson	Thoreson
Duncan	Oveson	Tofsrud
Eggen	Ovind	Treat
Ellison	Palfrey	Truemner
Flados	Palmer	Underwood
Fried	Peterson	Vernon
Ganssle	Phelan	Watson
Gibbens	Purdon	Weigel
Gilbert	Rice	Welo
Hardt	Robillard	White
Heglie	Rogers	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Glasgow	Mitchell
Brown	Goulet	Piper
Chevalier	Hemmingson	Richmond
Clendening	McKechnie	Walter
Dahl	Meiklejohn	Scheer

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. McClure moved

That the vote by which House Bill No. 99 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised

codes of 1899 of North Dakota, relating to changing the names of certain townships.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 1, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Robillard
Allen	Johnson of Ward	Rose
Arnold	Juzeler	Ryan
Baeverstad	Kyle	Scheer
Belden	Lemieux	Schlenker
Blake	Lillie	Shells
Blank	Lyon	Simpson
Braaten	Martin	Sowle
Brown	McClure	Spangberg
Burgum	McKechnie	Stavens
Burtness	McLain	Stevens of Burleigh
Buttz	Meldinger	Streeter
Casey	Midgarden	Sunderland
Chapman	Mooney	Swendsen
Cooper of Stutsman	Moore	Tallackson
Cooper of Sargent	Morgan	Thompson
Dahlen	Nelson	Thoreson
Davis	Nicholson	Tofsrud
Eggen	Oveson	Truemner
Ellison	Ovind	Underwood
Flados	Palfrey	Vernon
Fried	Palmer	Walter
Ganssle	Peterson	Watson
Gibbens	Phelan	Weigel
Gilbert	Piper	White
Hardt	Purdon	Mr. Speaker
Heglie	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Duncan	Mitchell
Chevalier	Glasgow	Richmond
Clendenning	Goulet	Rue
Dahl	Hemmingson	Stevens of Dickey
Dickinson	McCrea	Sweet
Jennings	Meiklejohn	Treat

Mr. Rogers voting in the negative.

Messrs. Dahl, Glasgow, Goulet, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 40 was passed be reconsidered and that a motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Buttz asked unanimous consent that Senate Bill No. 32 on the calendar for third reading today be carried over without prejudice and placed on the calendar in its regular order for tomorrow.

There being no objection the request was granted.

Mr. Buttz moved

That the resolution appointing A. Olson as janitor was lost be reconsidered and that the reconsideration of same be made a special order for 4 o'clock p. m. tomorrow.

Which motion prevailed.

GENERAL ORDERS.

Mr. Stevens of Burleigh moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker pro tem called Mr. McCrea to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred
House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

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

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

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

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

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

In line 4, section 1 of printed bill, strike out words "except black locust."

And when so amended recommend that the same do pass.

Also,

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to to fail to turn over or pay the same in to the county treasury.

Have had the same under consideration and recommend that the same do pass as originally recommended by striking out the amendment recommended by the committee on state affairs.

GEO. A. McCREA,
Chairman.

Mr. Sheils in the chair.

Mr. Stevens of Burleigh moved
That the report be adopted.

Which motion prevailed, and
The report of the committee was adopted.

The courtesies of the floor were extended to B. G. Tenneson of Fargo.

Mr. Streeter moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 2, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Glasgow, Hemmingson, Meiklejohn, Richmond, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 2 after line 4 add "which motion prevailed."

Page 10 line 24 change word "point" to "joint."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 49,

A bill for an act to amend section one (1) of chapter one hundred and twenty-three (123) session laws nineteen hundred one (1901), being an act to amend section fifteen forty-nine (1549), revised codes, eighteen ninety-nine (1899), relating to time when lawful for stock to run at large.

Also,

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,

House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey Co., North Dakota.

Also,

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Also,

House Bill No. 118,

A bill for an act to enable military organizations to issue

bonds to secure funds for armory purposes and making an appropriation for armory rent.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

And find the same correctly engrossed.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also,

House Bill No. 75,

A bill for an act requiring each county officer who re-keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same in to the county treasury.

And find the same correctly re-engrossed.

C. V. BROWN,

Chairman.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

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

Strike out all of section 1, in lines 3, 4, 5 and 6 of the amended bill and insert in lieu thereof the following: Making rate of taxation on flax one-half of one cent per bushel; on wheat at the rate of one-half of one cent per bushel; and on all other grains each at the rate of one-eighth of one cent per bushel.

And when so amended recommend that the same do pass.

Also,

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

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

That after sub-division 26 as printed, be inserted, the following: That 26a be added as follows: to-wit, the number of bushels each of flax, wheat, oats, barley, corn, speltz, rye and other grain in elevators, warehouses, granaries, and all other places of storage.

And when so amended recommend that the same do pass.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

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

Strike out all of section 1 following the word "Township" on line 8.

And when so amended recommend that the same do pass.

Also,

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

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

That all of the enacting clause be stricken out and insert in lieu thereof the following: "Sec. 1230 of the revised codes of 1899" and strike out from said section the word "November" and inserting in lieu thereof the word "December."

And when so amended recommend that the same do pass.

C. D. RICE,

Chairman.

Mr. Rice moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

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

1. That all after the word secretary in line 8 of section 3003 be stricken out.
2. That the word five where it appears in line 13, page 1, of the printed bill be stricken out and insert in lieu thereof the word six.
3. Insert between the words "act" and "the" as they appear on line 15 of page 2 of the printed bill the following: Provided, that the per diem or compensation shall not exceed the sum of \$800 for each commissioner in any one year.

And when so amended recommend that the same do pass.

G. W. H. DAVIS,
Chairman.

Mr. Davis moved

That House Bill No. 80 be referred back to committee on railroads for further consideration.

Mr. Phalen moved

As a substitute motion that the report of the committee be adopted.

The question being on the substitute motion

The motion prevailed, and

The report of the committee was adopted.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

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

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

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

In line 1, of section 1, of the printed bill after the word "district" insert the word "court."

In line 8, section 2, after the word "presented" insert the words "and to all persons directly affected by the proposed corrections; notice shall be given and served in the manner provided by law for the service of summons in district court."

In line 3, section 5, after the word "its" insert the words "passage and."

In line 3, section 5, strike out the words "by the Governor."

And when so amended recommend that the same do pass.

H. P. RYAN,
Chairman.

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

MOTIONS AND RESOLUTIONS.

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

CONCURRENT RESOLUTION

Whereas, For many years the farmers and grain growers of North Dakota have been raising wheat and other grain and have been docked for the dirt and small seed and small grain contained therein, and

Whereas, The grain is shipped to Minneapolis and Duluth and there these seed screenings are sold to men who use them for the purpose of feeding sheep, and ground into feed and for other purposes, and

Whereas, There is a steady market for all of the screenings from wheat and flax and barley and oats for the purpose of feeding thousands of sheep and at prices running from eight to fourteen dollars per ton, and

Whereas, The farmers and grain growers of North Dakota have never received one cent for these screenings, but in fact have paid the freight and have delivered them in Minneapolis and Duluth, and

Whereas, It is believed that the farmers are as much entitled to receive pay for these screenings as they are for the grain itself; now therefore, be it

Resolved, By the house of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of Minnesota to pass such a law as will require the commission men, terminals, elevators and mills to make return for, and to pay for these wheat and other grain screenings the same as they do for the grain itself; further, be it

Resolved, That a copy of these concurrent resolutions be sent to the speaker of the house and to the president of the senate at St. Paul with request that action along these lines may be taken.

Which motion prevailed, and
The concurrent resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 2, 1905.

Mr. Speaker:

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

Resolved, by the Senate the House of Representatives concurring, That when the senate and house adjourn on Friday next, they stand adjourned until Wednesday, February 8, 1905, at 2:30 p. m.

Also,

CONCURRENT RESOLUTION

Whereas, The arbitrary power of the railroads to fix rates, subject to no modification by the shippers or the people, has by unjust discriminations built up huge monopolies that are antagonistic to public good, therefore be it

Resolved, by the Senate of the Ninth Legislative Assembly of the State of North Dakota, the House of Representatives concurring, That we urge and earnestly request our senators and members in congress to assist in the enactment of a law giving increased power to interstate commerce commission in conformity with the recommendations contained in President Roosevelt's message to congress.

Resolved, That an engrossed copy of these resolutions be forwarded to each of our senators and members in congress.

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

Very respectfully,

L. M. McGLASHAN,
Secretary.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Heglie introduced

House Bill No. 150,

A bill for an act to amend section 670, 679 and 691 of the revised codes of 1899, relating to education.

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

Mr. Simpson (by request) introduced

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

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

Mr. Briden introduced

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of
the revised codes of 1899, relating to education.

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

Mr. Underwood introduced

House Bill No. 153,

A bill for an act to repeal chapter 122 of the laws of 1903,
and section 4795 of the revised codes, relating to sales of
buildings upon foreclosure of mechanics liens thereon.

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

Mr. Underwood introduced

House Bill No. 154,

A bill for an act relating to the proof of the execution of
written instruments.

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

Mr. Gibbens introduced

House Bill No. 155,

A bill for an act to amend and re-enact section 3019 and
section 3025 of the revised code of North Dakota of the re-
vision of 1899, relating to furnishing, starting and running
cars, and providing for the manner of the distribution of
cars, and to prevent unjust discrimination in the distribu-
tion of same.

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

Mr. Rice, by request, introduced

House Bill No. 156,

A bill for an act to amend section 6615a of the revised
codes of North Dakota, relating to practice of judges in
county courts having increased jurisdiction.

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

Mr. Braaten introduced

House Bill No. 157

A bill for an act to amend section 1114 of the revised

codes of North Dakota, 1899, relating to the duty of supervisors.

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

Mr. Weigel introduced
House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

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

Mr. Belden introduced
House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

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

Mr. Davis introduced
House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

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

Mr. Davis asked for unanimous consent to have the house proceed to the 12th order of business.

There being no objection the house proceeded to the consideration of messages from the senate.

Mr. Davis moved

That the house do concur in the senate concurrent resolution, relating to adjournment.

Which motion prevailed, and
The concurrent resolution was concurred in.

Mr. McCrea moved

That the house concur in the senate concurrent resolution relating to interstate commerce commission.

Which motion prevailed, and
The senate concurrent resolution was concurred in.
The speaker called Mr. Phelan to the chair.

The house returned to the eleventh order of business.

THIRD READING OF HOUSE BILLS.

House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 84; nays, 0; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rogers
Allen	Hardt	Rose
Arnold	Heglie	Rue
Baeverstad	Jennings	Scheer
Belden	Johnson of Ward	Schlenker
Blake	Juzeler	Simpson
Blank	Kyle	Sowle
Braaten	Lemieux	Spangberg
Briden	Lillie	Stavens
Brown	Lyon	Stevens of Burleigh
Burgum	McKechnie	Stevens of Dickey
Burness	McLain	Streeter
Buttz	Meidinger	Sunderland
Casey	Midgarden	Sweet
Chapman	Mitchell	Swendseid
Chevalier	Mooney	Tallackson
Clendening	Moore	Thompson
Cooper of Sargent	Morgan	Thoreson
Cooper of Stutsman	Nicholson	Tofsrud
Dahl	Oveson	Treat
Dahlen	Ovind	Truemner
Davis	Palfrey	Underwood
Dickinson	Palmer	Vernon
Duncan	Peterson	Walter
Ellison	Phelan	Watson
Flados	Piper	Welo
Ganssle	Purdon	White
Gibbens	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Eggen	McClure	Rice
Fried	McCrea	Richmond
Gilbert	Martin	Ryan
Glasgow	Meiklejohn	Sheils
Hemmingson	Nelson	Weigel
Johnson of Richland		

Messrs. Glasgow, Hemmingson, Meiklejohn, Richmond, being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 89 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 84 nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Buttz
Casey
Chapman
Chevalier
Clendenen
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens

Messrs.—

Gilbert
Hardt
Heglie
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McClure
McKechnie
McLain
Meidinger
Midgarden
Mooney
Moore
Morgan
Nicholson
Nelson
Oveson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Robillard
Rogers
Rose
Rue
Scheer
Schlenker
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Burtness
Fried
Glasgow
Goulet
Hemmingson
Jennings

Messrs.—

Lyon
McCrea
Meiklejohn
Mitchell
Palfrey

Messrs.—

Richmond
Ryan
Sheils
Tallackson
Welo

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Oveson moved

That the vote by which House Bill No. 78 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 22,

A bill for an act to promote forest tree culture.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 73, nays 4, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Gilbert	Piper
Baeeverstad	Goulet	Purdon
Belden	Hardt	Robillard
Blake	Heglie	Rogers
Blank	Jennings	Rose
Braaten	Johnson of Richland	Rue
Briden	Johnson of Ward	Ryan
Brown	Kyle	Scheer
Burgum	Lemieux	Simpson
Burness	Lillie	Spangberg
Buttz	Lyon	Sunderland
Chapman	Martin	Swendseid
Chevalier	McClure	Tallackson
Clendening	McCrea	Tofsrud
Cooper of Sargent	McLain	Treat
Cooper of Stutsman	Meidinger	Truemner
Dahl	Midgarden	Underwood
Dahlen	Mitchell	Vernon
Davis	Mooney	Walter
Dickinson	Moore	Watson
Duncan	Morgan	Weigel
Eggen	Nelson	Welo
Ellison	Peterson	White
Flados	Phelan	Mr. Speaker
Gibbens		

Those who voted in the negative were:

Allen	Schlenker	Sowle
Ovind		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Meiklejohn	Stavens
Casey	Nicholson	Stevens of Burleigh
Fried	Oveson	Stevens of Dickey

Messrs.—

Ganssle
Glasgow
Hemmingson
Juzeler
McKechnie

Messrs.—

Palfrey
Palmer
Rice
Richmond
Sheils

Messrs.—

Streeter
Sweet
Thompson
Thoreson

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Scheer moved

That the vote by which House Bill No. 22 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Was read the third time.

Mr. Buttz asked the unanimous consent to amend House Bill No. 75.

Which request was objected to.

Mr. Cooper of Stutsman moved

That the further consideration of House Bill No. 75 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 44, nays 45, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Arnold
Blake
Braaten
Brown
Casey
Dahlen
Fried

Messrs.—

McCrea
Midgarden
Mooney
Moore
Morgan
Nelson
Nicholson

Messrs.—

Scheer
Schlenker
Sheils
Spangberg
Stavens
Streeter
Sunderland

Messrs.—	Messrs.—	Messrs.—
Ganssle	Ovind	Swendseid
Gibbens	Palfrey	Tallackson
Gilbert	Palmer	Tofsrud
Heglie	Phelan	Vernon
Johnson of Richland	Purdon	Walter
Juzeler	Rice	Watson
Kyle	Rogers	Welo
Lemieux	Rue	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Duncan	Robillard
Allen	Eggen	Rose
Baeverstad	Flados	Ryan
Blank	Goulet	Simpson
Briden	Hardt	Sowle
Burgum	Jennings	Stevens of Dickey
Burtness	Johnson of Ward	Sweet
Buttz	Lillie	Thompson
Chapman	Lyon	Thoreson
Chevalier	Martin	Treat
Clendening	McClure	Truemner
Cooper of Sargent	McLain	Underwood
Cooper of Stutsman	Meidinger	Weigel
Davis	Mitchell	White
Dickinson	Piper	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	Hemmingson	Peterson
Dahl	McKechnie	Richmond
Ellison	Meiklejohn	Stevens of Burleigh
Glasgow	Oveson	

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill was lost.

Mr. White explained his vote.

Mr. Buttz explained his vote.

Mr. Underwood explained his vote.

Mr. Cooper of Sargent explained his vote.

Mr. Rose explained his vote.

Mr. Treat explained his vote.

Mr. McClure gave notice that he would move to reconsider the vote by which House Bill No. 75 was lost, tomorrow.

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Rogers
Allen	Heglie	Rue
Arnold	Jennings	Ryan
Baeverstad	Johnson of Richland	Scheer
Blake	Juzeler	Schlenker
Blank	Kyle	Simpson
Braaten	Lemieux	Sowle
Briden	Lillie	Spangberg
Brown	Lyon	Stavens
Burgum	Martin	Stevens of Burleigh
Burness	McClure	Stevens of Dickey
Buttz	McCrea	Streeter
Casey	McLain	Sunderland
Chapman	Meidinger	Sweet
Chevalier	Midgarden	Swendseid
Clendening	Mitchell	Tallackson
Cooper of Sargent	Mooney	Thompson
Cooper of Stutsman	Moore	Thoreson
Dahl	Morgan	Tofsrud
Dahlen	Nelson	Treat
Davis	Nicholson	Truemner
Dickinson	Oveson	Underwood
Duncan	Ovind	Vernon
Eggen	Palfrey	Walter
Ellison	Palmer	Watson
Flados	Phelan	Weigel
Ganssle	Piper	Welo
Gibbens	Purdon	White
Gilbert	Rice	Mr. Speaker
Goulet	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	Johnson of Ward	Richmond
Fried	McKechnie	Rose
Glasgow	Meiklejohn	Shells
Hemmingson	Peterson	

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 109 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The house took a recess for 15 minutes.

The house reassembled.

SPECIAL ORDERS.

Mr. Buttz moved

That the vote by which the resolution appointing A. Olson as janitor was lost be reconsidered and the motion to reconsider be made a special order for tomorrow immediately after roll call.

Which motion prevailed.

House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burness
Buttz
Casey
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert

Messrs.—

Goulet
Hardt
Jennings
Johnson of Richland
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Sunderland
Swenaseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Chapman

Messrs.—

Johnson of Ward
McKechnie

Messrs.—

Richmond
Stevens of Burleigh

Messrs.—
Glasgow
Heglie
Hemmingson

Messrs.—
McLain
Meiklejohn

Messrs.—
Streeter
Sweet

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 118 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey county, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 63, nays 2, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Phelan
Belden	Jennings	Piper
Blake	Johnson of Richland	Purdon
Briden	Johnson of Ward	Rue
Burgum	Juzeler	Ryan
Burtness	Kyle	Scheer
Casey	Lillie	Simpson
Chapman	Lyon	Spangberg
Clendening	Martin	Stavens
Cooper of Sargent	McClure	Streeter
Cooper of Stutsman	McCrea	Sunderland
Dahl	McLain	Swendseid
Dahlen	Meldinger	Tallackson
Davis	Mooney	Thoreson
Dickinson	Morgan	Tofsrud
Duncan	Nelson	Truemner
Ellison	Nicholson	Vernon
Flados	Ovind	Walter
Ganssle	Palfrey	Watson
Gilbert	Palmer	White
Goulet	Peterson	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gibbens	Oveson	

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Blank
Braaten
Brown
Buttz
Chevalier
Eggen
Fried
Glasgow
Hardt

Messrs.—

Hemmingson
Lamieux
McKechie
Meiklejohn
Midgarden
Mitchell
Moore
Rice
Richmond
Robillard
Rogers
Rose

Messrs.—

Schlenker
Sheils
Sowle
Stevens of Burleigh
Stevens of Dickey
Sweet
Thompson
Treat
Underwood
Weigel
Welo

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 91 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 2, 1905.

Mr. Speaker:

I have the honor to transmit therewith
Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

The speaker in the chair.

THIRD READING OF SENATE BILLS.

Mr. Fried moved

That the further consideration of

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Be indefinitely postponed.

Mr. Davis moved

As a substitute motion that the bill be referred back to the committee.

The question being on the substitute motion.

The motion was lost.

The question being upon the original motion to indefinitely postpone.

The motion prevailed and the further consideration of the bill was indefinitely postponed.

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 77, nays 17, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Briden
Burgum
Burtness
Buttz
Casey
Chapman

Messrs.—

Ganssle
Gilbert
Goulet
Hardt
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea

Messrs.—

Robillard
Rogers
Rose
Ryan
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Streeter
Sunderland
Sweet

Messrs.—	Messrs.—	Messrs.—
Chevalier	McKechnie	Tallackson
Clendenning	McLain	Thoreson
Cooper of Sargent	Meidinger	Tofsrud
Cooper of Stutsman	Mitchell	Treat
Dahl	Mooney	Truemner
Dahlen	Moore	Underwood
Davis	Nelson	Vernon
Dickinson	Nicholson	Walter
Duncan	Ovind	Watson
Eggen	Palfrey	Weigel
Ellison	Palmer	Welo
Flados	Phelan	Mr. Speaker
Fried	Piper	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Braaten	Morgan	Scheer
Brown	Oveson	Stavens
Gibbens	Peterson	Swendseid
Heglie	Purdon	Thompson
Johnson of Richland	Rice	White
Midgarden	Rue	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Glasgow	Jennings	Richmond
Hemmingson	Meiklejohn	Stevens of Dickey

Messrs. Glasgow, Hemmingson, Meiklejohn and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Phelan moved

That the vote by which Senate Bill No. 21 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Phelan moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

THIRTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 3, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Chevalier, Cooper of Sargent, Cooper of Stutsman, Egan, Flados, Fried, Glasgow, Juzeler, Meidinger, Meiklejohn, Moore, Richmond, Scheer, Schlenker, Sheils, Simpson, Sowle, Stevens of Dickey, Sweet, Treat, Watson, who were excused.

SPECIAL ORDERS.

Mr. Buttz moved

That the house proceed to the consideration of special orders.

Mr. McClure offered the following resolution and moved its adoption.

Whereas, The Honorable C. W. Buttz of Ransom has a pain requiring immediate relief, and

Whereas, A delicate constituent of the worthy gentleman has an aching void requiring funds, and coupled therewith a capacity for performing the arduous labor required of a janitor of the judiciary committee room, and

Whereas, the facts seem to be about as follows:

THE SOLILOQUY OF BUTTZ

J. W. Foley in the Bismarck Tribune: (The chairman of the judiciary committee of the house yesterday complained that he could not find a janitor to sweep his committee room and had swept it several times himself.)

Buttzius—Thrice have I swept the floor and thrice have cried

Aloud for help and thrice have heard the cry

Re-echo from the silent halls. Alas

That I, with three score years upon my back,
 A faithful servant of my countrymen,
 Should make friends with the dusting cloth and broom
 To keep this litter from engulfing me.
 'Twas yesternight I stood knee deep in trash
 Of bills cast to the winds, and cried aloud
 For help, but in the army of employed
 No one would aid me. Ah, I might have sunk
 In the great sea of bills upon the floor,
 For all the janitors I helped to make
 Who stood about in listless moods, and heard
 My cries, nor ever came to my relief.
 So then I fell to work, and with my broom
 Bade shame to them, and sought to show them all
 How could a statesman sweep. And they but laughed.
 And lingered by the cashier's desk to draw
 Their unearned checks. Now double drat them all,
 If ever I, by word or vote or speech,
 Get any man a job again. I'll sweep
 My floors alone, and in the little time
 That I have left, will serve my district well
 As time will let, but when I come again,
 I'll come as clerk or janitor, and then
 In languid ease, I'll pass my time and draw
 My unearned check. To sweep or not to sweep—
 To sit in ease and let the litter hide
 My feet and legs and rise above my chair,
 Or with a broom cry out upon it all—
 That is the question.

Therefore, be it Resolved; That the speaker be authorized to relieve the situation by appointing Mr. Amos Olson as janitor for the judiciary committee room.

Which motion prevailed, and
 The resolution was adopted.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 6, strike out lines 21, 22 and 23.

Page 7, line 2, correct spelling of word "senate."

Page 7, line 23, correct spelling of word "resolutions."

Page 10, line 4, correct spelling of word "service."

Page 18, strike out all after word "hereof" in title of senate bill 27.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
 Chairman.

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

REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred
House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

N. ROBILLARD,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Also

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

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

Also,

House Bill No. 29,

A bill for an act prescribing the duties of county register of deeds, in reference to certification of abstracts of chattel mortgages and liens upon personal property and providing a penalty for failure to comply.

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

Your committee on judiciary to whom was referred house bill No. 29 have had the same under consideration and respectfully report the bill back to the house with the recommendation that all after the enacting clause be stricken out, and the following be substituted in lieu thereof:

"Section 1. It shall be the duty of registers of deeds to furnish to all persons applying therefor an abstract of chattel mortgages or liens upon personal property when requested so to do and certifying that said abstract shows all the chattel mortgages and liens upon personal property or renewals thereof that are at the time on file in his office and unsatisfied and in force against the property of the person named in such abstract as the same appears from the records of his office; and as compensation said register of deeds shall be entitled to receive the sum of twenty-five cents for the first entry, ten cents for each entry thereafter and twenty-five cents for the certificate thereto, and for his failure and refusal to comply with the provisions of this act he shall be liable to a fine in any sum not exceeding fifty dollars, recoverable in the manner now prescribed for fines and forfeitures.

Sec. 2. Any person qualified under the laws of this state to make abstracts of title to real estate shall also be qualified to make abstracts under the provisions of this act and be entitled to the same compensation therefor as is herein provided for registers of deeds, provided, however, such abstractor shall be liable on his bond for any damages resulting from misfeasance or inaccuracies in the making of such abstract.

Sec. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 4. Emergency.] Whereas, An emergency exists in that the records of chattel mortgages and liens upon personal property are now kept in the office of the register of deeds and there is no provision for his certifying to abstracts of chattel mortgages and liens upon personal property, therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

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

Whereas an emergency exists in that there is now no law fixing terms of court in Billings county; therefore this act shall be in force and effect from and after its passage and approval.

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 85,

A bill for an act relating to marriage and providing for issuance of licenses by the clerks of the district court.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Sweet moved that
House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19,
political code, entitled "Militia."

Which had been referred to committee on appropriations
be re-referred to the committee on military affairs

Which motion prevailed, and

The bill was so referred.

Mr. Peterson offered the following concurrent resolution,
and moved its adoption.

Be It Resolved, by the House of Representatives of the State of North Dakota, the Senate concurring, That the senators and representatives from this state in the congress of the United States be, and they are hereby, requested to co-operate with President Roosevelt in his efforts to secure the passage by congress of proper laws concerning the regulation of interstate commerce, and that they vote for any and all bills recommended by the president for that purpose and use their best endeavors to secure the passage of the same. That a duly authenticated copy of this resolution be forwarded to each one of our senators and representatives in congress and to President Roosevelt.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. McClure moved

That the vote by which House Bill No. 75 was lost, be re-considered,

Which motion prevailed.

Mr. Arnold asked the unanimous consent to amend House Bill No. 75. There being no objection, Mr. Arnold moved the bill be amended by inserting after the word "fund" in line 11 of printed bill, the following:

Provided the provisions of this act shall not apply to the present term of officers named therein.

Mr. Buttz asked unanimous consent to amend House Bill No. 75.

Which was objected to, and

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to

charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the treasury.

Was read the third time.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 75, nays 4, absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Kyle	Rogers
Allen	Lemieux	Rose
Belden	Lillie	Rue
Blake	Lyon	Ryan
Braaten	Martin	Scheer
Briden	McClure	Sowle
Brown	McCrea	Spangberg
Burgum	McKechnie	Stavens
Burtness	McLain	Streeter
Casey	Midgarden	Sunderland
Chapman	Mitchell	Swendseid
Clendening	Mooney	Tallackson
Dahl	Morgan	Thompson
Dahlen	Nelson	Thoreson
Davis	Nicholson	Tofsrud
Dickinson	Oveson	Truemner
Ganssle	Ovind	Underwood
Gibbens	Palfrey	Vernon
Gilbert	Palmer	Walter
Goulet	Peterson	Watson
Heglie	Phelan	Weigel
Hemmingson	Piper	Welo
Jennings	Purdon	White
Johnson of Richland	Rice	Mr. Speaker
Johnson of Ward	Robillard	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Duncan	Hardt
Buttz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Cooper of Sargent	Schlenker
Blank	Glasgow	Sheils
Chevalier	Juzeler	Simpson
Eggen	Meidinger	Stevens of Burleigh
Ellison	Meiklejohn	Stevens of Dickey
Flados	Moore	Sweet
Fried	Richmond	Treat
Cooper of Stutsman		

So the bill passed and the title was agreed to.

Messrs. Arnold, Black, Chevalier, Cooper of Sargent, Cooper of Stutsman, Egan, Flados, Fried, Glasgow, Juzeler, Meidinger, Meiklejohn, Moore, Richmond, Schlenker,

Sheils, Simpson, Stevens of Burleigh, Stevens of Dickey, Sweet, Treat, being excused.

Mr. Buttz explained his vote.

Mr. McClure moved

That the vote by which House Bill No. 75 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Spangberg moved

That E. Ghylin be appointed as janitor.

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Also,

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Also,

Senate Bill No. 88,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Welo, by request, introduced

House Bill No. 161,

A bill for an act to amend section 1, of chapter 53, of session laws of 1901, relating to compensation of county commissioner, and fixing the hours of meeting.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Vernon introduced

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Meidinger introduced

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Arnold introduced

House Bill No. 164,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on the merits.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Lyon introduced

House Bill No. 165,

A bill for an act making an appropriation for a bridge across Des Lac Lake, in Ward county, North Dakota.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Peterson introduced

House Bill No. 166,

A bill for an act to amend section 1257 of the revised

codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

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

Mr. Palfrey introduced
House Bill No. 167,

A bill for an act providing for the election of a surviving spouse of a testator whether to take under the will of the testator or under the statute.

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

Mr. Palfrey, by request, introduced
House Bill No. 168,

A bill for an act providing for the granting of limited divorces or a separation from bed and board forever, or for a limited time on complaint of a married woman.

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

Mr. Palfrey, by request, introduced
House Bill No. 169,

A bill for an act to amend section 2770 of the revised codes of North Dakota, 1899, relating to the separate and mutual rights of husband and wife.

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

Mr. White introduced
House Bill No. 170,

A bill for an act to provide an appropriation for the repairing of and an addition to, and the erection of an additional building for the state Normal school at Mayville, North Dakota.

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

The chief clerk announced that the speaker was about to sign

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota, and the erection of an executive mansion; and for that purpose, creating a board of capitol commissioners, defining its powers and

duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest-bearing certificates against said fund.

The speaker signed the same in the presence of the house.

The speaker administered the oath of office to Amos Olson as janitor of the judiciary committee.

COMMITTEE OF THE WHOLE.

Mr. Stevens of Burleigh, moved

That the rules be suspended and the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself in a committee of the whole.

The speaker called Mr. Belden to the chair.

When the committee arose, the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred
House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

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

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

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

Also,

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

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

W. L. BELDEN,
Chairman.

The speaker in the chair.

Mr. Gilbert moved

That the rules be suspended, and

That the house return to the 13th order of business.

Mr. Buttz moved

As a substitute motion that the motion to return to the 13th order of business be laid on the table.

Roll call demanded.

The roll was called and there were: Ayes, 31; nays, 46; absent and not voting, 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Palmer
Arnold	Johnson of Ward	Phelan
Blake	Kyle	Piper
Burgum	Lemieux	Robillard
Buttz	Lillie	Spangberg
Chapman	Martin	Truemner
Clendenning	McClure	Underwood
Davis	McKechnie	Walter
Dickinson	Mitchell	Weigel
Ganssle	Mooney	White
Gibbens		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	McCrea	Scheer
Baeverstad	McLain	Sowle
Belden	Midgarden	Stavens
Braaten	Morgan	Stevens of Burleigh
Briden	Nelson	Streeter
Brown	Nicholson	Sunderland
Burtness	Oveson	Swendseid
Casey	Qvind	Tallackson
Dahl	Palfrey	Thompson
Dahlen	Peterson	Thoreson
Duncan	Purdon	Tofsrud
Gilbert	Rice	Vernon
Goulet	Rogers	Watson
Heglie	Rue	Welo
Jennings	Ryan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Blank	Hemmingson	Schlenker
Chevalier	Johnson of Richland	Sheils
Cooper of Stutsman	Juzeler	Simpson
Glasgow	Rose	

Messrs.—

Cooper of Sargent
Eggen
Ellison
Flados
Fried

Messrs.—

Lyon
Meidinger
Meiklejohn
Moore
Richmond

Messrs.—

Stevens of Dickey
Sweet
Treat
Mr. Speaker

Messrs. Chevalier, Cooper of Sargent, Cooper of Stutsman, Eggen, Flados, Fried, Glasgow, Juzeler, Meidinger, Meiklejohn, Moore, Richmond, Scheer, Schlenker, Sheils, Simpson, Sowle, Stevens of Dickey, Sweet, Treat, Watson, being excused.

So the substitute motion was lost.

The courtesies of the floor were extended to W. V. Robbins, P. H. Stenerson, of Richland Co., and H. S. Pierce of Walsh Co.

Mr. Phelan moved

That the house do now adjourn.

The motion prevailed, and

The house adjourned

OTTO SOUGSTAD,
Chief Clerk.

THIRTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemner, Watson, who were excused.

REPORT OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

And find the same correctly re-engrossed.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Also,

House Bill No. 29,

A bill for an act prescribing the duties of county register of deeds, in reference to certification of abstracts of chattel mortgages and liens upon personal property and providing a penalty for failure to comply.

Also,

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Spangberg moved

That the journal of the house of the thirty-second day be corrected by inserting the following:

Mr. Spangberg moved

That E. Ghylin be appointed janitor.

Which motion was lost.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sheils introduced

House Bill No. 171,

A bill for an act to indemnify parties from a total loss of horses destroyed by the state veterinary.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Ellison introduced

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Spangberg introduced

House Bill No. 173,

A bill for an act to amend section 640 of the political codes of the state of North Dakota for 1899, relating to education.

Which was read the first and second times and

Referred to the committee on education.

Mr. Ellison introduced

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Which was read the first and second times and

Referred to the committee on education.

Mr. Spangberg introduced

House Bill No. 175,

A bill for an act to amend chapter 85 of the session laws of 1901, relating to the time of examination of teachers by county superintendents.

Which was read the first and second times and

Referred to the committee on education.

Mr. Spangberg introduced

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Which was read the first and second times and

Referred to the committee on taxes and tax laws.

Mr. Stavens introduced

House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Sheils introduced

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr Buttz introduced

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Stevens of Burleigh, introduced

House Bill No. 180,

A bill for an act to make provision for the pensioning of state employes who have rendered services as such for ten years.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Richmond introduced

House Bill No. 181,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid to judges of county courts, and to repeal chapter 66 of the session laws of 1903.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Stevens of Burleigh, introduced

House Bill No. 182,

A bill for an act to amend section 1922 of the revised codes of 1899, of the state of North Dakota, relating to providing offices in any county where there is no court house.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Ryan introduced

House Bill No. 183,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Which was read the first and second times and

Referred to the committee on state affairs.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 8, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

Also,

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Also,

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

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

Also,

I have the honor to transmit herewith:

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

Which the senate has passed with the following amendment:

By striking out the word "either" in line nineteen of section one of the printed bill and inserting in lieu thereof the word "both."

And your concurrence in said amendment is requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 49,

A bill for an act to amend section one (1) of chapter one hundred and twenty-three (123) session laws nineteen hundred one (1901), being an act to amend section fifteen forty-nine (1549), revised codes, eighteen ninety-nine (1899), relating to time when lawful for stock to run at large.

Was read the third time.

Mr. Belden moved

That the further consideration of House Bill No. 49 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Was read the third time.

Mr. White moved

That the further consideration of House Bill No. 6 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rice
Allen	Hardt	Richmond
Arnold	Hemmingson	Robillard
Baeverstad	Jennings	Rogers
Belden	Johnson of Richland	Rue
Blake	Juzeler	Ryan
Blank	Kyle	Scheer
Braaten	Lillie	Sheils
Brown	Martin	Sowle
Burgum	McClure	Spangberg
Buttz	McCrea	Stavens
Casey	McLain	Stevens of Dickey
Chapman	Meidinger	Streeter
Chevalier	Meiklejohn	Sweet
Cooper of Sargent	Midgarden	Swendseid
Dahlen	Mitchell	Tallackson
Dickinson	Moore	Thompson
Duncan	Morgan	Tofsrud
Eggen	Nelson	Treat
Ellison	Nicholson	Underwood
Flados	Ovind	Vernon
Fried	Palfrey	Walter
Ganssle	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Phelan	Mr. Speaker
Glasgow	Purdon	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Lemieux	Schlenker
Burness	Lyon	Simpson
Clendening	McKechnie	Stevens of Burleigh
Cooper of Stutsman	Mooney	Sunderland

Messrs.—

Dahl
Davis
Heglie
Johnson of Ward

Messrs.—

Oveson
Piper
Rose

Messrs.—

Thoreson
Truemner
Watson

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemner, Watson, being excused.

Mr. White voting in the negative.

Mr. White explained his vote.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 6 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays none, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Brown
Burgum
Buttz
Casey
Chapman
Chevalier
Cooper of Sargent
Dahlen
Dickinson
Duncan
Eggen
Ellison
Flados
Fried

Messrs.—

Goulet
Hardt
Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lillie
Martin
McClure
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind

Messrs.—

Purdon
Rice
Richmond
Robillard
Rogers
Rue
Ryan
Scheer
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sweet
Swendseid
Thompson
Tofsrud
Treat
Underwood
Vernon
Walter

Messrs.—

Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Palfrey
Palmer
Peterson
Phelan

Messrs.—

Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Braaten
Briden
Burtness
Clendening
Cooper of Stutsman
Dahl
Davis
Heglie
Johnson of Ward

Messrs.—

Lemieux
Lyon
McCrea
McKechnie
Mooney
Piper
Rose
Schlenker

Messrs.—

Sheils
Simpson
Stevens of Burleigh
Sunderland
Tallackson
Thoreson
Truemner
Watson

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 76, nays none, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burgum
Buttz
Casey
Chapman
Chevalier
Dahlen
Dickinson
Duncan

Messrs.—

Hardt
Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lillie
McClure
McCrea
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Moore
Morgan
Nicholson

Messrs.—

Richmond
Robillard
Rogers
Rue
Ryan
Scheer
Sheils
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Tofsrud

Messrs.—	Messrs.—	Messrs.—
Eggen	Nelson	Treat
Ellison	Oveson	Underwood
Flados	Ovind	Vernon
Fried	Palfrey	Walter
Ganssie	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Briden	Johnson of Ward	Rose
Burtness	Lemieux	Schlenker
Clendening	Lyon	Simpson
Cooper of Sargent	Martin	Stevens of Burleigh
Cooper of Stutsman	McKechnie	Sunderland
Dahl	Mooney	Thoreson
Davis	Phelan	Truemner
Heglie	Piper	Watson

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 78, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hardt	Richmond
Arnold	Hemmingson	Robillard
Baeeverstad	Jennings	Rogers
Belden	Johnson of Richland	Rue
Blake	Juzeler	Ryan
Blank	Lillie	Scheer
Braaten	Martin	Sheils
Brown	McClure	Sowle
Burgum	McCrea	Spangberg
Buttz	McLain	Stavens
Casey	Meldinger	Stevens of Burleigh
Chapman	Meiklejohn	Stevens of Dickey
Chevalier	Midgarden	Streeter
Cooper of Sargent	Mitchell	Sweet

Messrs.—

Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet

Messrs.—

Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon
Rice

Messrs.—

Swendseid
Tallackson
Thompson
Tofsrud
Treat
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Burtness
Clendening
Cooper of Stutsman
Dahl
Heglie
Johnson of Ward

Messrs.—

Kyle
Lemieux
Lyon
McKechnie
Mooney
Piper
Rose

Messrs.—

Schlenker
Simpson
Sunderland
Thoreson
Truemner
Watson

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, son, Sunderland, Thoreson, Truemner, Watson, being excused.

Mr. Adams voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 74, nays none, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Blank
Braaten
Burgum
Casey
Chapman

Messrs.—

Jennings
Johnson of Richland
Juzeler
Kyle
Martin
McClure
McCrea
McLain
Meidinger

Messrs.—

Robillard
Rogers
Rue
Ryan
Scheer
Sheils
Sowle
Spangberg
Stavens

Messrs.—

Chevalier
Cooper of Sargent
Dahlen
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Hemmingson

Messrs.—

Meiklejohn
Midgarden
Mitchell
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon
Rice
Richmond

Messrs.—

Stevens of Burleigh
Stevens of Dickey
Streeter
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Underwood.
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Baeeverstad
Briden
Brown
Burtness
Buttz
Clendening
Cooper of Stutsman
Dahl

Messrs.—

Davis
Heglie
Johnson of Ward
Lemieux
Lillie
Lyon
McKechnie
Mooney
Piper

Messrs.—

Rose
Schlenker
Simpson
Sunderland
Sweet
Thoreson
Truemner
Watson

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 1, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle

Messrs.—

Richmond
Robillard
Rogers
Rue
Scheer

Messrs.—	Messrs.—	Messrs.—
Blank	Lillie	Snells
Braaten	Martin	Sowle
Brown	McClure	Spangberg
Burgum	McCrea	Stavens
Buttz	McLain	Stevens of Dickey
Chapman	Meidinger	Streeter
Chevalier	Meiklejohn	Sweet
Cooper of Sargent	Midgarden	Swendseid
Dahlen	Moore	Tallackson
Dickinson	Morgan	Thompson
Duncan	Nelson	Tofsrud
Eggen	Nicholson	Treat
Ellison	Oveson	Underwood
Flados	Ovind	Vernon
Fried	Palfrey	Walter
Ganssle	Palmer	Weigel
Gibbens	Peterson	Welo
Glasgow	Purdon	White
Goulet	Rice	Mr. Speaker
Hardt		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Rose
Briden	Johnson of Ward	Ryan
Burtness	Lemieux	Schlenker
Casey	Lyon	Simpson
Clendening	McKechnie	Sunderland
Cooper of Stutsman	Mitchell	Thoreson
Dahl	Mooney	Truemmer
Davis	Phelan	Watson
Gilbert	Piper	

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemmer, Watson, being excused.

Mr. Stevens of Burleigh voting in the negative.

Mr. Stevens explained his vote.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 88 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 56, nays 12, absent and not voting 32.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Juzeler	Rogers
Allen	Lillie	Scheer
Arnold	McClure	Sowle
Blake	McCrea	Stavens
Blank	McLain	Stevens of Burleigh
Burgum	Meiklejohn	Stevens of Dickey
Buttz	Midgarden	Streeter
Chapman	Moore	Sweet
Chevalier	Morgan	Swendseid
Cooper of Sargent	Nelson	Tallackson
Dickinson	Nicholson	Tofsrud
Duncan	Ovind	Treat
Fried	Palfrey	Underwood
Ganssle	Palmer	Vernon
Gibbens	Peterson	Walter
Gilbert	Phelan	Weigel
Glasgow	Purdon	Welo
Goulet	Rice	Mr. Speaker
Hemmingson	Robillard	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Braaten	Jennings	Rue
Eggen	Johnson of Richland	Spangberg
Flados	Meidinger	Thompson
Hardt	Oveson	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Ellison	Richmond
Belden	Heglie	Rose
Briden	Johnson of Ward	Ryan
Brown	Kyle	Schlenker
Burtness	Lemieux	Shells
Casey	Lyon	Simpson
Clendening	Martin	Sunderland
Cooper of Stutsman	McKechnie	Thoreson
Dahl	Mitchell	Truemner
Dahlen	Mooney	Watson
Davis	Piper	

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Simpson, Sunderland, Thoreson, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. McCrea moved

That the house do now concur in the senate amendment to House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

Which motion prevailed.

The question being on the final passage of the bill, as amended

The roll was called and there were ayes 76, nays none, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Robillard
Allen	Jennings	Rogers
Arnold	Johnson of Richland	Rue
Belden	Juzeler	Ryan
Blake	Kyle	Scheer
Blank	Lillie	Shells
Braaten	Martin	Simpson
Brown	McClure	Sowle
Burgum	McCrea	Spangberg
Buttz	McLain	Stavens
Casey	Meidinger	Stevens of Burleigh
Chapman	Meiklejohn	Stevens of Dickey
Chevalier	Midgarden	Streeter
Cooper of Sargent	Moore	Sweet
Dahlen	Morgan	Swendseid
Dickinson	Nelson	Thompson
Duncan	Nicholson	Tofsrud
Eggen	Oveson	Treat
Ellison	Ovind	Underwood
Flados	Palfrey	Vernon
Fried	Palmer	Walter
Ganssle	Peterson	Weigel
Gibbens	Phelan	Welo
Glasgow	Purdon	White
Goulet	Rice	Mr. Speaker
Hardt		

Absent and not voting:**Messrs.—**

Baeverstad
Briden
Burtness
Clendening
Cooper of Stutsman
Dahl
Davis
Gilbert

Messrs.—

Heglie
Johnson of Ward
Lemieux
Lyon
McKechnie
Mitchell
Mooney
Piper

Messrs.—

Richmond
Rose
Schlenker
Sunderland
Tallackson
Thoreson
Truemner
Watson

Messrs. Briden, Burtness, Clendening, Cooper of Stutsman, Dahl, Davis, Heglie, Johnson of Ward, Lemieux, Lyon, McKechnie, Mooney, Piper, Rose, Schlenker, Sunderland, Thoerson, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 35 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on public health.

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of

city council to make contracts for water for fire protection.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

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

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

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

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

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

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

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

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

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

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

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

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

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

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

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

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

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

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

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

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

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

Senate Bill No. 88,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

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

The courtesies of the floor were extended to Hon. John O. Hanchett of Harvey, N. D., Hon. Wm. J. Westergard, Valley City, N. D.

Mr. Streeter moved

That when the house adjourns Friday it will stand adjourned until Saturday at 10 o'clock a. m.

Which motion prevailed.

Mr. Phalen moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

ST. LOUIS EXPOSITION REPORT

Report of Board of Commissioners in charge of North Dakota exhibit at the St. Louis World's Fair, in compliance with house resolution:

Chapter 34 of the laws of the Eighth Legislative Assembly named the undersigned a board of commissioners to undertake the assembling and installation of an exhibit for the state of North Dakota at the St. Louis World's Fair, and appropriated for such purpose the sum of \$50,000. The commission respectfully submits the following report:

The board was organized March 17, 1903, by electing Governor Frank White president, and Hon. R. J. Turner secretary. David Bartlett was elected executive commissioner with a salary of \$100 per month and expenses until such time as the work demanded his entire time, when he was to receive \$200 per month and expenses. The law creating the commission placed most of the work and responsibility in the hands of the executive commissioner. Mr. Bartlett at once took up the work of organizing the state by counties in order to secure the best materials from every section. Some of the counties took hold with enthusiasm, while others failed entirely to do anything towards being represented.

Hon. J. B. Streeter of Larimore, Hon. George S. Montgomery of Wahpeton and Prof. C. B. Waldron of the Agricultural College were appointed assistants to help throughout the work. Mr. Streeter and Mr. Montgomery accepted the appointments but afterwards found themselves absolutely unable to give the work any of their attention. Prof. Waldron was not able to spare much time at the exposition but was a most valuable aid and hard worker in securing exhibits for the agricultural department. Mr. J. W. Foley of Bismarck was made press representative for North Dakota. While Mr. Foley could not devote much of his time to the work, he was of great aid in putting the executive commissioner in pleasant relations with the St. Louis press.

The assembling and installation of an educational exhibit was placed in the hands of Superintendent W. L. Stockwell, President J. H. Worst of the Agricultural College, Superintendent W. E. Hoover of Park River, Prof. G. A. McFarland of the Valley City Normal, Mrs. Mattie Davis of Fargo, and Miss Mazie Clemens of Jamestown.

The task of seeing that the state was represented in the mines department was delegated largely to Prof. E. J. Babcock of the State University, and we are sure those who saw our exhibit in the Mines building will agree that he did his work well. North Dakota's mineral resources are little known and almost entirely undeveloped. The gathering of the material for this exhibit involved an immense amount of work and considerable expense. The result would have justified a much greater expenditure of both time and money. It is not the purpose of this report to describe any of the exhibits. The work in this department, however, demonstrated to an absolute certainty that there is no better potter's clay in the world than can be found in various sections of our state. This clay with our cheap fuel will certainly build up large industries in the western part of our state in the immediate future. It was the hope of the commission to be able to exhibit some of this pottery in the corridors of the capitol before the close of the session.

The commission unanimously decided that they would not erect a state building. Now that the exposition is over and we are able to look back upon our experience and that of the states that had state buildings, we are more than ever convinced of the wisdom of our action. There are and always will be honest differences of opinions as to the value of state buildings at great expositions. It must depend largely upon the purpose the state had in view in participating in such exposition. If it is to advertise its resources and secure immigration, then surely the money can be better expended than in state buildings. If like the eastern and some of the middle western states participating, the object is largely social and not considered as a business investment, then a state building is a necessity. These states neither expect nor want immigration. Ohio at the St. Louis exposition was a marked illustration of this class of states; she had a large state building but no exhibits in any departments on the ground.

It was the belief of your commission that the North Dakota legislature authorized participation in this fair upon purely business motives and desired the money spent in such a manner as would bring the best practical results in our state rather than in an attempt to shine socially. So believing we decided to spend our money on our various exhibits. At our headquarters booth in the agricultural building we offered our visitors every convenience that could be found in any state building, such as reading and reception rooms, where magazines, the daily local and home papers were kept on file; a stenographer and writing facilities for guests and visitors; a piano, plenty of comfortable chairs and couches; also a retiring room and lavatory for both ladies and gentlemen.

North Dakota occupied at the St. Louis fair 7,149 square feet of floor space; 1,225 square feet in the Mines building, 1,050

square feet in the Educational building, and 4,924 square feet in the Agricultural building. This is nineteen times as much space as our state had at the Buffalo exposition and four and a half times as much as at the great Chicago world's fair. In the agricultural department North Dakota had twice as much floor space as either Michigan, Wisconsin, Minnesota, Washington, Oregon or Iowa, and three times as much as South Dakota and Montana. This space was filled with every product of our soil from all sections of the state. It required six cars to transport our material to St. Louis.

Each state interested in dairying was assigned eight square feet of space in the dairy department refrigerator for making a special butter display. This refrigerator was 90 feet long by 40 feet wide, the outside walls being made of plate glass, thus enabling the visitors to plainly see the various exhibits. Each state occupied this space in such manner as it chose by special models in butter. North Dakota exhibited a statue of President Roosevelt in cowboy attire on horseback. This made a very attractive and unique exhibit and was awarded a gold medal, the highest award given in the dairy department.

The commission being themselves especially fortunate in securing the log cabin formerly occupied by President Roosevelt during a period of his residence in North Dakota. The cabin was carefully taken down and removed to St. Louis, where it was rebuilt upon a portion of the state's space in the Agricultural building exactly as it appeared on the prairie. It proved one of the greatest attractions of the entire exposition. During the fair our state was especially honored by having the president of the United States and his entire family visit and register at this cabin. As near as can be estimated one million people visited this cabin during the season, over 500,000 of whom registered. This was one-half of the total number of visitors at the exposition. The Boer war was probably the only other attraction that drew such a large percentage of the total attendance.

It is of course impossible to estimate even approximately the benefit a state derives from participation in a great world's fair. The silent influence of a good exhibit lasts for years after the exposition has become a matter of history. The awards bestowed upon an exhibit measure its merits from a scientific point of view as seen by the jury of awards. Its general effect upon the people from all parts of the world who view it must to a large extent remain an unknown quantity. There are, however, a few tangible results from which we can gather some idea of the final benefits.

It was an acknowledged fact by all observers that North Dakota had more visitors than any other state represented at the fair, and it is a conservative statement to say that we had ten

times as many as any other northwestern state. From this fact alone we must have been much more benefited than other states.

The imperial commissioners from Germany after several visits to our exhibit, and a careful study of our resources and climate, advised their home government to divert a large part of the German immigration that comes to Canada and the northwestern part of our country to North Dakota, and the secretary of our commission is in receipt of several letters from the German emigration association of Germany asking for information and stating that by the advice of their commissioners at the St. Louis exposition it was their purpose to direct much immigration to North Dakota. This fact alone is of tremendous importance to any state and its value cannot be overestimated.

The Japanese commission also became much interested with our state, especially in macaroni wheat and our pottery clays. They pronounce our macaroni superior to the Italian product.

There were daily inquiries about the state and its resources from interested visitors and investors. Specially prepared literature was furnished to all who sought information. The special edition of the Fargo Record was found most valuable for this purpose.

The local St. Louis press were very kind to our state, printing during the season over twenty-one columns of reading matter and illustrations about North Dakota and her exhibits. No other state, excepting Missouri, received one-fourth this amount of space from the local press and some states were seldom mentioned at all. Much of this matter found its way into the Associated Press dispatches and thus North Dakota was kept constantly before the public.

Early in the exposition period each state was requested to select the date which should be set apart and be known as State Day. September 27 was selected as North Dakota day and was observed by appropriate ceremonies. In the afternoon from two to five o'clock a reception was held at our headquarters in the agricultural building in honor of Governor and Mrs. White. The booth was appropriately decorated, and with music and flowers the scene was very attractive and the guests pleasantly entertained. Few state days were honored by the attendance of such a large number of the exposition officials, President Francis and most of the board of directors being present. In the evening at the Tyrolean Alps a banquet was given for Governor and Mrs. White and all North Dakotans in the city that could be reached. Twenty-eight citizens of our state were present at this banquet.

In the matter of awards North Dakota stood ahead of any other state exhibiting in the agricultural department, taking into consideration the number of entries for awards.

First, and what is of the most practical value, our state was awarded a grand prize on the beauty and attractiveness of its

installation and general exhibit. This is the highest award given by the exposition, and but four other states were thus honored, Missouri with an appropriation of \$1,000,000, California with an appropriation of \$400,000, Colorado with \$250,000, and Idaho with \$40,000 appropriation and large private contributions. It will be observed that North Dakota was the only northwestern state securing this highest mark of distinction. It says to the world that no other state represented in the agricultural department, at the greatest exposition ever held, had a more attractive exhibit than North Dakota, and only four other states were in the same class with her. Following is a table showing the number of awards obtained by most of the states in this department. The reader is requested to compare North Dakota with other states, bearing in mind the fact that our state is one of the youngest, that our resources are not varied, and that we had the smallest amount of money to spend of any state represented at the exposition:

State	Grand Prizes	Gold Medals	Silver Medals
California	13	89	77
North Dakota	11	42	40
Nebraska	8	48	88
Illinois	7	0	0
Kentucky	7	25	25
Georgia	5	6	1
Wisconsin	5	50	55
New York	6	80	96
Pennsylvania	4	24	24
Missouri	4	50	114
Iowa	3	15	19
Virginia	3	8	6
Minnesota	2	11	18
Utah	2	4	0
Texas	2	16	24
Kansas	1	22	44
Michigan	1	6	6
Indian Territory	1	1	0
Maine	0	0	1
Idaho	0	11	5
Montana	0	33	62
Oklahoma	0	7	36
Alaska	0	12	8
New Mexico	0	6	13
South Dakota	0	17	29
Connecticut	0	2	0
Arkansas	0	11	19
Mississippi	1	5	1

The above does not include eighty-four awards for vegetables and fruit, a list of which has not yet been received from the department.

At the close of the exposition the exhibits were packed and made ready for shipment. One car has already arrived, containing individual exhibits. The balance, about three carloads, the

commission thought best to hold at St. Louis until the legislature determined whether or not this state would participate in the Portland exposition. Closing this report is an itemized statement of the expenditure by the commission. Many of these items are further itemized in bills and vouchers on file in the state auditor's office. This statement shows a balance of cash on hand of \$5,747.92 January 1, 1905. This balance will be increased one or two hundred dollars by cash received from the sale of property, the items of which are not at hand at the date of this report. There is also to be deducted current expenses and some bills that have not yet been adjusted. When everything is fully settled there will be about \$4,500 of the appropriation unexpended. To this should be added the value of property that will be returned to the state of an actual cash value of at least \$4,500. This property consists of furniture and rugs, plate glass show cases, educational cabinets, pottery and fixtures.

AWARDS.

Name.	Article.	Prize.
State of North Dakota.....	Hard Wheat	Grand
State of North Dakota.....	Flax	Grand
State of North Dakota.....	Installation	Grand
E. Billings, Lisbon.....	Macaroni Wheat	Grand
Sharon Mill & Elevator Co.....	Flour	Grand
Sorenson Milling Co., Lisbon.....	Flour	Grand
Missouri Valley Milling Co., Mandan.....	Flour	Grand
Hankinson Roller Mill Co., Hankinson...	Flour	Grand
Rolla Rolling Mills, Rolla.....	Flour	Grand
Russell Milling Co., Jamestown.....	Flour	Grand
Honey Brothers, Park River.....	Flour	Grand
Roger Allen, Grafton.....	Wheat	Gold
Thomas H. Baird, Lakota.....	Wheat	Gold
Fred A. Baker, Morris.....	Wheat and Peas	Gold
I. P. Baker, Bismarck.....	Grass and Alfalfa	Gold
W. W. Barrett, Church's Ferry.....	Wheat and Oats	Gold
W. A. Bentley, Bismarck.....	Wheat	Gold
A. Bolley, Mandan.....	Wheat	Gold
J. H. Bosard, Grand Forks.....	Wheat and Oats	Gold
N. F. Boucher, Bismarck.....	Wheat	Gold
Burleigh County.....	Grasses	Gold
M. B. Cassel, Clifford.....	Wheat	Gold
Joseph Clifford, Grand Forks.....	Wheat and Oats	Gold
John Desantel, Grafton.....	Wheat	Gold
G. P. Durbin, Minnewaukan.....	Wheat	Gold
G. Gulickson, Cooperstown.....	Wheat	Gold
H. L. Hausaman, Grafton.....	Wheat	Gold
H. H. Houston, Hunter.....	Wheat	Gold
Gustave Huber, Bismarck.....	Wheat and Oats	Gold
A. J. Kildahl, Irvine.....	Wheat	Gold
W. A. McClure, Taylor.....	Wheat	Gold
Duncan MacDonald, Bismarck.....	Wheat	Gold
Charles McKissick, Mayville.....	Emmer and Oats	Gold
R. W. Main, Cando.....	Grasses	Gold
Thomas F. Marshall, Oakes.....	Blue Stem Wheat	Gold
Charles Miller, Grafton.....	Hard Wheat	Gold

AWARDS—Continued.

Name.	Article.	Prize.
John W. Millette, Bismarck.....	White Clover and Red Top Seed	Gold
W. J. Mooney, Langdon.....	Wheat	Gold
J. H. Morris, Cooperstown.....	Oats	Gold
Lewis Pond, Church's Ferry.....	Hard Wheat	Gold
Harry Richards, Grand Forks.....	Spring Rye	Gold
George M. Robinson, Coal Harbor.....	Wheat	Gold
John Stooke, Grafton.....	Wheat	Gold
A. F. Turner, Grand Forks.....	Flax	Gold
R. J. Turner, Gladstone.....	Wheat	Gold
M. Upham, Grafton.....	Wheat	Gold
C. B. Waldron, Fargo.....	Alfalfa & Clover Seed	Gold
Frank White, Valley City.....	Oats	Gold
William L. Wilton, McKenzie.....	Wheat	Gold
State of North Dakota.....	Special Butter Exhibit	Gold
Farmers Mill & Grain Co., Milnor.....	Macaroni Flour	Gold
State of North Dakota.....	Italian Pastes	Gold
Burleigh County.....	Flax	Gold
Hans O. Hagan, Fingal.....	Flax	Gold
John Satterlund, Washburn.....	Flax	Gold
State of North Dakota.....	Cheese	Silver
Richland County.....	Corn	Silver
J. D. Bacon, Grand Forks.....	Oats	Silver
J. C. Brink, Kindred.....	Millet, Oats, Wheat and Timothy	Silver
William Brittin, Brittin.....	Wheat	Silver
William Budge, Grand Forks.....	Rye and Wheat	Silver
R. W. Davidson, Minot.....	Oats	Silver
E. H. Ellis, Oriska.....	Rye	Silver
Lewis Engelhorn, Church's Ferry.....	Barley	Silver
L. Hirbison, Grafton.....	Wheat	Silver
Gottlieb Huber, Bismarck.....	Wheat & Clover Seed	Silver
Mrs. J. Johnson, Cooperstown.....	Oats	Silver
J. E. Johnson, Cooperstown.....	Wheat	Silver
Joseph Korgor, Minot.....	Wheat	Silver
R. W. Main, Cando.....	Wheat	Silver
D. C. McLeod, Stewart.....	Emmer	Silver
Ella Mitchell, Edmore.....	Rye	Silver
M. P. Neff, Devils Lake.....	Rye	Silver
O'Connor Brothers, Grand Forks.....	Wheat	Silver
Joseph Poupon, Grand Forks.....	Wheat	Silver
Mrs. E. W. Retzliff, Lidgerwood.....	Wheat	Silver
Hugh Ryan, Grand Forks.....	Wheat	Silver
Linn W. Sperry, Bismarck.....	Wheat	Silver
A. L. Wall, Fargo.....	Beans	Silver
J. F. Wallace, Bismarck.....	Grains and Grasses	Silver
Charles Weigel, Hebron.....	Oats	Silver
Hunter & Anderson, Sentinel Butte.....	Wool	Silver
R. C. Tolley, Kenmare.....	Flax	Silver
John F. Wallace, Bismarck.....	Flax	Silver
Eugene Weibel, Hebron.....	Flax	Silver
W. A. Bentley, Bismarck.....	Emmer	Bronze
Martin Brown, Hay Creek.....	Barley	Bronze
George A. Duis, Grand Forks.....	Beans	Bronze
Henry Dunford, Langdon.....	Oats	Bronze
G. L. Farnum, Carrington.....	Peas	Bronze
George Irwin, Ellendale.....	Emmer	Bronze
Agnes McDonald, Webster.....	Emmer	Bronze
E. V. McKnight, Sheldon.....	Emmer	Bronze

AWARDS—Continued.

Name.	Article.	Prize.
G. Midgaarden, Grafton.....	Oats	Bronze
Nels Olson, Lisbon.....	Oats	Bronze
Ramsey County.....	Collective Ex.	Bronze
Henry Schonert.....	Oats	Bronze
H. H. Strong, Caledonia.....	Wheat	Bronze
Frank Welsh, Grafton.....	Oats	Bronze
Max Wipperman, Hankinson.....	Clover Seed	Bronze
Robert Work, Langdon.....	Wheat	Bronze
James Marshan, Bismarck.....	Flax	Bronze

EXPENDITURES.

Date.	To Whom Issued.	Amount.
1903		
April 18	W. N. Steele.....	\$ 37.85
May 18	Frank White.....	62.00
25	R. J. Turner.....	88.00
26	David Bartlett.....	156.92
26	Walker Bros. & Hardy.....	19.50
July 11	David Bartlett.....	100.00
11	David Bartlett.....	15.15
11	R. J. Turner.....	58.50
14	David Bartlett.....	209.25
14	W. N. Steele.....	129.55
14	C. J. Jones.....	200.00
Aug. 14	Joseph Kitchen.....	26.10
14	Frank Gladstone.....	20.00
14	D. Bartlett.....	130.55
14	D. J. Babcock.....	313.67
Sept. 28	J. Kitchen.....	234.45
Oct. 5	J. H. Marshall.....	47.00
5	R. J. Turner.....	67.65
5	O. G. Libby.....	56.35
5	Frank Glandstone.....	20.00
5	L. R. Waldron.....	86.11
5	C. B. Waldron.....	39.25
5	Jacob Rotchiller.....	35.75
5	E. J. Babcock.....	155.80
12	Matilda Woa.....	8.75
12	Minnie Johnson.....	5.00
12	Maud Hauser.....	7.50
12	Maud Sykes.....	6.25
12	Eleanor Rochat.....	3.75
12	Anna E. Gravelli.....	7.95
12	Anna E. Gravelli.....	11.33
27	Maud Hauser.....	15.00
27	Maud Sykes.....	12.50
27	Rose McAuliff.....	15.00
27	Georgie Patterson.....	13.75
27	Dottie Thompson.....	12.50
27	Julia O'Leary.....	12.50
27	Katie Bresney.....	5.00
27	Ida French.....	10.00
27	Lillian Gravale.....	6.75
27	Florence Hollenbeck.....	7.50
27	Ella Sargent.....	6.25
27	Eleanor Rochat.....	3.50
27	Anna Grayellix.....	13.08
27	W. F. Cushing.....	50.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
27	W. F. Cushing.....	59.00
30	Lindsay Lumber Co.....	8.88
30	R. F. Bryant.....	4.00
Nov. 2	P. R. Trubshaw, printing.....	2.50
3	W. F. Cushing, expense.....	50.00
3	W. F. Cushing, salary.....	75.00
5	Frank Gladstone, salary.....	40.00
5	David Bartlett, salary and expense.....	167.90
5	Eimer & Amend.....	20.10
5	Joseph Kitchen.....	115.60
5	E. J. Babcock.....	137.97
5	L. B. Hanna, treasurer.....	50.40
5	E. G. Schallander.....	6.25
12	George A. McFarland.....	10.00
13	D. S. Lewis, rent.....	30.00
13	Maud Hauser, work on exhibit.....	3.75
13	Maud Sykes, work on exhibit.....	3.75
13	George McAuliff, work on exhibit.....	8.00
13	Georgie Patterson, work on exhibit.....	8.00
13	Dottie Thompson, work on exhibit.....	3.75
13	Julia O'Leary, work on exhibit.....	3.75
13	Katie Bresney, work on exhibit.....	3.75
13	Ida French, work on exhibit.....	3.75
13	Florence Hollenbeck, work on exhibit.....	3.75
13	Ella Sargent, work on exhibit.....	6.75
13	Miss Cornelius, work on exhibit.....	1.75
13	Eleanor Rochat, work on exhibit.....	1.75
13	Anna Gravelli, expense and salary.....	71.65
13	Schlauster & Ott, making boxes.....	19.90
20	R. J. Turner.....	45.00
30	Julia O'Leary, work on exhibit.....	20.00
30	Rose McAuliff, work on exhibit.....	20.00
30	Maud Sykes, work on exhibit.....	20.00
30	Florence, Hollenbeck, work on exhibit.....	20.00
30	Dottie Thompson, work on exhibit.....	16.25
30	Minnie Campbell, work on exhibit.....	16.25
30	Ida French, work on exhibit.....	13.00
Dec. 8	R. J. Turner.....	30.00
9	W. F. Cushing, salary.....	75.00
21	W. F. Cushing, expense.....	84.10
22	Rose McAuliff, work on exhibit.....	25.00
22	Dottie Thompson, work on exhibit.....	23.75
22	Ida French, work on exhibit.....	23.75
22	Maud Sykes, work on exhibit.....	25.00
22	Minnie Campbell, work on exhibit.....	25.62
22	Florence Hollenbeck, work on exhibit.....	23.75
22	Julia O'Leary, work on exhibit.....	26.25
22	Georgie Patterson, work on exhibit.....	13.12
22	C. B. Waldron, work on exhibit.....	7.65
27	Union Light & Power Co., electricity.....	2.25
27	John Martin, corn.....	4.00
28	David Bartlett.....	299.33
30	David Bartlett.....	236.18
1904		
Jan. 2	S. Mathews.....	40.00
2	The Herald, advertising.....	15.00
2	The Forum, advertising.....	18.00
4	R. J. Turner.....	14.15
5	D. S. Lewis, rent.....	30.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
12	M. E. Beebe, architect.....	65.00
12	E. A. Smythe, wheat.....	14.00
12	E. V. McKnight.....	25.00
18	W. E. Hoover, prize school work.....	30.00
18	P. S. Berg, prize school work.....	20.00
18	R. S. Dewar, prize school work.....	15.00
18	J. F. Koehler, prize school work.....	15.00
18	Leroy F. Jackson, prize school work.....	30.00
18	F. D. Page, prize school work.....	20.00
18	J. Sanderall, prize school work.....	30.00
18	A. M. Simpson, prize school work.....	20.00
19	R. J. Turner.....	239.74
20	Bismarck Tribune Co.....	4.00
21	Frank Gladstone.....	20.00
21	E. J. Babcock.....	154.02
21	C. B. Waldron.....	81.45
21	R. W. Davidson.....	55.00
21	E. J. Babcock.....	83.80
21	John Suthaff.....	17.60
21	Charles G. Bade.....	27.35
21	R. Haspell.....	5.25
21	George Crawford.....	3.00
21	C. B. Waldron.....	14.00
21	George Crawford.....	2.88
23	Mazie Clemens.....	8.10
29	C. B. Waldron, work.....	100.00
30	Mrs. C. N. Hoffman, Indian robe.....	10.00
Feb. 5	George Crawford.....	2.00
7	Sam Mathews.....	82.49
9	J. L. Arnold, agent.....	1.93
15	E. H. Van Antwerp, pictures.....	24.00
18	E. J. Babcock.....	141.84
29	W. F. Cushing, salary.....	75.00
29	Tim Garory, drayage.....	8.20
29	C. B. Waldron, freight.....	25.44
29	J. A. Davis, flax.....	55.20
March 1	Sam Mathews.....	64.04
1	R. J. Turner.....	17.75
1	David Bartlett.....	286.10
1	Bismarck Tribune Co.....	5.00
1	E. J. Babcock.....	132.30
1	W. E. Hoover.....	12.60
1	W. F. Cushing.....	11.60
1	J. Kitchen.....	290.00
1	W. F. Cushing.....	75.00
8	David Bartlett.....	321.00
8	J. B. Cook & Co.....	1.35
8	F. J. Burke.....	4.50
8	F. McDonald.....	22.50
8	E. J. Babcock.....	40.33
8	O. A. Thompson.....	22.50
8	Mazie Clemens.....	6.10
8	W. E. Hoover.....	13.35
8	W. N. Steele.....	51.75
8	O. G. Libby.....	52.84
8	John Maasen.....	12.60
8	J. H. Marshall.....	86.95
8	D. S. Lewis, rent.....	30.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
12	R. J. Turner.....	500.00
12	W. F. Cushing.....	25.00
13	L. F. Sereco, work.....	40.25
15	C. B. Waldron, freight.....	145.53
18	E. J. Babcock.....	349.57
18	C. G. Bade, corn.....	7.05
18	W. D. Hartman, educational ex.....	45.15
18	W. A. Fisher, cover design.....	50.00
19	C. B. Waldron, freight and express.....	39.60
19	C. B. Waldron, two months' salary.....	100.00
19	S. Mathews.....	26.50
22	W. F. Cushing.....	25.00
23	D. R. McDonald.....	9.00
28	C. E. Nugent.....	3.30
April 2	Beers Hotel.....	24.32
2	W. F. Cushing, salary.....	39.60
6	D. Bartlett.....	200.00
7	Howard Elling, freight.....	11.02
7	Edmunds Mfg. Co., payment on booth.....	2,000.00
10	W. F. Cushing, salary.....	45.00
10	Wabash Railway Co., freight.....	66.95
11	James Byrne, labor.....	13.83
13	R. J. Turner.....	69.00
14	J. Beckert, labor.....	13.83
15	W. F. Cushing, salary.....	25.00
15	W. F. Cushing, sundries.....	3.05
15	L. Lamb Lumber Co.....	18.37
15	Austin Logan.....	4.20
15	George Proctor.....	5.00
15	W. N. Steele.....	50.00
15	Mrs. S. Smith.....	21.50
15	Joseph Kitchen.....	110.00
16	W. F. Cushing, salary.....	10.00
16	C. D. Hammel, salary.....	50.00
17	W. F. Looker, salary.....	25.00
20	W. E. Meyers, work on booth.....	100.00
22	Lammert Furniture Co.....	126.75
22	Shallcross Printing Co., stationery.....	8.75
22	C. A. Lounsberry, records.....	300.00
23	W. F. Cushing, salary.....	15.00
23	R. W. Main, salary.....	25.00
May 2	Hotel Beers.....	64.09
2	W. F. Cushing, salary.....	25.00
2	C. D. Hammel, salary.....	40.00
3	Corticelli Silk Co.....	2.40
3	Lungstross D. C. Co., burlap.....	24.00
4	W. F. Cushing, salary.....	50.00
4	H. L. Collins & Co., macaroni pkgs.....	335.00
5	Hanley-Casey Co., plumbing.....	1,068.60
5	Hanley-Casey Co., permits.....	59.25
5	Edmunds Mfg. Co., booths.....	5,191.68
6	J. Kitchen, freight.....	31.18
6	L. Polly, show cases.....	1,567.33
7	R. W. Main, salary.....	50.00
7	C. D. Hammel, salary.....	25.00
7	David Bartlett, salary and expense.....	312.90
7	C. E. Driscoll, salary.....	25.00
7	W. F. Cushing, salary.....	25.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
9	C. Roberts.....	8.00
9	W. F. Looker, salary.....	40.00
11	Webb Brothers.....	6.80
11	David Bartlett.....	200.90
11	J. H. Worst.....	11.50
11	W. E. Hoover.....	16.80
11	Walker Brothers.....	82.50
11	Adams Express Co.....	2.30
11	W. D. Hartman, expense.....	28.40
11	W. F. Cushing, sundries.....	2.61
12	C. Roberts, burlap.....	9.00
13	W. F. Cushing, salary.....	25.00
14	C. H. Driscoll, salary.....	10.00
14	Minnesota Macaroni Co., macaroni.....	173.95
16	W. E. Meyers, booth.....	300.00
16	Katherine Coleman, salary.....	40.00
16	W. E. Fisher, salary.....	30.00
17	C. D. Hammel, salary.....	25.00
18	W. D. Hartman, salary.....	25.00
18	W. E. Fisher, paints and sundries.....	7.24
21	C. H. Driscoll, salary.....	25.00
21	W. E. Fisher, salary.....	25.00
21	W. N. Steele, salary.....	50.00
21	W. F. Cushing, sundries.....	175.00
21	W. F. Cushing, salary.....	25.00
24	Jos. Kitchen.....	42.50
24	W. F. Cushing, sundries.....	25.90
25	W. D. Hartman, salary.....	25.00
25	W. F. Looker, burlap.....	3.24
27	W. E. Fisher, salary.....	25.00
27	C. D. Hammel, salary.....	25.00
28	Nellie Warner, labor ed.....	4.35
28	F. F. McKenna, labor.....	5.55
28	C. H. Driscoll, salary.....	10.00
28	W. F. Cushing, salary.....	25.00
28	W. N. Steele, salary.....	50.00
31	W. E. Meyers, booth.....	200.00
31	T. A. Todd, painting.....	27.00
31	R. G. Shisler, storage.....	21.00
31	The Consumers Co., water cooler.....	1.50
31	W. D. Hartman, salary.....	67.40
31	W. F. Cushing, sundries.....	1.60
31	W. F. Looker, salary.....	75.00
June 1	E. J. Babcock.....	717.51
1	A. Reimann & Co., electrical work.....	115.50
2	Katherine Coleman, salary.....	50.00
2	Albert Shule, labor.....	8.00
2	C. H. Hammel, salary.....	25.00
2	Clare & Scharath, material.....	4.50
2	Charles Boise, salary.....	15.00
2	W. N. Steele, salary.....	88.35
3	J. W. Foley, salary.....	100.00
3	W. E. Fisher, salary.....	20.00
3	Beers Hotel, bill for May.....	65.43
3	C. H. Driscoll, salary.....	15.00
4	E. Meternius, painting.....	44.50
4	Thomas Radcliff, salary.....	15.00
6	A. Nollberg.....	18.00

EXPENDITURES—Continued.

Date.	To Whom Issued	Amount.
6	Meyers Brothers, drugs.....	52.00
6	J. Kennard & Sons, carpets.....	85.00
6	Shallcross Printing Co.....	3.00
6	Majestic Mfg. Co.....	70.00
6	Clare & Scharath.....	10.50
6	Georgia Stimson Fur Co., rugs.....	57.50
6	Lammert Furniture Co.....	1.73
6	W. F. Cushing, salary.....	50.00
7	Miss Ellen Gartside, labor.....	25.00
7	Lammert Furniture Co.....	28.00
8	W. F. Looker, ice coupon.....	4.00
8	J. Spencer Turner, burlap.....	163.13
8	C. H. Driscoll.....	10.00
8	C. N. Boise.....	15.00
8	W. E. Fisher, salary.....	20.00
8	C. D. Hammel, salary.....	25.00
8	D. Bartlett.....	297.15
8	C. B. Waldron, salary.....	100.00
8	Magill & Co., seeds.....	92.40
9	J. Kitchen.....	8.68
9	A. G. Shisler, storage.....	19.00
9	Katherine Coleman, salary.....	25.00
10	W. F. Cushing, salary.....	25.00
10	Clare & Scharath.....	4.50
10	Ellison Floral Co., flowers.....	35.00
10	D. Bartlett.....	69.75
10	Laclede Gas Co., gas.....	15.00
10	L. P. Expo. Co., gas.....	5.25
10	Katherine Coleman, salary.....	83.00
12	W. E. Fisher, balance salary.....	189.00
12	Thomas Radcliff, salary, mines dept.....	39.40
12	W. E. Fisher, salary.....	60.00
12	C. W. Boise, salary.....	28.30
13	C. D. Hammel, salary.....	25.00
13	Mazie Clemens.....	22.10
13	R. W. Main, work.....	327.35
13	Wablen Co., picture frames.....	25.10
13	Lammert Furniture Co.....	30.50
15	W. F. Cushing.....	40.00
16	W. E. Meyers, balance on booth.....	278.00
18	George T. Farmer, two cabinets.....	34.80
18	Georgia Stinson Fur Co.....	46.75
18	W. F. Cushing, salary.....	15.00
18	J. D. Allen.....	50.00
20	C. W. Boise, salary.....	15.00
21	Mound City Flag and Dec. Co.....	40.00
21	Will Hampleman.....	9.50
21	W. F. Looker, draying.....	10.00
21	John Miller, salary.....	10.00
22	W. F. Cushing, salary.....	10.00
22	Anna Stapleton, salary.....	25.00
23	Edmunds Mfg. Co., balance on work.....	35.00
23	St. L. Fire Prf. & Ptg., work on booth.....	375.00
23	C. D. Hammel, salary.....	25.00
23	L. P. E. Co., electric constructions.....	5.00
25	W. N. Steele.....	145.06
25	W. F. Cushing, salary.....	25.00
25	W. F. Cushing, salary.....	35.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
25	J. A. Garrington.....	20.00
25	C. A. Lounsberry, "records".....	150.00
28	L. P. Ex. Co., water.....	11.12
28	Photo Co., Alice Roosevelt.....	12.00
28	C. D. Hammel, salary.....	25.00
28	W. F. Looker, salary.....	65.00
29	C. W. Boise, salary.....	5.50
29	Harbert Polhill Co., dairy.....	1.43
29	Lela Lovell, July salary.....	50.00
29	John Miller, salary.....	20.66
30	Mermod & Jaccard, Alice Roosevelt plate.....	13.00
30	S. G. Dannser.....	14.00
July 1	J. Henwood & Sons, rugs.....	8.50
1	Scruggs, Vandervoort & Barney, merchandise.....	31.50
1	Soubrecht & Son, plants.....	18.00
1	W. F. Cushing, sundries.....	4.30
1	Off. Photo Co., Alice Roosevelt photos.....	12.00
1	Eureka Refg. Co., refrigerator.....	110.25
2	George Stenson, furniture.....	156.00
2	Rose Gallagher, salary.....	25.00
2	C. B. Waldron, freight and express.....	53.00
2	D. J. Lijken, salary.....	25.00
5	Isabell Liggett, salary.....	120.00
5	C. D. Hammel, express.....	10.15
5	Am. Express.....	4.00
5	S. S. Lewis.....	5.00
5	D. Bartlett.....	330.17
5	C. E. Nugent, sec.....	7.50
5	Beers Hotel.....	101.81
6	Walker Bros. & Hardy.....	26.10
6	Freeman Studio.....	77.20
6	Swen, photographer.....	47.40
6	O. Libby, sec.....	33.57
6	W. F. Cushing, salary.....	25.00
6	Simmons Hardware Co.....	107.95
7	E. J. McDonald, agent C., B. & Q.....	9.57
7	C. H. Crouch.....	51.25
7	Grambs & Wolbert.....	4.45
7	Walker Bros. & Hardy.....	12.00
7	O. H. Will & Co.....	34.50
7	J. D. Allen.....	17.00
7	Bailes & Perkins.....	40.00
8	Harry Cassidy, treas. Cal. Com.....	7.50
8	Anna Stapleton, salary.....	25.00
8	A. Reimann & Co., electric fan.....	25.00
8	John Miller, sundries.....	9.90
9	Am. Ex. Co.....	1.75
9	E. Meternius, painting.....	20.00
9	C. D. Hammel, salary.....	25.00
9	Consumer Co., water.....	10.30
9	Am. Ex. Co.....	2.75
9	W. F. Cushing, salary.....	10.00
12	E. Meternius, painting.....	49.50
12	Am. Ex. Co.....	3.38
13	E. Sullivan, salary.....	25.00
13	W. F. Cushing, salary.....	75.00
14	Rose Gallagher, salary.....	25.00
14	Fred Schenke.....	100.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
14	H. L. Novius, glass.....	32.50
14	Ellen Gartside, salary.....	25.00
14	E. J. Babcock.....	626.02
15	H. J. Lykken, salary.....	50.00
16	C. D. Hammel, salary.....	25.00
16	John Miller, porter.....	10.00
16	F. W. Taylor, butter refrigerator.....	500.00
18	W. N. Steele, express.....	5.00
18	W. F. Looker, expenses.....	12.99
19	Emery Mfg. Co., floor work.....	86.58
19	Laclede Gas Light Co., bill to date.....	3.36
19	W. N. Steele.....	25.00
19	John Miller, porter.....	5.00
20	W. F. Cushing.....	20.00
20	Off. Photo Co., on account.....	10.00
21	W. N. Steele.....	25.00
22	Refrigerating Plant, ice book coupon.....	10.00
22	W. F. Looker, on account.....	25.00
23	Geo. A. Hunt, 22 pounds butter.....	4.84
23	Anna Stapleton, salary.....	25.00
23	Ellen Gartside, 26 pints milk.....	6.50
24	J. D. Allen, salary.....	50.00
25	W. F. Cushing, postage stamps.....	5.00
25	W. N. Steele, account salary.....	10.00
25	Elizabeth Sullivan, salary.....	25.00
25	C. D. Hammel, salary.....	10.00
27	Rose Gallagher, salary.....	10.00
27	W. F. Cushing, salary.....	5.00
27	C. D. Hammel, entertainment N. D. visitors, lunch.....	5.00
27	John Miller, salary.....	5.00
28	C. D. Hammel, postage stamps.....	5.00
28	W. F. Cushing, salary.....	15.00
28	J. H. Key, express records.....	35.35
29	W. F. Cushing, account salary.....	25.00
30	J. H. Key, expense three boxes buttons.....	22.02
Aug. 1	Rose Gallagher, balance salary.....	35.00
1	Elizabeth Sullivan, salary.....	45.00
1	Elizabeth Sullivan, expenses.....	16.00
1	Lela Lovell, salary.....	25.00
1	W. N. Steele, account to date.....	56.58
1	C. D. Hammel, salary.....	15.00
1	R. J. Turner.....	87.00
2	Laclede Gas Light Co., lights.....	2.64
2	W. F. Looker, salary.....	50.00
2	John Miller, salary.....	30.00
2	C. D. Hammel, expenses.....	12.40
2	John Miller, expenses.....	5.00
2	C. D. Hammel, salary.....	25.00
2	Ellen Gartside, salary to August 1.....	50.00
2	Ellen Gartside, expenses.....	3.55
3	Refrigerating Plant.....	10.00
3	St. L. Dairy Co.....	2.50
4	David Boise, salary.....	30.00
6	L. P. Co., electricity.....	4.00
6	W. N. Steele, salary.....	15.00
6	C. D. Hammel, postage.....	2.00
8	Mazie Clemens, railroad fare.....	21.35
8	Bismarck Tribune Co.....	12.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
9	Laclede Gas Co., gas.....	1.44
9	John Miller, salary.....	5.00
10	Consumers Co., water.....	21.00
11	Off. Photo Co., photos.....	24.00
11	St. L. Dairy Co., butter.....	2.50
11	St. L. Dairy Co., butter.....	94.40
11	W. N. Steele, account in full.....	66.95
12	J. H. Key, express.....	3.22
13	W. F. Cushing, salary.....	25.00
13	W. F. Cushing, salary.....	25.00
13	C. D. Hammel, salary.....	35.00
13	David Boise, salary.....	15.00
13	J. B. Owens, pottery.....	425.75
13	Roseville Pottery Co., pottery.....	270.49
15	Cleaner Mfg. Co.....	2.85
16	Laclede Gas Co.....	1.68
17	J. H. Key, express.....	49.40
17	St. L. Dairy Co.....	2.25
19	John Miller, salary.....	10.00
19	W. F. Loker, salary.....	75.00
19	C. D. Hammel, salary.....	65.00
20	F. H. Frolich, butter statue.....	200.00
20	David Bouse, sundries.....	30.00
20	David Bartlett, sundries.....	40.50
20	W. F. Cushing, salary.....	25.00
20	D. Bartlett.....	318.40
22	D. J. Gill, express.....	5.38
22	L. P. Exp. Co., elect.....	31.00
22	Mazie Clemens.....	25.00
23	R. J. Turner.....	150.00
23	F. H. Frolich, butter statue.....	175.00
23	LaMoure Creamery Co., butter.....	51.23
23	Peter Miller, ex. on butter.....	6.30
23	R. F. Flint, ex. on butter.....	5.20
23	A. C. Cressin, ex. on butter.....	6.00
23	H. R. Geiske, ex. on butter.....	1.95
23	Victor Glanty, ex. on butter.....	2.45
23	Fred Krause, ex. on butter.....	1.85
24	Edw. Moll, ex. on butter.....	2.25
24	Fred Knowlan, ex. on butter.....	2.07
24	N. D. Sutherland, ex. on butter.....	4.50
24	Keith Creamery Co., ex. on butter.....	1.82
24	J. E. Swanson, ex. on butter.....	4.50
24	R. S. Kanzer, ex. on butter.....	2.52
24	Grand Forks Creamery, ex. on butter.....	3.15
24	K. Wallon, ex. on butter.....	3.15
24	Wishak Creamery Co., ex. on butter.....	1.70
24	Blue Grass Creamery, ex. on butter.....	1.80
24	New Salem Creamery, ex. on butter.....	8.05
24	Garfield Creamery Co., ex. on butter.....	4.50
24	E. S. Hamilton, sec. butter.....	6.10
24	St. Louis Dairy Co., milk.....	3.00
24	C. D. Hamel, sundries.....	37.95
24	Laclede Gas Co.....	1.56
24	Lela Lovell, salary in full.....	75.00
25	Sanders Eng. Co., cuts.....	23.60
25	E. E. Waggoner, ticket.....	21.35
26	L. P. Expo. Co., electricity.....	16.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
26	W. F. Cushing, salary.....	25.00
26	Ella B. Carter, advanced salary.....	35.00
27	R. D. Hoskins.....	9.51
27	N. D. State Historical Society.....	146.81
27	A. E. Boyce.....	10.00
29	R. H. Hankinson, apples.....	4.00
29	A. L. Martin, wool.....	9.40
29	Refrigerator Co., ice.....	10.00
29	J. D. Allen, salary.....	50.00
30	Laclede Gas Co., gas to August 29.....	1.80
30	Mazie Clemens, salary.....	50.00
31	John Miller, salary.....	40.25
31	J. H. Key, express.....	20.20
31	C. D. Hamel, sundries.....	17.85
31	Ellen Gartside, salary.....	50.00
31	W. F. Cushing, salary.....	35.00
31	St. Louis Dairy Co.....	3.00
Sept. 2	R. F. D. Keibert, cheese.....	34.38
2	F. Webb Co., picture frame.....	34.20
3	Beers Hotel.....	140.78
3	C. B. Waldron, salary.....	50.00
3	G. Grimson, salary.....	37.50
3	G. Grinson, railroad transportation.....	21.35
3	W. F. Cushing, sundries.....	6.85
5	P. D. C. Ball, ice.....	10.00
5	W. F. Looker, sundries.....	10.35
5	W. F. Cushing, salary.....	25.00
5	E. F. Waggoner, salary.....	25.00
5	N. J. School Fur. Co., ed. cases.....	489.30
5	LaMoure Creamery Co., butter.....	53.24
6	General Service Co., carting.....	3.00
7	Ella B. Carter, salary.....	25.00
8	Laclede Gas Co.....	1.68
8	J. H. Key, express.....	39.80
8	St. Louis Dairy Co.....	2.75
8	J. D. Allen.....	100.00
8	W. W. Webster.....	40.00
9	John Miller.....	17.00
9	The Consumers Co.....	15.00
9	C. D. Hamel.....	25.00
10	R. J. Turner.....	125.00
10	George L. Edwards, attorney.....	15.00
10	W. F. Cushing.....	25.00
12	David Bartlett.....	307.75
13	E. J. Babcock.....	175.24
13	Northrup, King & Co.....	96.78
13	Georgia Stimson Fur. Co., furniture.....	195.00
13	Schallcross Printing Co., printing.....	80.80
13	Pittsburg Plate Glass Co.....	11.80
14	St. Louis Dairy Co.....	3.00
14	W. F. Looker.....	15.00
16	J. H. Key, express.....	4.38
16	E. S. Kanzer.....	5.04
17	J. H. Key, express.....	54.35
17	C. R. Williams.....	5.00
17	W. F. Cushing.....	13.00
17	James Nesbit, janitor.....	15.00
17	W. F. Cushing.....	22.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
19	T. K. Hedrick.....	25.00
20	Laclede Gas Co.....	2.88
20	St. Louis Dairy Co.....	2.50
20	W. F. Cushing, salary.....	5.00
20	W. F. Cushing, sundries.....	1.15
21	J. H. Key, express.....	5.95
21	Shallcross Printing Co.....	36.45
22	John L. Coulter, mines dept.....	37.50
22	Ella B. Carter, salary.....	25.00
22	C. D. Hamel, sundries.....	6.00
22	R. H. Hankinson.....	8.00
23	C. D. Hamel.....	25.00
23	Mrs. F. W. Wright, room to Sept. 23.....	28.00
23	Grand Forks Herald.....	50.00
23	C. A. Lounsberry.....	200.00
23	C. A. Lounsberry.....	17.15
24	W. F. Cushing.....	20.00
24	W. F. Cushing.....	10.00
24	James Nesbit, janitor.....	15.00
24	W. F. Looker, sundries.....	13.18
26	J. H. Key, express.....	11.45
26	H. Goodall, railroad fare.....	21.35
26	Elizabeth Waggoner, salary.....	70.00
26	Matt W. Hall.....	2.00
28	Elsie McFarlane, salary in full.....	96.35
28	St. Louis Dairy Co.....	2.50
29	Simmons Hardware Co.....	30.60
29	L. P. Ex. Co.....	10.00
29	Viscayan Village Orchestra, N. D. day.....	25.00
29	W. F. Looker, salary.....	60.00
29	R. H. Hankinson.....	9.00
30	Salary and sundries.....	60.20
30	Ellen Gartside, salary.....	60.00
30	Mrs. F. W. Wright, room rent.....	18.05
30	James Nesbit, janitor.....	5.00
30	W. F. Cushing, salary.....	35.00
30	Jefferson Hotel, N. D. day.....	59.33
30	Miss Nan Mudgett, railroad fare.....	21.35
Oct. 3	Teller Bros. Cot. Co.....	180.00
3	Ellison Flo. Co.....	60.00
3	Simmons Hardware Co.....	35.25
3	Sanders Eng. Co.....	7.35
3	H. Goodall, salary.....	20.00
3	James Nesbit, laundry.....	3.00
4	Laclede Gas Co.....	2.76
4	W. F. Cushing.....	10.00
4	J. H. Marshall.....	72.50
5	David Bartlett.....	382.18
5	J. H. Key, express.....	59.60
6	Shallcross Printing Co.....	112.60
6	St. Louis Dairy Co.....	2.50
6	Refrigerator Plant, ice.....	10.00
6	Ella B. Carter.....	31.35
8	Alice Rutledge.....	21.35
8	James Nesbit.....	10.00
8	J. H. Key, express.....	6.30
8	J. W. Foley.....	100.00
8	Nan Mudgett, salary.....	10.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
8	C. D. Hamel.....	25.00
8	Eureka Refrigerator Co.....	2.55
8	LaMoure Creamery Co.....	4.50
8	Farmers Mill and Grain Co.....	5.00
10	W. F. Cushing.....	40.00
11	J. H. Key, express.....	33.35
11	The Consumers Co.....	5.50
11	J. D. Allen, salary.....	50.00
12	St. Louis Dairy Co.....	2.63
12	H. Goodall.....	40.00
13	R. J. Turner.....	158.35
14	Nan Mudgett, salary.....	50.00
15	H. Goodall, in full to account.....	15.00
15	Alice Rutledge, salary.....	25.00
15	James Nesbit.....	15.00
15	C. D. Hamel, salary.....	25.00
18	Laclede Gas Co.....	3.72
18	M. Valley Tr. Co.....	500.00
18	Magill & Co.....	6.60
19	St. Louis Dairy Co.....	2.50
19	W. F. Looker, express.....	14.25
20	J. H. Key, express.....	4.20
21	J. H. Key, express.....	16.54
21	C. G. Williamson.....	2.50
22	Percy Abbey.....	21.35
22	James Nesbit, janitor.....	15.00
22	C. D. Hamel, salary.....	10.00
24	Missouri Tent & Awning Co.....	12.80
24	Ara Waggoner.....	21.35
25	Wells Fargo Express Co.....	5.25
25	Official Photo Co.....	8.00
25	Electrical Heating & Mfg. Co.....	16.00
25	R. H. Hankinson.....	10.00
25	Westland Educator.....	2.75
26	St. Louis Dairy Co.....	2.50
26	W. F. Looker, salary.....	75.00
27	Alice Rutledge, salary.....	50.00
27	James Nesbit, salary.....	5.00
27	Winterer & Winterer.....	8.30
29	Ara Waggoner, salary.....	25.00
31	James Nesbit, salary and sundries.....	9.50
31	C. D. Hamel, salary.....	40.00
31	Ellen Gartside, salary.....	60.00
31	J. D. Salkeld.....	10.00
31	David Bartlett.....	18.00
31	C. D. Hamel, sundries.....	9.20
31	Mrs. F. W. Wright, room to Nov. 31—31 days...	62.00
Nov. 1	F. Meade, medal awards.....	5.00
1	J. H. Key, express.....	2.15
2	Percy Abbey.....	25.00
2	Exposition Water Co.....	1.50
3	St. Louis Dairy Co.....	2.34
3	Cleaners Mfg. Co.....	3.50
3	Simmons Hardware Co.....	3.05
3	W. W. Webster.....	46.58
3	David Bartlett.....	287.30
4	W. S. Salway, N. D. day.....	93.50
5	James Nesbit.....	5.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
5	C. D. Hamel, salary.....	20.00
7	L. M. Brown, salary and railroad fare.....	46.35
7	W. C. Buskett.....	50.00
7	Refrigerator Plant, ice book.....	10.00
8	Laclede Gas Co.....	5.28
8	Ara Waggoner, salary.....	25.00
9	Adams Express Co.....	29.25
9	St. Louis Dairy Co.....	2.06
9	C. D. Hamel, salary.....	20.00
9	C. A. Lounsberry.....	17.85
10	L. P. Exposition Co., electricity.....	14.00
10	A. N. Winchell, freight.....	6.71
10	James Nesbit, salary.....	5.00
12	James Nesbit, salary.....	5.00
12	C. D. Hamel, sundries.....	13.15
15	Percy Abbey.....	25.00
15	W. F. Looker, salary.....	10.00
17	St. Louis Dairy Co.....	2.13
18	James Nesbit.....	10.00
18	W. F. Looker, sundries.....	7.00
21	Mrs. J. N. Brown.....	25.00
22	W. H. Town.....	5.00
22	James Nesbit.....	5.00
22	C. D. Hamel, salary.....	25.00
22	Ara Waggoner, salary in full.....	25.00
23	St. Louis Dairy Co.....	2.26
23	Consumers Co., water.....	2.00
23	Wm. Ballou.....	2.40
24	W. F. Looker, salary.....	20.00
25	Laclede Gas Co.....	3.96
26	James Nesbit, salary.....	10.00
28	Georgia Stimson Fur. Co.....	42.00
30	C. D. Hamel, salary Dec. 1.....	35.00
30	James Nesbit, sundries.....	2.50
30	James Nesbit, salary.....	10.00
Dec. 1	St. Louis Dairy Co.....	3.19
1	Mrs. J. N. Brown.....	25.00
2	H. W. Sells & Co., pack mat.....	5.00
2	Ellen Gartside.....	75.00
2	St. Louis Of. Awd. Co.....	10.00
3	St. L. Cooperage Co.....	28.95
3	St. L. Cooperage Co.....	4.95
3	Percy Abbey.....	57.50
5	James Nesbit, salary.....	3.75
6	W. F. Looker, salary.....	55.00
6	George L. Edwards.....	36.00
9	Sells & Co., package mat.....	10.00
12	C. D. Hamel, salary to Jan. 1.....	100.00
12	W. F. Looker, salary to Jan. 1.....	75.00
12	W. F. Looker, sundries.....	8.55
12	W. F. Looker, sundries.....	9.10
12	Mrs. F. W. Wright, room to Dec. 13.....	86.00
12	J. H. Deeken, package mat.....	6.00
12	R. G. Schisler.....	48.82
12	W. F. Looker.....	200.00
20	Frank White.....	73.00
22	Railroad fare St. Louis to Minneapolis.....	16.00

EXPENDITURES—Continued.

Date.	To Whom Issued.	Amount.
1905	23 Hagen Taylor Co., packing educational exhibit..	76.00
Jan.	5 Hanely-Casey Co., plumbing.....	11.56
	5 W. F. Looker, salary January.....	75.00
	Total.....	\$44,252.08

Respectfully submitted,

FRANK WHITE.

H. L. HOLMES.

R. J. TURNER.

W. N. STEELE.

DAVID BARTLETT.

THIRTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Cooper of Stutsman, Gilbert, Heglie, Lemieux, Lillie, Mooney, Piper, Rose and Schlenker, who were excused.

The courtesies of the floor were extended to Rev. Green, of Jamestown.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 2 line 22, change name "Myren Stensland" to "E. Lincoln."

And when so amended recommend that the same be approved.

Also,

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

Page 1 after line 17 add "which motion prevailed" and after line 18 add Mr. Buttz moved, That the resolution looking to the appointment of Amos Oleson as janitor, which had been reconsidered be now adopted.

Page 2, line 33 change word "motion" to "motions" and on line 34 change words "resolution was" to "resolutions were."

And when so amended recommend that the same be approved.

Also,

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

Page 7 line six change "75" to "76". Line 7 change "21" to "20". After name "Allen" in affirmative vote add name "Arnold" and omit name "Arnold" as absent and not voting.

Page 12 line 13 change figure "45" to "46" and on line 14 change "24" to "23". After name "Allen" in negative vote add name "Baeverstad" and omit name "Baeverstad" from absent and not voting.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The committee on insurance made the following report:
Mr. Speaker:

Your committee on insurance to whom was referred

House Bill No. 69,

A bill for an act to provide for the organization of mu-

tual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

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

ANTON FRIED,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

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

Also,

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

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

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

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

Also,

House Bill No. 161,

A bill for an act to amend section 1, of chapter 53, of session laws of 1901, relating to compensation of county commissioner, and fixing the hours of meeting.

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

C. W. BUTTZ,

Chairman.

Mr. Buttz moved

That the report of the committee be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 95,

A bill for an act amending section 6648 of the revised
codes of North Dakota of 1899, relating to the postponement
of trials in justice courts.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted.

Mr. Underwood moved

That as a substitute motion that House Bill No. 95 be
referred to the judiciary committee for further considera-
tion.

Mr. Stevens of Burleigh, moved

As an amendment that the bill be referred to such com-
mittee as the speaker might select.

Which amended motion prevailed, and

The speaker referred the bill to the committee on temper-
ance.

Also,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 168,

A bill for an act providing for the granting of limited di-
vorces or a separation from bed and board forever, or for
a limited time on complaint of a married woman.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 164,

A bill for an act relating to the dismissal of civil actions
and providing when and how such actions may be dismissed,
and when the judgment of dismissal shall be on the merits.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted.

Which motion prevailed, and

Further consideration of the bill was indefinitely postponed.

The committee on military affairs made the following report:

Mr. Speaker:

Your committee on military affairs to whom was referred

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19,
political code, entitled "Militia."

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

Section 1 line 12 in printed bill the word "four" be changed to "five" and at
the end of section 1 after the word "year" add "provided that no less than
five mounted drills shall have been held by said troop or battery during each
year." After section 2 add Section 3. An emergency exists in that there are
not sufficient funds appropriated by law to meet the expenses of maintaining
the regimental band attached to the militia, therefor this act shall take effect
from and after its passage and approval.

And when so amended recommend that the same do pass.

WM. R. PURDON,
Chairman.

Mr. Purdon moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 9, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Also,
Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

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

Also,
House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,
House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

Which the senate has passed unchanged.

Very respectfully,
L. M. McGLASHAN,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Morgan moved

That House Bill No. 41 be re-referred to the committee on taxes and tax laws.

Which motion prevailed, and

The bill was so referred.

The chief clerk announced that the speaker was about to sign

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

The speaker signed the same in the presence of the house.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sheils introduced

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Which was read the first and second times and

Referred to the committee on **state affairs**.

Mr. Sheils introduced

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Sweet introduced

House Bill No. 186,

An act to amend sections 1586 and 1587 of the revised

codes of the state of North Dakota, relating to the appointment of agents, of societies for the prevention of cruelty to animals, providing for their compensation and the disposition of fines, collected on convictions for cruelty to animals.

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

Mr. Sweet introduced
House Bill No. 187,

A bill for an act providing for advance notice to creditors, of the sale of merchandise stocks made otherwise than in the usual and regular prosecution of a seller's business.

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

Mr. Meiklejohn introduced
House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

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

Mr. Meiklejohn introduced
House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personal-ity.

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

Mr. White introduced
House Bill No. 190,

A bill for an act to provide a method for the nomination of candidates for office by political parties.

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

Mr. Ryan introduced
House Bill No. 191,

A bill entitled an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

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

Mr. Chapman introduced

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Which was read the first and second times and

Referred to the committee on appropriations.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Was read the first and second time, and

Referred to the committee on judiciary.

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Was read the first and second times, and

Referred to the committee on appropriations.

THIRD READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized for civil government, and provide revenue to support the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Rue
Allen	Jennings	Ryan
Arnold	Johnson of Richland	Scheer
Baeverstad	Juzeler	Sheils
Belden	Martin	Simpson
Blank	McClure	Sowle
Braaten	McCrea	Spangberg
Brown	McLain	Stavens
Burgum	Meidinger	Stevens of Burleigh
Buttz	Meiklejohn	Stevens of Dickey
Casey	Midgarden	Streeter
Chapman	Moore	Sunderland
Chevalier	Morgan	Sweet
Cooper of Sargent	Nelson	Swenaseid
Dahlen	Nicholson	Tallackson
Dickinson	Oveson	Thompson
Duncan	Ovind	Thoreson
Eggen	Palfrey	Tofsrud
Ellison	Palmer	Treat
Flados	Peterson	Underwood
Fried	Phelan	Vernon
Ganssle	Purdon	Walter
Gibbens	Rice	Weigel
Glasgow	Richmond	Welo
Goulet	Robillard	White
Hardt	Rogers	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Blake	Gilbert	Mitchell
Briden	Heglie	Mooney
Burtness	Johnson of Ward	Piper
Clendening	Lemieux	Rose
Cooper of Stutsman	Lillie	Schlenker
Dahl	Lyon	Truemner
Davis	McKechnie	Watson

Messrs. Cooper of Stutsman, Gilbert, Heglie, Lemieux, Lillie, Mooney, Piper, Rose and Schlenker being excused.

Mr. Kyle voting in the negative.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 9, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Also,
Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.
in office.

Also,
Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

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

Very respectfully,
L. M. McGLASHAN,
Secretary.

GENERAL ORDERS.

Mr. Stevens of Burleigh moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. McCrea to the chair.

When the committee arose, the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

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

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

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

Also,

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

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

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

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

Also,

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

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

Also,

House Bill No. 29,

A bill for an act prescribing the duties of county register of deeds, in reference to certification of abstracts of chattel mortgages and liens upon personal property and providing a penalty for failure to comply.

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

In section one after the word thereto, add "and such fees shall be turned into the county treasury and placed in the general fund."

Also that all of section two be stricken out.

And when so amended recommend that the same do pass.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

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

GEO. A. McCREA,
Chairman.

The speaker in the chair.

Mr. McCrea moved

That the report be adopted,

Mr. Stevens of Burleigh moved

As a substitute motion that the report be adopted with the exception of the report on House Bill No. 29.

Which substitute motion prevailed.

Mr. Stevens of Burleigh, moved

That House Bill No. 29 be referred to the committee of the whole for further consideration.

Which motion prevailed.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report as follows:

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

Was delivered to the governor for his approval at the hour of 3 p. m., February 9, 1905.

W. A. McCLURE,
Chairman.

The speaker administered the oath of office to Miss E. Lincoln as members' stenographer.

Mr. McClure moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

THIRTY-NINTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1905.

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

The speaker presiding.

Prayer by Rev. T. E. Green, of Stutsman county.

Roll call.

All members present except Messrs. Cooper of Stutsman, Heglie, who were excused.

The courtesies of the floor were extended to Geo. L. Ryerson, Geo. Juergen, Thos. Kahellek, F. J. Murphy, A. E. Paulson, Vic Rose of Ward Co., and to Paul Fladager of Grand Forks Co.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Dahlen presented the following petition:

To the Honorable members of the Tenth Legislative District, Cass County, North Dakota:

Gentlemen: We the undersigned legal voters of Normanna township and vicinity, do hereby respectfully petition you to vote for the primary election bill, No. 88, introduced by Senator Sharpe and passed by the senate. We believe the republican party owes it to the voters of the state to pass a primary election law, and we ask you kindly, to use all honorable means in securing the passage of the bill.

R. EVINGSON and forty-eight others.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 10, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

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

Very respectfully,

L. M. McGLASHAN,
Secretary.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 10, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

E. Y. SARLES,
Governor.

REPORTS OF STANDING COMMITTEES.

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

Mr. Speaker:

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

Page 2, after line 21, add:

"Mr. McLain moved

"That the report be adopted.

"Which motion prevailed, and

"The report of the committee was adopted."

Page 11, line 31, change word "special" to "general."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 141,

A bill for an act to amend section 2767 of the revised codes of North Dakota, 1899, relating to the rights and capacities of husband and wife.

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

Also,

House Bill No. 153,

A bill for an act to repeal chapter 122 of the laws of 1903, and section 4795 of the revised codes, relating to sales of buildings upon foreclosure of mechanics liens thereon.

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

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

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

Also,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

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

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

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

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

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

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

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

Also,

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

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

In line 17, in the printed bill after the word "seizure" change the word "and" to the word "or."

In line 30, in the printed bill change the word "matter" to "manner."

In line 41½ in the printed bill after the word "limits" add the word "and."

In line 62, of the printed bill insert between the words "and authorized" the word "to."

In line 65 in the printed bill strike out the word "other" and insert the word "outer" in lieu thereof.

In line 83 of the printed bill after the word "throwing" and before the word "depositing" strike out the word "and" and insert in lieu thereof the word "or."

In line 87 of the printed bill to the word "street" add the letter "s."

In line 109 strike out the word "an" before the word "annual" and to the word "tax" add the letters "es."

In line 120 of the printed bill strike out the word "the" between the words "of state" and in lieu thereof insert the word "this."

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

Also,

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Also,

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

Your committee on warehouses and grain grading to whom was referred

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

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

F. H. DICKINSON,

Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

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

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under

the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

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

Also,

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

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

Also,

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

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

Also,

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

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

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

Strike out the words "true composition and the per cent of each constituent" in line 7 and 8 of section 4 and insert in lieu thereof the following "name and percentage of each of the foregoing constituents."

In line 2, section 9, insert after the word "the" where it appears the first time in said line the words "Attorney General and"

In line 4, section 11, after the word "the" where it appears the second time in said line, insert the words "Attorney General and the."

And when so amended recommend that the same do pass.

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Have had the same under consideration, and recommend that the same be amended as follows: By striking out all after the enacting clause, and inserting the following:

Section 1. In all counties having an assessed valuation of two million dollars or over there shall be allowed or paid to a deputy or clerk in the offices of the county auditor, county treasurer and register of deeds not less than fifty dollars per month for work done by such deputy or clerk.

Section 2. In all counties under the classification given in section 1 the county auditor may employ a deputy for the months of July, August, September and October in each year, the county treasurer may employ a deputy during the months of November, December, January and February of each year, and the register of deeds may employ a deputy during the entire year. The salaries of such deputies and clerks shall be paid by the county as other salaries of county officers are paid.

Section 3. The provisions of this act shall in no wise deprive the board of county commissioners in the various counties of the state of any authority to furnish any additional help, beyond the limitations of this act, that may be required to properly do the business work of such officers and at salaries named by such board, but each county officer for whom a deputy or clerk is provided by the provisions of this act or by a board of county commissioners, shall be entitled to choose such deputy or clerk.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 5. Whereas, an emergency exists inasmuch as there is no law fixing the deputies' salaries in county offices; therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 47,

A bill for an act to amend chapter 21 of the political code
of North Dakota, relating to drains.

Have had the same under consideration and recommend
that the same do pass, according to the engrossed bill.

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 130,

A bill for an act to regulate the use of automobiles and
other vehicles propelled by steam, gasoline, electricity or
other mechanical motive power on the streets and high-
ways of this state.

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

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report of the committee be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely post-
poned.

Also,

Your committee on state affairs to whom was referred
House Bill No. 137,

A bill for an act to amend and re-enact sections 2058,
2062, 2074, 2078, and 2081 of the revised codes of 1899, and
to repeal section 2069.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved
That the report of the committee be adopted
Which motion prevailed, and
And the further consideration of the bill was indefinitely postponed.

Also,
Your committee on state affairs to whom was referred
House Bill No. 33,
A bill for an act to regulate the price and sale of product of the twine and cordage plant of the state penitentiary.
Have had the same under consideration and recommend that the same be indefinitely postponed.

E. L. RICHMOND,
Chairman.

Mr. Richmond moved
That the report of the committee be adopted
Which motion prevailed, and
And the further consideration of the bill was indefinitely postponed.

Also,
Your committee on state affairs to whom was referred
Senate Bill No. 43,
A bill for an act regulating the fees to be charged and collected by the register of deeds.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved
That the report of the committee be adopted
Which motion prevailed, and
And the further consideration of the bill was indefinitely postponed.

Also,
Your committee on state affairs to whom was referred
Senate Bill No. 84,
A bill for an act to amend and re-enact section 6644 of

the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred House Bill No. 83,

A bill for an act to amend section 2068 of the revised statutes of the State of North Dakota, 1899, relating to the salary of county judge.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

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

Also,

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

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

Also,

Your committee on taxes and tax laws to whom was referred

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

Have had the same under consideration and report the same back without change, and with the recommendation that the same do pass as heretofore amended by this committee.

C. D. RICE,
Chairman.

Also,

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

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

In line 10, of the printed bill: All real estate taxes shall as between

vendor and purchaser become a lien upon such real estate, on and after the first day of December of each year.

And when so amended recommend that the same do pass.

C. D. RICE,
Chairman.

Mr. Rice moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred
House Bill No. 150,

A bill for an act to amend section 670, 679 and 691 of the
revised codes of 1899, relating to education.

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

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely
postponed.

Also,

House Bill No. 173,

A bill for an act to amend section 640 of the political
codes of the state of North Dakota for 1899, relating to edu-
cation.

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

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely
postponed.

Also,

House Bill No. 175,

A bill for an act to amend chapter 85 of the session laws

of 1901, relating to the time of examination of teachers by county superintendents.

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

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 10, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those

entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

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

Very respectfully,

L. M. McGLASHAN,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. McClure offered

The following resolution, and

Moved its adoption.

Whereas, The number of bills now accumulating, and the active work from now to the end of the session requiring continuous work for members on committee work, and at regular session, and

Whereas, The work for the committee on enrollment has reached a point where clerical assistance is necessary, therefore, be it,

Resolved, That the speaker be empowered to employ a clerk for the balance of the session for the work of that committee.

Which motion prevailed, and

The resolution was adopted

And the speaker appointed as such clerk, W. F. Cushing.

Mr. Fried introduced the following concurrent resolution and moved its adoption:

Whereas, It is represented to this legislative assembly that there is a vacancy in one of the federal judicial districts of Alaska, and

Whereas, the state of North Dakota has in the person of the Honorable Ormsby McHarg of Jamestown, N. Dak., a young man of integrity, of excellent character and education, and possessing fine legal attainments thoroughly qualified and able to fill this important position, with honor to himself and distinction to his state and country, and,

Whereas, He has always been found faithful to any trust imposed in him, and an ardent supporter of his political creed, that of the republican party, and

Whereas, He has in his official capacity been active and of valuable assistance to the old soldiers of the state and nation, whose cause he has labored for intelligently and assiduously, therefore, be it,

Resolved, By the House of Representatives of the Ninth Legislative Assembly, the Senate concurring, That the senators and representatives of this state are hereby requested to use their earnest endeavors to secure the appointment of the Honorable Ormsby McHarg as judge of the said judicial district of Alaska. And that we further commend him to his Excellency Theodore Roosevelt, President of the United States, as a person eminently qualified to accept this important position.

Resolved further, That the secretary of state, be, and hereby is requested to forward to his Excellency, President Theodore Roosevelt, and to the Honorable H. C. Hansbrough, Honorable Porter J. McCumber, Honorable Thomas F. Marshall, the Honorable Burleigh F. Spaulding, duly certified copies of this resolution.

Which motion prevailed, and

The concurrent resolution was adopted.

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

Whereas, The Commercial club of Grand Forks, N. D., have through its proper officers made request of the representatives of Grand Forks county to ascertain if possible why the law passed at the last session of the legislature fixing a rate for transportation of lignite coal has not been enforced, therefore, be it,

Resolved, That attorney general be respectfully requested to report to this house what steps if any have been taken looking to the enforcement of freight rates on lignite coal.

Which motion prevailed, and

The resolution was adopted.

Mr. Morgan offered the following resolution and moved its adoption.

Resolved, That the chairman of the committee on privileges and elections be requested to report Senate Bill No. 88, to the house at tomorrow's session of the house.

Mr. Stevens, of Burleigh, moved

That the resolution be amended by adding the following:

"Or as soon thereafter as they can expeditiously do so, giving a hearing to parties who have introduced bills upon the subject on "primary election."

Mr. Phalen moved

As a substitute motion that the consideration of the resolution be made a special order for Tuesday afternoon at 3 o'clock, Feb. 14th.

Roll call demanded.

The roll was called and there were: Ayes, 47; nays, 47; absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Richmond
Arnold	Johnson of Ward	Robillard
Blake	Juzeler	Ryan
Blank	Lemieux	Schlenker
Briden	Lillie	Simpson
Burgum	Martin	Stevens of Burleigh
Buttz	McClure	Stevens of Dickey
Chapman	McCrea	Sweet
Chevalier	McKechnie	Treat
Clendenning	McLain	Truemner
Cooper of Sargent	Meidinger	Underwood
Dickinson	Meiklejohn	Walter
Flados	Mitchell	Weigel
Ganssle	Mooney	White
Glasgow	Palmer	Mr. Speaker
Goulet	Phelan	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rue
Baeverstad	Jennings	Scheer
Belden	Johnson of Richland	Shells
Braaten	Kyle	Sowle
Brown	Lyon	Spangberg
Burtness	Midgarden	Stavens
Casey	Moore	Streeter
Dahl	Morgan	Sunderland
Dahlen	Nelson	Swendseid
Davis	Nicholson	Tallackson
Duncan	Oveson	Thompson
Eggen	Ovind	Thoreson
Ellison	Palfrey	Tofsrud
Fried	Peterson	Vernon
Gibbens	Rice	Welo
Gilbert	Rogers	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Piper	Rose
Heglie	Purdon	Watson

Messrs. Cooper of Stutsman and Heglie being excused.

So the substitute motion was lost.

Mr. Stevens of Burleigh moved

As a substitute to the original motion that the committee be requested to report Senate Bill No. 88, and all other bills referred to them pertaining to the same subject at the time for report of the standing committee, Wednesday, Feb. 15th.

Which motion prevailed.

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

Whereas, Certain members of the house have entered into an agreement in writing, signed by them, wherein they mutually agree to vote for the passage of Senate Bill No. 88, being the so-called conference primary election bill, and to resist and vote down any and every attempt to alter or amend said bill in any particular regardless of the justice of or necessity for such amendments, and

Whereas, The signing of such a secret agreement by legislators is an outrage on the people of this state and utterly subversive of the first principles of good government, in this, that its purpose is to stifle debate and force through the house an important bill without a fair and impartial consideration of the same, and

Whereas, Certain other members of this house have entered into an agreement in writing, whereby they agree to use their utmost endeavors to secure a full free and fair discussion of said Senate Bill No. 88 on its merits, and

Whereas, If the signing of such written agreement is a proper or legitimate method of enacting laws, then such agreement ought to be a matter of public record, therefore, be it,

Resolved, That the person having said written agreements or either of them, in charge, be and is hereby commanded and required to deliver the same to the chief clerk immediately, to be read by him from the desk and entered at length upon the journal of the house together with the names attached to said agreements.

Mr. Fried moved

That the resolution be laid on the table.

Which motion prevailed, and

The resolution was laid on the table.

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

Resolved by the House, That the speaker be authorized to appoint a steering committee of eleven members to take charge of all bills on third reading after Monday, February 20th, 1905, and report such bills to the house for action. All bills to be placed on the calendar in the order they are reported from the steering committee.

Mr. Streeter moved

That the resolution be laid on the table.

Which motion prevailed, and

The resolution was laid on the table.

The chief clerk announced that the speaker was about to sign

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy

any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

And the speaker signed the the same in the presence of the house.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Ryan introduced
House Bill No. 193,

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

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

Mr. Ryan introduced
House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

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

Mr. Belden introduced
House Bill No. 195,

A bill for an act requiring railroad corporations to establish and maintain telephones or telegraphones at stations where agents are not kept.

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

Mr. Simpson introduced
House Bill No. 196,

A bill for an act to amend and re-enact sections 2082,

2084, 2085, 2086, 2087, 2088, and to repeal section 2083 of the revised codes of North Dakota 1899, relating to sheriffs' fees.

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

Mr. Simpson introduced
House Bill No. 197,

A bill for an act providing for the salaries of sheriffs, under sheriffs and deputy sheriffs; providing for the appointment of under sheriffs and deputy sheriffs, prescribing the duties of said officers, and prescribing the penalties for the violation of said duties.

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

Mr. Clendenin introduced
House Bill No. 198,

A bill for an act to provide for the safekeeping of the public funds.

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

Mr. Buttz introduced
House Bill No. 199,

A bill for an act to amend section 6613, revised codes of North Dakota for the year 1899, relating to clerks of district courts in counties having increased jurisdiction.

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

Mr. Chapman (by request) introduced
House Bill No. 200,

A bill for an act to amend section 6380 of the revised codes of 1899, relating to inventory and appraisement of estates of deceased persons.

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

Mr. Streeter introduced
House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

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

Mr. Streeter introduced

House Bill No. 202,

A bill for an act to amend section 1936 of the revised codes, relating to the publication of the proceedings of the board of county commissioners.

Which was read the first and second times and

Referred to the committee on public printing.

THIRD READING OF HOUSE BILLS.

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 79; nays, 6; absent and not voting, 15.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendening
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Gilbert
Glasgow
Goulet
Hardt
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McLain
Meidinger
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Peterson
Phelan

Messrs.—

Piper
Rice
Robillard
Rogers
Rose
Rue
Ryan
Schlenker
Simpson
Sowle
Spangberg
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Weigel
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Brown
Oveson

Messrs.—

Scheer
Stavens

Messrs.—

Tallackson
Thompson

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Midgarden	Richmond
Cooper of Stutsman	Mitchell	Shells
Heglie	Palfrey	Stevens of Burleigh
McKechnie	Palmer	Watson
Meiklejohn	Purdon	Welo

Messrs. Cooper of Stutsman, Heglie, being excused.

So the bill passed and the title was agreed to.

Mr. Phelan moved

That the vote by which House Bill No. 80 was passed be reconsidered, and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 57; nays, 32; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jennings	Rice
Arnold	Johnson of Richland	Rogers
Belden	Kyle	Rue
Blake	Lemieux	Snells
Braaten	Lillie	Sowle
Briden	Lyon	Stevens of Dickey
Brown	McCrea	Streeter
Burgum	McLain	Sunderland
Burtness	Meiklejohn	Sweet
Chevalier	Midgarden	Swendseid
Cooper of Sargent	Mooney	Thoreson
Davis	Morgan	Tofsrud
Duncan	Nelson	Treat
Ellison	Nicholson	Underwood
Flados	Oveson	Vernon
Fried	Ovind	Walter
Gibbens	Palfrey	Watson
Glasgow	Piper	Weigel
Hemmingson	Purdon	White

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Juzeler	Scheer
Chapman	Martin	Schlenker
Clendening	McClure	Simpson
Dahl	McKechnie	Spangberg
Dahlen	Meidinger	Stavens
Dickinson	Mitchell	Stevens of Burleigh
Eggen	Moore	Tallackson

Messrs.—	Messrs.—	Messrs.—
Ganssle	Phelan	Thompson
Goulet	Robillard	Truemner
Hardt	Rose	Mr. Speaker
Johnson of Ward	Ryan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Cooper of Stutsman	Peterson
Baeverstad	Gilbert	Richmond
Buttz	Heglie	Welo
Casey	Palmer	

Messrs. Cooper of Stutsman, Heglie, being excused.

So the bill passed and the title was agreed to.

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Rogers
Allen	Johnson of Ward	Rose
Arnold	Juzeler	Rue
Belden	Kyle	Schlenker
Blake	Lemieux	Sheils
Blank	Lillie	Simpson
Braaten	Lyon	Sowle
Briden	McClure	Spangberg
Brown	McCrea	Stavens
Burgum	McKechnie	Stevens of Burleigh
Burtness	McLain	Stevens of Dickey
Chapman	Meidinger	Streeter
Chevalier	Meiklejohn	Sunderland
Cooper of Sargent	Midgarden	Sweet
Dahl	Mitchell	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Thoreson
Duncan	Nelson	Tofsrud
Eggen	Nicholson	Treat
Ellison	Oveson	Truemner
Flados	Ovind	Underwood
Fried	Palfrey	Vernon
Ganssle	Palmer	Walter
Gibbens	Phelan	Watson
Glasgow	Piper	Weigel
Goulet	Purdon	Welo
Hardt	Rice	White
Hemmingson	Robillard	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—

Baeverstad
Buttz
Casey
Clendening

Messrs.—

Cooper of Stutsman
Gilbert
Heglie
Martin

Messrs.—

Peterson
Richmond
Ryan
Scheer

Messrs. Cooper of Stutsman and Heglie being excused.

So the bill passed and the title was agreed to.

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Chapman
Chevalier
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow
Goulet
Hardt
Hemmingson
Jennings

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon
Rice
Robillard

Messrs.—

Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welc
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Briden
Buttz
Casey
Clendening

Messrs.—

Cooper of Stutsman
Gilbert
Heglie
Martin

Messrs.—

Piper
Richmond
Ryan
Stevens of Burleigh

Messrs. Cooper of Stutsman and Heglie being excused.

So the bill passed and the title was agreed to.

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 83, nays 1, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Rose
Allen	Juzeler	Rue
Arnold	Kyle	Ryan
Beiden	Lemieux	Scheer
Blake	Lillie	Schlenker
Blank	Lyon	Sheils
Braaten	Martin	Simpson
Brown	McClure	Sowle
Burgum	McLain	Spangberg
Burtness	Meidinger	Stevens of Dickey
Chapman	Meiklejohn	Streeter
Cooper of Sargent	Midgarden	Sunderland
Dahl	Mitchell	Sweet
Dahlen	Mooney	Swendseid
Dickinson	Morgan	Tallackson
Duncan	Nelson	Thompson
Eggen	Nicholson	Thoreson
Ellison	Oveson	Tofsrud
Flados	Ovind	Treat
Fried	Palfrey	Truemner
Ganssle	Palmer	Underwood
Gibbens	Peterson	Walter
Glasgow	Phelan	Watson
Goulet	Piper	Weigel
Hardt	Purdon	Welo
Hemmingson	Rice	White
Jennings	Robillard	Mr. Speaker
Johnson of Richland	Rogers	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Cooper of Stutsman	McKechnie
Briden	Davis	Moore
Buttz	Gilbert	Richmond
Casey	Heglie	Stevens of Burleigh
Chevalier	McCrea	Vernon
Clendenning		

Messrs. Cooper of Stutsman and Heglie being excused.

Mr. Stavens voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Rose
Allen	Johnson of Ward	Rue
Belden	Juzeler	Ryan
Blake	Kyle	Scheer
Blank	Lemieux	Schlenker
Braaten	Lillie	Simpson
Brown	Martin	Sowle
Burgum	McClure	Spangberg
Burtness	McLain	Stavens
Chapman	Meidinger	Stevens of Dickey
Clendening	Meiklejohn	Streeter
Cooper of Sargent	Midgarden	Sunderland
Dahl	Mitchell	Sweet
Dahlen	Moore	Swendseid
Davis	Morgan	Tallackson
Dickinson	Nelson	Thompson
Duncan	Nicholson	Thoreson
Eggen	Oveson	Tofsrud
Ellison	Ovind	Treat
Flados	Palmer	Truemner
Fried	Peterson	Underwood
Ganssle	Phelan	Vernon
Gibbens	Piper	Walter
Glasgow	Purdon	Weigel
Goulet	Rice	Welo
Hardt	Robillard	White
Hemmingson	Rogers	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Cooper of Stutsman	Mooney
Baeversstad	Gilbert	Palfrey
Briden	Heglie	Richmond
Buttz	Lyon	Shells
Casey	McCrea	Stevens of Burleigh
Chevalier	McKechnie	Watson

Messrs. Cooper of Stutsman and Heglie being excused.

So the bill passed and the title was agreed to.

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 81, nays none, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Ward	Rue
Arnold	Juzeler	Ryan
Blake	Kyle	Schlenker
Blank	Lemieux	Sheils
Braaten	Lyon	Simpson
Brown	Martin	Sowle
Burgum	McClure	Spangberg
Burtness	McKechnie	Stavens
Casey	McLain	Stevens of Burleigh
Chapman	Meidinger	Streeter
Clendening	Meiklejohn	Sunderland
Cooper of Sargent	Midgarden	Sweet
Dahl	Mitchell	Swendseid
Dahlen	Morgan	Tallackson
Davis	Nelson	Thompson
Dickinson	Nicholson	Thoreson
Duncan	Oveson	Tofsrud
Eggen	Ovind	Treat
Ellison	Palmer	Truemner
Flados	Peterson	Underwood
Fried	Phelan	Vernon
Ganssle	Piper	Walter
Gibbens	Purdon	Watson
Glasgow	Rice	Weigel
Goulet	Robillard	Welo
Hardt	Rogers	White
Hemmingson	Rose	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Mooney
Baeverstad	Heglie	Moore
Belden	Jennings	Palfrey
Briden	Johnson of Richland	Richmond
Buttz	Lillie	Scheer
Chevalier	McCrea	Stevens of Dickey
Cooper of Stutsman		

Messrs. Cooper of Stutsman and Heglie being excused.

So the bill passed and the title was agreed to.

The speaker administered the oath of office to W. F. Cushing as clerk of enrolling committee.

Mr. Stevens of Burleigh moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned

OTTO SOUGSTAD,
Chief Clerk.

FORTIETH DAY

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

February 11, 1905.

The house assembled at 10 o'clock a. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie and Weigel, who were excused.

REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report:

Mr. Speaker:

Your committee on temperance to whom was referred

House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

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

Also,

House Bill No. 64,

A bill for an act to repeal chapter 139 of the laws passed by the eighth session of the legislative assembly of the state of North Dakota, entitled "an act to establish a reward for the arrest and conviction of persons violating the provisions of chapter 63 of the penal code of North Dakota,

commonly called the "prohibition law," approved March 19th, 1903.

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

GEO. A. McCREA,
Chairman.

Mr. McCrea moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The committee on temperance made the following report:
Mr. Speaker:

Your committee on temperance to whom was referred
House Bill No. 95,

A bill for an act amending section 6648 of the revised codes of North Dakota of 1899, relating to the postponement of trials in justice courts.

Have had the same under consideration and recommend that the same be referred to the committee on judiciary.

GEO. A. McCREA,
Chairman.

Mr. McCrea moved

That the report be adopted,

Mr. Buttz moved

As a substitute motion that the further consideration of
House Bill No. 95 be indefinitely postponed.

Which substitute motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 141,

A bill for an act to amend section 2767 of the revised codes of North Dakota, 1899, relating to the rights and capacities of husband and wife.

Also,

House Bill No. 153,

A bill for an act to repeal chapter 122 of the laws of 1903,

and section 4795 of the revised codes, relating to sales of buildings upon foreclosure of mechanics liens thereon.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Also

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil

townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Also,

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

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

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

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

In line 14 of printed bill after the word "appraisement" and before the word "of" insert "or upon hearing."

In line 18 of printed bill, after the word "dollars" and before the word "of" insert "or fraction thereof."

And when so amended recommend that the same do pass.

C. W. BUTTZ,

Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and
The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 142,

A bill for an act to amend section 3742 of the revised
codes of North Dakota, 1899, relating to succession.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely
postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 143,

A bill for an act to amend section 4737 of the revised
codes of 1899, relating to the renewal of chattel mortgages,
and to provide for the contents of the affidavit of renewal.

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

C. W. BUTTZ,
Chairman.

That the report of the committee be adopted

Mr. Buttz moved

Which motion prevailed, and

And the further consideration of the bill was indefinitely
postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 123,

A bill for an act to amend section 6207 of the revised
codes of North Dakota for 1899, relating to the service of
citations and other papers in probate cases by publication.

Have had the same under consideration and recommend that the same be indefinitely postponed because the Senate Bill No. 80 which we have reported to pass covers the same subject as House Bill No. 123.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved
That the report of the committee be adopted
Which motion prevailed, and
And the further consideration of the bill was indefinitely postponed.

The committee on banks and banking made the following report:

Mr. Speaker:

Your committee on banks and banking to whom was referred

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

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

R. CLENDENING,
Chairman.

The committee on highways and bridges made the following report:

Mr. Speaker:

Your committee on highways and bridges to whom was referred

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

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

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

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

In line 21 strike out the word "all."

In line 22 between the words "township" and "between" insert the words "so far as they may deem necessary."

In line 24 strike out the word "to" and substitute the words "they shall."

In line 27 strike out the words "when needed."

And when so amended recommend the same do pass.

F. J. LYON,
Chairman.

Mr. Lyon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

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

By striking out all after the word "follows" where it appears in line 3 of page 1 of the printed bill and insert in lieu the following:

Sec. 1243. Delinquent Personal Property Taxes—When Due—Penalty. Distress.] All personal property taxes shall become due on the first day of December in each and every year, for which the tax was levied and becomes delinquent on the first day of March next after they become due, and thereupon a penalty of 5 per cent shall attach and be charged upon all such delinquent taxes, and thenceforth there shall be charged interest at the rate of one per cent per month on the original amount of the tax until the same is paid. The county treasurer shall, during the month of January preceding the time when such tax shall become delinquent, give notice of the fact by mailing to each person, firm or corporation, a written notice stating the amount of tax due from such person, firm or corporation, and the date when the same shall become delinquent. On or before the fifteenth day of August in each year the county treasurer shall make out a list of the unpaid delinquent personal property taxes, in the same order as they appear on the tax list, and deliver the same to the sheriff of his county, who shall notify by mail on or before September 15th each of the delinquents that such taxes have been placed in his hands for collection, and unless same are paid on or before October 15th he shall immediately proceed to collect all such delinquent personal property taxes, and if such taxes are not paid upon demand he shall distrain sufficient goods and chattels belonging to the person, firm or corporation charged with such taxes, if found within the county, to pay the same, with the said penalty of five per cent and all accruing interests and costs, and shall immediately proceed to advertise the same by putting notices in three public places in the town or district where such property is taken, stating the time when, and the place where, such property shall be sold, and the amount of said delinquent

tax, together with the penalty and accruing interest, which place of sale shall be at the residence or place of business of the person, firm or corporation whose goods have been distrained, or in the case such person, firm or corporation has no residence or place of business within the town or district where such goods have been distrained, then at the place of sale of mortgage chattel property within such town or district, and no personal property shall be exempt from such distraint and sale, and if the tax for which said property is distrained, together with the penalty and accrued interest and cost is not paid, before the day appointed for such sale which shall not be less than ten days after the taking of such property, such sheriff or his deputy shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay such taxes, penalty, interest and cost of such distress and sale, and any surplus arising from said sale shall be disposed of as in case of sale of mortgaged personal property. On the first day of each month after receiving such list from the county treasurer, such sheriff shall make out and file with the county treasurer a statement of the personal property tax collected by him since the date of his last preceding statement, giving the name, town or district and post-office address of each person, firm or corporation from whom collected, and the amount of the tax including the penalty and interest collected from each and at the same time turn over to such county treasurer the moneys collected as shown by such statement, and the treasurer shall issue receipts for the same as provided in section 1235, mailing such receipt to the person, firm or corporation entitled thereto. Such sheriff shall at the time of filing such statement with the county treasurer file a duplicate thereof with the county auditor, and shall on or before the first day of January next after receiving such list from the county treasurer file his annual statement of taxes collected as herein provided, together with the list of uncollected taxes as provided in section 1244; provided, that in case any person having personal property assessed, and upon which the taxes are unpaid, shall in the opinion of the sheriff, be about to move out of the county, it shall be the duty of the sheriff to collect such taxes at any time after the tax list shall have been made up. The sheriff shall retain in his office the original delinquent list furnished him by the county treasurer, and it shall be his duty to collect at any time any taxes remaining uncanceled, unabated or unpaid, and on sending his notice for each succeeding year he shall include any unpaid balance together with interest, penalties and costs, with the new delinquent amount, and they shall be collected in the same manner as the current delinquent tax.

Sec. 1244. List of Uncanceled Taxes—How Disposed of.] If the sheriff is unable to collect any of the taxes appearing in the list of delinquent taxes delivered to him by the treasurer, he shall write on the margin opposite the name of each person against whom such tax is assessed the word "uncollected," and append to such list his affidavit, or the affidavit of his deputy entrusted with the collection thereof, stating that he has made diligent search and inquiry for goods and chattels out of which to make collections of the taxes so remaining uncollected, and is unable to make or collect the same; he shall also note on the margin of such list the place to which any delinquent tax payer has moved, with the date of removal. If he can ascertain such facts, and shall on or before the first day of January following the receipt of such lists, deliver the same with the affidavit aforesaid to the county auditor. The county auditor shall exhibit such list to the board of county commissioners, at its next meeting, and the board shall thereupon examine and compare the same with the sheriff's return of taxes collected, to the auditor and treasurer, and may cancel on said list such taxes as they are satisfied cannot be collected, furnishing such lists of cancellation to the sheriff, who shall note on his list that such taxes have been cancelled, and it shall be the duty of the county auditor to certify to the state auditor the amount of state taxes so cancelled and the state auditor shall enter the same to the credit of the county accordingly.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

And when so amended recommend that the same do pass.

C. D. RICE,
Chairman.

Mr. Rice moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Simpson introduced

House Bill No. 203,

A bill for an act to appropriate five thousand dollars, for the next two years, to the Morton County Fair Association for the purpose of holding a state fair, and providing for premiums for agricultural, horticultural and stock exhibits, and to provide proper accommodations for said exhibits.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Gibbens introduced

House Bill No. 204,

A bill for an act creating and establishing an agricultural experiment station in Tower county, and providing for its management and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Ryan introduced

House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Which was read the first and second times and

Referred to the committee on judiciary.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Johnson of Ward	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Blank	Lillie	Ryan
Braaten	Lyon	Scheer
Brown	McCrea	Sheils
Burgum	McKechnie	Simpson
Burtness	McLain	Sowle
Buttz	Meidinger	Spangberg
Chevalier	Meiklejohn	Stavens
Clendening	Midgarden	Stevens of Dickey
Cooper of Sargent	Mooney	Streeter
Dahl	Moore	Sunderland
Dahlen	Morgan	Swendseid
Davis	Nelson	Tallackson
Dickinson	Nicholson	Thompson
Duncan	Oveson	Thoreson
Eggen	Ovind	Tofsrud
Ellison	Palmer	Treat
Flados	Peterson	Truemner
Fried	Phelan	Underwood
Ganssle	Piper	Walter
Gibbens	Purdon	Watson
Goulet	Rice	Welo
Hardt	Richmond	White
Hemmingson	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Mitchell
Allen	Heglie	Palfrey
Baeverstad	Jennings	Schlenker
Briden	Johnson of Richland	Stevens of Burleigh
Casey	Lemieux	Sweet
Chapman	Martin	Vernon
Cooper of Stutsman	McClure	Weigel
Gilbert		

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie, and Weigel being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 162 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Johnson of Richland	Rogers
Belden	Johnson of Ward	Rose
Blake	Juzeler	Rue
Blank	Kyle	Ryan
Braaten	Lillie	Scheer
Brown	Lyon	Schlenker
Burgum	McClure	Sheils
Burness	McCrea	Simpson
Buttz	McKechnie	Sowle
Casey	McLain	Spangberg
Chapman	Meidinger	Stavens
Chevalier	Meiklejohn	Stevens of Dickey
Clendening	Midgarden	Streeter
Cooper of Sargent	Mitchell	Sunderland
Dahl	Mooney	Swendseid
Dahlen	Moore	Tallackson
Davis	Morgan	Thompson
Dickinson	Nelson	Thoreson
Duncan	Nicholson	Tofsrud
Eggen	Oveson	Treat
Ellison	Ovind	Truemner
Flados	Palfrey	Underwood
Fried	Peterson	Vernon
Ganssle	Phelan	Walter
Gibbens	Piper	Watson
Goulet	Purdon	Welo
Hardt	Richmond	White
Hemmingson	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Palmer
Allen	Heglie	Rice
Baeverstad	Jennings	Stevens of Burleigh
Briden	Lemieux	Sweet
Cooper of Stutsman	Martin	Weigel
Gilbert		

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie, and Weigl being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 163 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 82, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—

Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Goulet
Hardt
Hemmingson
Jennings

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Peterson
Phelan
Piper
Purdon
Rice
Richmond

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Swendseld
Tallackson
Thompson
Thoreson
Treat
Truemner
Underwood
Vernon
Walter
Watson
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Allen
Baeverstad
Briden
Casey
Cooper of Stutsman

Messrs.—

Gilbert
Glasgow
Heglie
Kyle
Lemieux
Martin

Messrs.—

Palmer
Scheer
Stevens of Burleigh
Sweet
Tofsrud
Weigel

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie, and Weigle being excused.

So the bill passed and the title was agreed to.

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 67, nays 4, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—

Adams
Belden
Blank
Braaten
Brown
Burgum
Buttz
Chapman
Clendening
Cooper of Sargent
Dahl
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Goulet
Hardt
Hemmingson
Jennings

Messrs.—

Juzeler
Kyle
Lemieux
Lyon
Martin
McClure
McCrea
McLain
Meidinger
Midgarden
Mitchell
Mooney
Morgan
Nelson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon
Rice
Robillard
Rogers

Messrs.—

Rose
Rue
Scheer
Schlenker
Sheils
Simpson
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Watson
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Dahlen
Moore

Messrs.—

Sowle

Messrs.—

White

Absent and not voting:

Messrs.—

Allen
Arnold
Baeverstad
Blake
Briden
Burtness
Casey
Chevalier
Cooper of Stutsman
Dickinson

Messrs.—

Gilbert
Glasgow
Heglie
Johnson of Richland
Johnson of Ward
Lillie
McKechnie
Meiklejohn
Nicholson
Oveson

Messrs.—

Piper
Richmond
Ryan
Spangberg
Stevens of Burleigh
Truemner
Walter
Weigel
Welo

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie, and Weigel being excused.

So the bill passed and the title was agreed to.

House Bill No. 141,

A bill for an act to amend section 2767 of the revised codes of North Dakota, 1899, relating to the rights and capacities of husband and wife.

Was read the third time.

Mr. McCrea moved

That the further consideration of House Bill No. 141 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

GENERAL ORDERS.

Mr. Phelan moved

That the rules be suspended and house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Streeter to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19 political code, entitled "Militia."

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

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

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

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

Also,

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

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

Also,

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

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

Also,

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

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

Also,

House Bill No. 29,

A bill for an act prescribing the duties of county register of deeds, in reference to certification of abstracts of chattel mortgages and liens upon personal property and providing a penalty for failure to comply.

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

D. R. STREETER,

Chairman.

The speaker in the chair.

Mr. Underwood moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The house took a recess for 10 minutes.

AFTER RECESS.

The house returned to the 11th order of business.

House Bill No. 153,

A bill for an act to repeal chapter 122 of the laws of 1903, and section 4795 of the revised codes, relating to sales of buildings upon foreclosure of mechanics liens thereon.

Was read the third time.

Mr. Stevens of Burleigh asked unanimous consent to amend House Bill No. 153,

Which was objected to.

Mr. Phelan moved

That the further consideration of the bill be indefinitely postponed.

Mr. Stevens of Burleigh moved

As a substitute motion that the bill be re-referred to the committee of the whole.

Which substitute motion was lost.

The question being upon the original motion for an indefinite postponement.

Roll call was demanded.

The roll was called and there were ayes 9, nays 76, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Jennings	Martin
Blake	Johnson of Ward	Phelan
Hardt	Kyle	Walter

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Lyon	Rue
Belden	McCrea	Ryan
Blank	McKechnie	Scheer
Braaten	McLain	Schlenker
Briden	Meidinger	Shiels
Brown	Meiklejohn	Simpson
Burgum	Midgarden	Sowle
Burness	Mitchell	Spangberg
Buttz	Mooney	Stavens
Clendenen	Moore	Stevens of Burleigh
Cooper of Sargent	Morgan	Stevens of Dickey
Dahl	Nelson	Streeter
Dahlen	Nicholson	Sunderland
Davis	Oveson	Sweet
Duncan	Ovind	Swendseid
Eggen	Palfrey	Tallackson
Ellison	Palmer	Thompson

Messrs.—	Messrs.—	Messrs.—
Flados	Peterson	Thoreson
Fried	Piper	Tofsrud
Ganssle	Purdon	Truemner
Gibbens	Rice	Underwood
Goulet	Richmond	Vernon
Hemmingson	Robillard	Watson
Johnson of Richland	Rogers	White
Lemieux	Rose	Mr. Speaker
Lillie		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Cooper of Stutsman	Juzeler
Baeverstad	Dickinson	McClure
Casey	Gilbert	Treat
Chapman	Glasgow	Weigel
Chevalier	Heglie	Welo

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie, and Weigle being excused.

So the motion was lost.

The question being upon the final passage of the bill.

The roll was called and there were ayes 81, nays 3, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Kyle	Robillard
Belden	Lemieux	Rogers
Blake	Lillie	Rose
Blank	Lyon	Rue
Braaten	Martin	Ryan
Briden	McCrea	Scheer
Brown	McKechnie	Schlenker
Burgum	McLain	Sneils
Burtness	Meidinger	Simpson
Buttz	Meiklejohn	Sowle
Clendening	Midgarden	Spangberg
Cooper of Sargent	Mitchell	Stavens
Dahl	Mooney	Stevens of Dickey
Dahlen	Moore	Sunderland
Davis	Morgan	Sweet
Duncan	Nelson	Swendseid
Eggen	Nicholson	Tallackson
Ellison	Oveson	Thompson
Flados	Ovind	Thoreson
Fried	Palfrey	Tofsrud
Ganssle	Palmer	Truemner
Gibbens	Peterson	Underwood
Goulet	Phelan	Vernon
Hemmingson	Piper	Watson
Jennings	Purdon	Welo
Johnson of Richland	Rice	White
Johnson of Ward	Richmond	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Hardt	Walter

Absent and not voting:

Messrs.—

Allen
Baeverstad
Casey
Chapman
Chevalier
Cooper of Stutsman

Messrs.—

Dickinson
Gilbert
Glasgow
Heglie
Juzeler

Messrs.—

McClure
Stevens of Burleigh
Streeter
Treat
Weigel

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie and Weigel being excused.

Mr. Sheils explained his vote.

So the bill passed and the title was agreed to.

Mr. Underwood moved

That the vote by which House Bill No. 153 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 77, nays 4, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—

Adams
Arnold
Blake
Blank
Braaten
Briden
Burgum
Burtness
Chapman
Dahl
Dahlen
Davis
Eggen
Ellison
Duncan
Flados
Fried

Messrs.—

Lillie
Lyon
Martin
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Moore
Morgan
Mitchell
Mooney
Nelson
Nicholson
Oveson
Ovind

Messrs.—

Rogers
Rue
Ryan
Scheer
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud

Messrs.—

Ganssle
Gibbens
Hardt
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lemieux

Messrs.—

Peterson
Palfrey
Palmer
Phelan
Piper
Purdon
Rice
Richmond
Robillard

Messrs.—

Treat
Truemner
Underwood
Walter
Watson
Welo
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Belden
Cooper of Sargent

Messrs.—

Tallackson

Messrs.—

Vernon

Messrs.—

Messrs.—

Messrs.—

Absent and not voting:

Messrs.—

Allen
Baeverstad
Brown
Buttz
Casey
Chevalier
Clendening

Messrs.—

Cooper of Stutsman
Dickinson
Gilbert
Glasgow
Goulet
Heglie

Messrs.—

Juzeler
McClure
Rose
Simpson
Stevens of Dickey
Weigel

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie and Weigel being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Stevens of Burleigh to the chair.

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Was read the third time.

Mr. Jennings moved

That House Bill No. 159 be referred to the committee of the whole.

Which motion was lost.

Mr. Phelan asked unanimous consent to amend House Bill No. 159.

Objection was made.

The question being upon the final passage of the bill.

The roll was called and there were ayes 72, nays 5, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—

Adams
Arnold
Belden

Messrs.—

Hardt
Hemmingson
Jennings

Messrs.—

Piper
Purdon
Rice

Messrs.—	Messrs.—	Messrs.—
Blake	Johnson of Richland	Robillard
Blank	Johnson of Ward	Rue
Braaten	Kyle	Ryan
Briden	Lemieux	Scheer
Brown	Lillie	Schlenker
Burgum	McCrea	Sheils
Burtness	McKechnie	Sowle
Buttz	McLain	Spangberg
Chapman	Meidinger	Stavens
Clendening	Meiklejohn	Stevens of Burleigh
Dahl	Midgarden	Streeter
Dahlen	Mitchell	Sweet
Davis	Mooney	Swendseid
Duncan	Moore	Thompson
Eggen	Morgan	Tofsrud
Ellison	Nelson	Treat
Flados	Nicholson	Truemner
Fried	Oveson	Underwood
Gaussele	Ovind	Vernon
Gibbens	Palfrey	Walter
Gilbert	Peterson	White

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Martin	Tallackson	Welo
Phelan	Watson	
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Allen	Goulet	Rose
Baeverstad	Heglie	Simpson
Casey	Juzeler	Stevens of Dickey
Chevalier	Lyon	Sunderland
Cooper of Sargent	McClure	Thoreson
Cooper of Stutsman	Palmer	Weigel
Dickinson	Richmond	Mr. Speaker
Glasgow	Rogers	

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie and Weigel being excused.

So the bill passed and the title was agreed to.

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Was read the third time.

Mr. Davis asked unanimous consent to amend House Bill No. 47.

There being no objection.

Mr. Davis moved

That the bill be amended by adding after the word "passage" at the end of section 2 the words "and approval."

Which motion prevailed, and
The bill was so amended.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 72, nays none, absent and not voting 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Richmond
Arnold	Hardt	Robillard
Belden	Hemmingson	Rogers
Blake	Jennings	Rose
Blank	Johnson of Ward	Ryan
Braaten	Lillie	Scheer
Briden	Martin	Schlenker
Brown	McCrea	Shiels
Burgum	McKechnie	Sowle
Buttz	McLain	Spangberg
Chapman	Meldinger	Stavens
Clendenning	Meiklejohn	Stevens of Burleigh
Cooper of Sargent	Mitchell	Streeter
Dahl	Mooney	Sunderland
Dahlen	Moore	Sweet
Davis	Nicholson	Thompson
Duncan	Oveson	Tofsrud
Eggen	Ovind	Treat
Ellison	Palmer	Treumner
Flados	Piper	Underwood
Fried	Phelan	Vernon
Ganssle	Peterson	Walter
Gibbens	Purdon	Welo
Gilbert	Rice	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Juzeler	Rue
Baeverstad	Kyle	Simpson
Burtness	Lemieux	Stevens of Dickey
Casey	Lyon	Swendseid
Chevalier	McClure	Tallackson
Cooper of Stutsman	Midgarden	Thoreson
Dickinson	Morgan	Watson
Glasgow	Nelson	Weigel
Heglie	Palfrey	Mr. Speaker
Johnson of Richland		

Messrs. Baeverstad, Cooper of Stutsman, Glasgow, Heglie, Midgarden, Tallackson and Weigel being excused.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which House Bill No. 47 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Tallackson moved

That the house do now adjourn until Tuesday 2 p. m.,
February 14.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FORTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 14, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, and Stevens of Dickey who were excused.

The courtesies of the floor were extended to Hon. J. T. Blacklock of Pembina Co., Oscar Seiler and John Severson of Jamestown, and T. H. Thoraldson of Grafton, N. D.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 2, line 12, strike out all but last word.

Page 2, line 15, make corrections of 32nd day to read as follows: "Page 12, line 13, change figures "45" to "44," and on line 14 change figures "24" to "25."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Micklejohn presented the following petitions:

PETITION

To the Hon. Senate and Legislature of North Dakota:

Gentlemen: We, the undersigned blacksmiths, farriers, machinists, carriage makers and painters, of the state of North Dakota, respectfully petition you, our law makers, to support and vote for a mechanics' lien law, House Bill 189, that will be introduced at the present session of the legislature by the Hon. R. Meiklejohn, representative of Cavalier county.

It is a fact that we have no laws protecting our labor while others have, and it is fitting that we now unite in an effort for our just dues.

JAS. KENNELLEY
and 2 others.

PETITION

To the Honorable Senate and Legislature of North Dakota:

Gentlemen: We, the undersigned blacksmiths, farriers, machinists, carriage makers and painters of North Dakota, respectfully petition you, our law makers, to support and vote for a mechanics' lien law, H. B. 189, that will be introduced at the present session of the legislature by the Hon. R. Meiklejohn, representative of Cavalier county. It is a fact that we have no laws protecting our labor, while others have, and it is fitting that we now unite in an effort for our just dues.

CLINT SMITH
and 4 others.

PETITION

To the Honorable Senate and Legislature of North Dakota:

Gentlemen: We, the undersigned blacksmiths, farriers, machinists, carriage makers and painters of the state of North Dakota, respectfully petition you, our lawmakers, to support and vote for a mechanics' lien law, H. B. 189, that will be introduced at the present session of the legislature by the Hon. R. Meiklejohn, representative from Cavalier county. It is a fact that we have no laws protecting our labor, while others have, and it is now fitting that we unite in an effort for our just dues.

A. N. HOLMEN
and 35 others.

PETITION

To the Honorable Senate and Legislature of North Dakota:

Gentlemen: We, the undersigned blacksmiths, farriers, machinists, carriage makers and painters of the state of North Dakota, respectfully petition you, our lawmakers, to support and vote for a mechanics' lien law, H. B. 189, that will be introduced at the present session of the legislature by the Hon. R. Meiklejohn, representative from Cavalier county. It is a fact that we have no laws protecting our labor, while others have, and it is now fitting that we unite in an effort for our just dues.

HENRY H. FROGEN
and 27 others.

Mr. Dahl presented the following petition:

PETITION

Hon. S. L. Dahl and Hon. A. R. Swendseid, Bismarck, N. D.:

Honored Sirs: We, the undersigned, freeholders and taxpayers of Nelson county, North Dakota, having been informed that the Torren's land title system, similar in form as that adopted by the state of Illinois, will be brought up for passage before this session of the legislature, we beg to inform you that we fully believe that it would be to the best interest of all property owners in the state to have this bill become a law and go into effect as soon as possible. Any effort on your part to bring this about will be appreciated by the undersigned.

M. T. SCARFF
and 43 others.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February, 14, 1905.

Mr. Speaker:

I have the honor to transmit therewith
Senate Bill No. 33,

A bill for an act to provide for the census or enumeration
of the inhabitants of this state.

Also,
Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of
chapter 108, session laws of 1903, entitled an act to estab-
lish an institution for the feeble minded and provide for its
support and management.

Also,
Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insur-
ance of risks of life insurance companies or associations
with or by companies or associations authorized to transact
business within the state, and providing a plan for such
consolidation or re-insurance.

Also,
Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of
chapter 14 of the revised codes of 1899, relating to the or-
ganization of county mutual fire insurance companies.

Also,
Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protec-
tion of traders.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

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

Also,

I have the honor to transmit herewith:

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Also,

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Which the senate has passed unchanged.

Also,

I have the honor to inform you that the senate has concurred in the house concurrent resolution relative to the Hon. Ormsby McHarg.

CONCURRENT RESOLUTION.

Whereas, It is represented to this legislative assembly that there is a vacancy in one of the federal judicial districts of Alaska, and

Whereas, The state of North Dakota has in the person of the Honorable Ormsby McHarg, of Jamestown, N. D., a young man of integrity, of excellent character and education, and possessing fine legal attainments, thoroughly qualified and able to fill this important position, with honor to himself and distinction to his state and country; and,

Whereas, He has always been found faithful to any trust imposed in him, and an ardent supporter of his political creed, that of the republican party; and,

Whereas, He has in his official capacity been active and of valuable assistance to the old soldiers of the state and nation, whose cause he has labored for intelligently and assiduously; therefore, be it

Resolved, by the House of Representatives of the Ninth Legislative Assembly, the Senate concurring, That the senators and representatives of this state are hereby requested to use their earnest endeavors to secure the appointment of the Honorable Ormsby McHarg as judge of the said judicial district of Alaska. And that we further commend him to His Excellency Theodore Roosevelt, president of the United States, as a person, eminently qualified to accept this important position.

Resolved further, That the secretary of state be, and hereby is requested to forward to His Excellency, President Theodore Roosevelt, and to the Honorable H. C. Hansbrough, Honorable Porter J. McCumber, Honorable Thomas F. Marshall, and Honorable Burleigh F. Spalding, duly certified copies of this resolution.

Also,

Mr. Speaker:

I have the honor to inform you that the senate has amended the house concurrent resolution relating to grain screenings as follows:

"By inserting the words "according to market value" between the words "screenings" and "the" in line 26 of the original resolution.

And adopted the same as amended.

CONCURRENT RESOLUTION.

Whereas, For many years the farmers and grain growers of North Dakota have been raising wheat and other grain, and have been docked for the dirt and small seed and small grain contained therein, and

Whereas, The grain is shipped to Minneapolis and Duluth and there these seed screenings are sold to men who use them for the purpose of feeding sheep, and ground into feed and for other purposes, and

Whereas, There is a steady market for all of the screenings from wheat and flax and barley and oats for the purpose of feeding thousands of sheep and at prices running from eight to fourteen dollars per ton, and

Whereas, The farmers and grain growers of North Dakota have never received one cent for these screenings, but in fact have paid the freight and have delivered them in Minneapolis and Duluth, and

Whereas, It is believed that the farmers are as much entitled to receive pay for these screenings as they are for the grain itself, now therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of Minnesota to pass such a law as will require the commission men, terminals, elevators and mills to make returns for, and to pay for these wheat and other grain screenings according to market value, the same as they do for the grain itself. Further, be it

Resolved, That a copy of these concurrent resolutions be sent to the speaker of the house and to the president of the senate at St. Paul with request that action along these lines may be taken.

Also,

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION

WHEREAS, General dissatisfaction exists among the grain growers of the State of North Dakota, with the Minnesota inspection and grading of grain—frequently grain grown on

the same quarter section of land, with conditions alike, shipped in different cars, received grades and dockage widely apart, thus proving the inefficiency of the law or the incompetency of those chosen to administer it; and

WHEREAS, It is to the interest of the farmers of this state to have competing markets for their grain; and

WHEREAS, There is now pending in the senate of the state of Wisconsin a bill—being Senate Bill No. 105—creating a grain and warehouse commission for the state of Wisconsin, and providing for licensing and regulating warehouses and elevators, and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state; and

WHEREAS, Said bill provides that a commission of three shall be appointed by the governor of the state of Wisconsin, one of such by the request of the governor of the state of North Dakota, a second by the governor of the state of New York and the third by the board of trade of the city of Superior, Wis.; and

WHEREAS, The state of Wisconsin, particularly the city of Superior, has in the past labored diligently to give this state a competing market; therefore be it

Resolved, By the Senate, the House of Representatives concurring, that we are in full accord with said Senate Bill No. 105 and earnestly request and urge its passage, thereby creating a grain and warehouse commission at the city of Superior, Wis., thus giving to the farmers of this state a strong competing market in which to dispose of their grains; and be it further

Resolved, That copies of this concurrent resolution be sent to the secretary of state and the president of the senate of the state of Wisconsin.

Also the following:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring, That their respective presiding officers unite in extending to the Hon. Wm. Jennings Bryan—twice the candidate for the presidency of the great minority party of this republic—an invitation to address in joint session the ninth legislative assembly of North Dakota on the occasion of his visit to our capitol city about February 17, 1905.

Both of which the senate has adopted and your concurrence therein is requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. Gilbert moved

That the rules be suspended and that the house proceed to the consideration of messages from the senate.

Which motion prevailed, and

And the house proceeded to the 12th order of business.

Mr. Sheils moved

That the house do concur in the senate concurrent resolution relating to the appointing of a commission at Superior providing for licensing and regulating of warehouses and elevators, etc.

Which motion prevailed, and

The concurrent resolution was concurred in.

Mr. Davis moved

That the house do concur in the senate concurrent resolution as to extending an invitation to W. J. Bryan to address the joint session of the ninth assembly, February 17, 1905.

Which motion prevailed, and

The concurrent resolution was concurred in.

Mr. Dickinson moved

That the house do concur in the senate concurrent resolution as amended by the senate relative to sale of screenings at all terminal points.

Which motion prevailed, and

And the concurrent resolution as amended was adopted.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report as follows:

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

Were delivered to the governor for his approval, at the hour of 2:15 p. m., February 14, 1905.

W. A. McCLURE,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Also,

House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof.

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

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

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

D. LEMIEUX,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

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

Also,

House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

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

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

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

Also,

House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

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

Also,

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

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

Also,

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

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

Also,

House Bill No. 177,

A bill for an act to amend section 6315 of the revised

codes of 1899, relating to letters of administration, and who entitled to the same.

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

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

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

Also,

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

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

C. W. BUTTZ,
Chairman.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 129,

Establishing a state board of embalmers.

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

Section 9. All acts and parts of acts in conflict with this act are hereby repealed.

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 21,

A bill for an act requiring corporations to make annual

report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

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

By striking out all after section 1 of said bill and substituting therefor the following:

Every incorporated company or joint stock company other than railroads, banking, insurance, religious corporations and corporations not organized for pecuniary profit and authorized to do business in this state shall annually between the first day of July and the first day of August report to the secretary of state the location of its principal office in this state, the names of its officers with their residence and post office address, the date of the expiration of the respective terms of office, whether or not the corporation is pursuing active business under its charter and the kind of business engaged in, if any, which said report shall be made under the seal of the company and be signed and sworn to by the president, secretary, managing agent or other officer of the corporation, and in case said corporation is in the hands of an assignee or receiver, then such report shall be signed and sworn to by such assignee or receiver, which said report together with a fee of \$2.50 for filing the same, shall be sent to the secretary of state in whose office it shall be filed. The secretary of state shall in no case receive or file said report until said fee is paid and a failure to make said report and pay said fee shall be prima facie evidence that said corporation is out of business and shall work the forfeiture of the charter, license to do business or corporate rights of such corporation.

And it is made the duty of the secretary of state to enter upon the records of his office as soon as practicable after the default in making said report the cancellation of such charter or certificate to do business of the corporation's failure to make report at the time and in the manner herein provided.

Sec. 3. The secretary of state is hereby required on or before the first day of June of each year to mail to every corporation embraced in this act proper blanks to be used in making the report hereinbefore provided for; also a copy of this act together with a notice that a failure on the part of said corporation to make such report within the time prescribed by law, shall be prima facie evidence that such corporation is out of business and that upon such failure its articles of incorporation will be cancelled upon the records in the office of the secretary of state.

Sec. 4. Any corporation which is pursuing an active business under its charter or certificate of authority to do business in the state of North Dakota failing to make said report at the time provided by law, may at any time within six months from such default be reinstated upon the record of the office of the secretary of state upon the payment of a fee in the sum of twenty-five dollars (\$25.00) for such reinstatement and filing in said office, an affidavit stating all the facts required in section 2 of this act, and in addition thereto the fact that it was at the time of such default and still is in active business in the state of North Dakota.

Provided, however, that no corporation embraced within the meaning of this act whose certificate of authority shall have been forfeited shall be authorized to institute any proceeding at law or in equity for the recovery of any moneys claimed to be due it during the time of such forfeiture.

Sec. 5. The secretary of state shall keep a record in his office showing all forfeitures and shall publish annually a list of the names and location of all corporations whose authority to do business have been forfeited by virtue of the provisions of this act.

Sec. 6. The secretary of state shall keep an accurate account of all expenses incurred by him in carrying out the provisions of this act, and he shall render to the state board of auditors bills of the expenses so incurred, the amount of which shall, when approved by the state board of auditors, be paid out

of any moneys coming to the hands of the secretary of state by the provisions of this act, and he shall turn over and pay to the state treasurer any and all moneys coming to his hands for fees collected under the provisions of this act and not paid out as hereinbefore specified.

Emergency.] Whereas, An emergency exists, in that the record in the office of the secretary of state shows that a large number of corporations which have been authorized to do business in the state of North Dakota are no longer in existence and there is now no way provided by law excepting by a suit in court to cancel the authority of such defunct corporation to do business within the state by reason of which confusion is caused in determining what corporations are authorized to do business, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The house returned to the 9th order of business.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Fried introduced

House Bill No. 206,

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by the governor to fill such offices until the next ensuing general election.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr Duncan introduced

House Bill No. 207,

A bill for an act relating to the construction of bridges.

Which was read the first and second times, and

Referred to the committee on highways and bridges.

Mr. Briden introduced

House Bill No. 208,

A bill for an act prohibiting the use of firearms by certain minors, and providing a penalty for the violation thereof.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Tofsrud introduced

House Bill No. 209,

A bill for an act to repeal chapter 127 of the laws of 1903, relating to bonding of certain officers.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Ovind introduced

House Bill No. 210,

A bill for an act to prohibit the use of dogs in hunting prairie chicken, grouse, and partridges.

Which was read the first and second times and

Referred to the committee on Game and Fish.

Mr. Johnson of Ward, introduced

House Bill No. 211,

A bill for an act to amend section 5455 of the revised codes of 1899, relating to fees of referees in civil actions.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 212,

A bill for an act to amend section 6633 of the revised codes of 1899, as amended by chapter 4 of the session laws of 1903, relating to proceedings in justice's court in civil actions.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 215,

A bill for an act providing for the taxation as costs of expense of procuring transcripts upon appeal.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 216,

A bill for an act to amend section 5432 of the revised codes of 1899, relating to instructions to juries in civil actions.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 217,

A bill for an act repealing section 5454a of the revised codes of 1899, relating to affidavits to prejudice in civil actions.

Which was read the first and second times and

Referred to the committee on **state affairs**.

Mr. Dickinson introduced

House Bill No. 218,

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.

Which was read the first and second times and

Referred to the committee on grain and grain grading.

Mr. Johnson of Ward, introduced

House Bill No. 219,

A bill for an act to amend section 5630 of the revised codes of 1899, relating to trials in district court without jury, and appeals therefrom.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Ward, introduced

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Dahl introduced .

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Ryan introduced

House Bill No. 222,

A bill for an act for the organization and government of cities.

Which was read the first and second times and

Referred to the committee on municipal corporations.

Mr. Underwood (by request) introduced

House Bill No. 223,

A bill for an act to amend section 8407 of the revised codes of North Dakota for the year 1899.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Morgan introduced

House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

Which was read the first and second times and

Referred to the committee on state affairs.

THIRD READING OF HOUSE BILLS.

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

Was read the third time.

Mr. White moved

That House Bill No. 136 be re-referred to the committee on judiciary.

Which motion was lost.

The question being upon the final passage of the bill.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Rose
Allen	Glasgow	Ryan
Arnold	Hardt	Scheer
Baeverstad	Hemmingson	Sheils
Belden	Johnson of Ward	Simpson
Blank	Kyle	Spangberg
Brown	Lemieux	Stavens
Burgum	Lillie	Stevens of Burleigh
Burtness	Martin	Streeter
Buttz	McClure	Sunderland
Casey	McCrea	Swendseid
Cooper of Stutsman	McLain	Thompson
Dahl	Mooney	Tofsrud
Dahlen	Morgan	Treat
Davis	Ovind	Underwood
Dickinson	Palmer	Walter
Duncan	Peterson	Watson
Flados	Phelan	Weigel
Fried	Piper	White
Ganssle	Purdon	Mr. Speaker
Gibbens	Robillard	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of Richland	Sowle	Truemner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Blake	Juzeler	Rice
Braaten	Lyon	Richmond
Briden	McKechnie	Rogers
Chapman	Meidinger	Rue
Chevalier	Meiklejohn	Schlenker
Clendening	Midgarden	Stevens of Dickey
Cooper of Sargent	Mitchell	Sweet
Eggen	Moore	Tallackson
Ellison	Nelson	Thoreson
Goulet	Nicholson	Vernon
Heglie	Oveson	Welo
Jennings	Palfrey	

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey, being excused.

So the bill passed and the title was agreed to.

Mr. Underwood moved

That the vote by which House Bill No. 136 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of

the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

Was read the third time.

Mr. Underwood asked to amend House Bill No. 121.

Which was objected to.

Mr. White asked unanimous consent to amend House Bill No. 121.

There being no objection .

Mr. White moved

That the bill be amended as follows:

By striking out the word "born" in line 15 and inserting thereof "borne."

Which motion prevailed, and

The bill was so amended.

Mr. Ryan asked unanimous consent to amend the bill.

Which was objected to.

Mr. Davis asked unanimous consent to amend the bill.

Which was objected to.

Mr. Fried moved

That the bill be re-referred back to the committee on taxes and tax laws.

Which motion prevailed, and

The bill was so referred.

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 17, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Belden
Blake
Blank
Brown
Burgum
Buttz

Messrs.—

Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie

Messrs.—

Rue
Ryan
Scheer
Schlenker
Sheils
Spangberg
Stevens of Burleigh
Streeter

Messrs.—	Messrs.—	Messrs.—
Casey	McLain	Sunderland
Clendening	Meidinger	Sweet
Dahl	Mitchell	Swendseid
Davis	Mooney	Treat
Duncan	Moore	Truemner
Ellison	Morgan	Underwood
Ganssle	Peterson	Walter
Gibbens	Phelan	Watson
Gilbert	Piper	Weigel
Glasgow	Purdon	Welo
Hardt	Robillard	White
Johnson of Richland	Rogers	Mr. Speaker
Johnson of Ward	Rose	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Flados	Sowle
Braaten	Fried	Stavens
Burness	Hemmingson	Tallackson
Cooper of Stutsman	Jennings	Thompson
Dahlen	Oveson	Thoreson
Eggen	Ovind	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Palmer
Briden	Juzeler	Rice
Chapman	Meiklejohn	Richmond
Chevalier	Midgarden	Simpson
Cooper of Sargent	Nelson	Stevens of Dickey
Dickinson	Nicholson	Tofsrud
Goulet	Palfrey	Vernon

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey, being excused.

Mr. Sheils explained his vote.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 10 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes, 47, nays 34, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Goulet	Peterson
Arnold	Jennings	Purdon
Baeverstad	Johnson of Richland	Robillard
Belden	Johnson of Ward	Scheer
Blake	Kyle	Schlenker
Braaten	Lillie	Snells
Burtness	McClure	Stevens of Burleigh
Buttz	McCrea	Streeter
Casey	McKechnie	Treat
Davis	McLain	Truemner
Duncan	Meiklejohn	Underwood
Ellison	Mooney	Vernon
Fried	Morgan	Walter
Gibbens	Nicholson	Welo
Gilbert	Ovind	Mr. Speaker
Glasgow	Palmer	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Lemieux	Stavens
Blank	Martin	Sunderland
Briden	Meidinger	Sweet
Brown	Moore	Swendseid
Burgum	Oveson	Tallackson
Cooper of Stutsman	Palfrey	Thompson
Dahl	Phelan	Thoreson
Dahlen	Piper	Tofsrud
Eggen	Rogers	Watson
Ganssle	Sowle	Weigel
Hardt	Spangberg	White
Hemmingson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Chapman	Juzeler	Richmond
Chevalier	Lyon	Rose
Clendening	Midgarden	Rue
Cooper of Sargent	Mitchell	Ryan
Dickinson	Nelson	Simpson
Flados	Rice	Stevens of Dickey
Heglie		

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey, being excused.

So the bill was lost.

Mr. Streeter explained his vote.

The speaker called Mr. Streeter to the chair.

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said

drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rose
Arnold	Jennings	Ryan
Baeverstad	Johnson of Richland	Scheer
Belden	Kyle	Schlenker
Blake	Lemieux	Sheils
Blank	Lillie	Simpson
Braaten	Martin	Sowle
Brideh	McClure	Spangberg
Brown	McCrea	Stavens
Burgum	McKechnie	Streeter
Burtness	McLain	Sunderland
Buttz	Meidinger	Sweet
Casey	Meiklejohn	Swendseid
Clendening	Mitchell	Tallackson
Cooper of Sargent	Mooney	Thompson
Cooper of Stutsman	Moore	Thoreson
Dahl	Morgan	Tofsrud
Dahlen	Nicholson	Treat
Dickinson	Oveson	Truemner
Duncan	Ovind	Underwood
Eggen	Palfrey	Vernon
Fried	Palmer	Walter
Ganssle	Peterson	Watson
Gibbens	Phelan	Weigel
Gilbert	Piper	Welo
Glasgow	Purdon	White
Goulet	Robillard	Mr. Speaker
Hardt	Rogers	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Rice
Chapman	Johnson of Ward	Richmond
Chevalier	Juzeler	Rue
Davis	Lyon	Stevens of Burleigh
Ellison	Midgarden	Stevens of Dickey
Flados	Nelson	

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey, being excused.

So the bill passed and the title was agreed to.

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of

1899, North Dakota, relating to tax list to be made out by county auditors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 1, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Goulet	Schlenker
Arnold	Hardt	Sheils
Baeverstad	Hemmingson	Simpson
Belden	Jennings	Sowle
Blake	Johnson of Richland	Spangberg
Blank	Johnson of Ward	Stavens
Braaten	Kyle	Stevens of Burleigh
Brown	McCrea	Streeter
Burgum	McKechnie	Sunderland
Burtness	McLain	Swenaseid
Buttz	Meidinger	Tallackson
Clendenning	Mooney	Thompson
Cooper of Sargent	Morgan	Thoreson
Cooper of Stutsman	Nicholson	Tofsrud
Dahl	Ovind	Treat
Davis	Palfrey	Truemner
Dickinson	Palmer	Underwood
Duncan	Peterson	Vernon
Eggen	Phelan	Walter
Ellison	Piper	Watson
Fried	Purdon	Weigel
Ganssle	Robillard	Welo
Gibbens	Rogers	White
Gilbert	Ryan	Mr. Speaker
Glasgow	Scheer	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Lemieux	Nelson
Briden	Lillie	Oveson
Casey	Lyon	Rice
Chapman	Martin	Richmond
Chevalier	McClure	Rose
Dahlen	Meiklejohn	Rue
Flados	Midgarden	Stevens of Dickey
Heglie	Mitchell	Sweet
Juzeler		

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey, being excused.

Mr. Moore voting in the negative.

So the bill passed and the title was agreed to.

The speaker in the chair.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 8.

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

The speaker signed the same in the presence of the house.

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 1, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Buttz
Cooper of Sargent
Cooper of Stutsman
Dahl
Davis
Duncan
Eggen
Ellison
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Kyle
Martin
McClure
McKechnie
McLain
Meidinger
Mitchell
Mooney
Moore
Morgan
Nicholson
Ovind
Palfrey
Palmer
Peterson
Piper
Purdon
Robillard
Rogers
Rose
Ryan

Messrs.—

Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Briden
Casey
Chapman
Chevalier
Clendenning
Dahlen
Dickinson
Flados

Messrs.—

Fried
Heglie
Juzeler
Lemieux
Lillie
Lyon
McCrea
Meiklejohn
Midgarden

Messrs.—

Nelson
Oveson
Rice
Richmond
Rue
Scheer
Stevens of Dickey
Sweet

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey. being excused.

Mr. Phelan voting in the negative.

So the bill passed and the title was agreed to.

Mr. Peterson moved

That the vote by which House Bill No. 166 was passed be reconsidered and a motion to reconsider be laid on the table:

Which motion prevailed.

House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Was read the third time.

Mr. White asked unanimous consent to amend House Bill No. 102.

Which was objected to.

The question being upon the final passage of the bill.

The roll was called and there were ayes 64, nays 14, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Belden
Blake
Braaten
Brown
Burtness
Buttz
Casey
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Ganssle
Gibbens
Gilbert
Glasgow
Goulet

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Martin
McKechnie
Meidinger
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper

Messrs.—

Purdon
Robillard
Rogers
Rose
Ryan
Shells
Sowle
Stavens
Sunderland
Sweet
Svenaseid
Thompson
Thoreson
Tofsrud
Treat
Underwood
Walter
Watson
Welch
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	McClure	Tallackson
Burgum	Mitchell	Truemner
Clendening	Schlenker	Vernon
Cooper of Stutsman	Stevens of Burleigh	Weigel
Hardt	Streeter	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Juzeler	Rice
Baeverstad	Lyon	Richmond
Briden	McCrea	Rue
Chapman	McLain	Scheer
Chevalier	Meiklejohn	Simpson
Flados	Midgarden	Spangberg
Fried	Nelson	Stevens of Dickey
Heglie		

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey. being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 102 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Rogers
Allen	Jennings	Ryan
Arnold	Johnson of Richland	Scheer
Belden	Johnson of Ward	Schlenker
Blake	Kyle	Sheils
Blank	Lemieux	Simpson
Braaten	Lillie	Sowle
Brown	Martin	Spangberg
Burgum	McCrea	Stavens
Burtness	McClure	Stevens of Burleigh
Buttz	McKechnie	Sunderland
Casey	McLain	Sweet
Clendening	Meidinger	Swenseld

Messrs.—	Messrs.—	Messrs.—
Cooper of Sargent	Meiklejohn	Tallackson
Cooper of Stutsman	Mitchell	Thompson
Dahl	Mooney	Thoreson
Dahlen	Moore	Tofsrud
Davis	Morgan	Treat
Dickinson	Nicholson	Truemner
Duncan	Oveson	Underwood
Eggen	Ovind	Vernon
Ellison	Palfrey	Walter
Ganssle	Palmer	Watson
Gibbens	Peterson	Weigel
Gilbert	Phelan	Welo
Glasgow	Piper	White
Goulet	Purdon	Mr. Speaker
Hardt	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Richmond
Briden	Juzeler	Rose
Chapman	Lyon	Rue
Chevalier	Midgarden	Stevens of Dickey
Flados	Nelson	Streeter
Fried	Rice	

Messrs. Chapman, Chevalier, Heglie, Juzler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey. being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the house proceed to the 14th order of business.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 78, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Rogers
Allen	Johnson of Richland	Rose
Arnold	Johnson of Ward	Ryan
Baeverstad	Kyle	Scheer
Belden	Lemieux	Schlenker
Blake	Lillie	Sheils
Blank	Martin	Simpson

Messrs.—	Messrs.—	Messrs.—
Brown	McClure	Sowle
Burgum	McCrea	Spangberg
Burtness	McKechnie	Stevens of Burleigh
Buttz	McLain	Streeter
Clendening	Meidinger	Sunderland
Cooper of Sargent	Meiklejohn	Sweet
Cooper of Stutsman	Mitchell	Swendseid
Dahl	Mooney	Tallackson
Davis	Morgan	Thompson
Dickinson	Nicholson	Treat
Duncan	Oveson	Truemner
Ellison	Ovind	Underwood
Flados	Palfrey	Vernon
Ganssle	Palmer	Walter
Gibbens	Peterson	Watson
Gilbert	Phelan	Weigel
Glasgow	Piper	White
Goulet	Purdon	Mr. Speaker
Hardt	Robillard	
Hemmingson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Braaten	Fried	Rice
Briden	Heglie	Richmond
Casey	Juzeler	Rue
Chapman	Lyon	Stavens
Chevalier	Midgarden	Stevens of Dickey
Dahlen	Moore	Thoreson
Eggen	Nelson	Tofsrud

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue and Stevens of Dickey, being excused.

Mr. Welo voting in the negative.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which Senate Bill No. 93 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Was read the third time.

Mr. Stevens of Burleigh asked unanimous consent to amend title to Senate Bill No. 54.

There being no objection.

Mr. Stevens of Burleigh moved

That the bill be amended by striking out, in section 1, 1897, and insert in lieu thereof 1899.

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 69, nays 1, absent and not voting 30.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Cooper of Sargent
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Goulet
Hardt
Hemmingson
Jennings
Johnson of Richland
Kyle
Lemieux
Lillie
McClure
McCrea
McKechnie
McLain
Meidinger
Mitchell
Morgan
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Robillard

Messrs.—

Rogers
Rose
Schlenker
Shells
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Sunderland
Sweet
Swendseld
Tallackson
Thompson
Treat
Truemner
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Belden
Blake
Casey
Chapman
Chevalier
Clendening
Cooper of Stutsman
Dickinson
Heglie

Messrs.—

Johnson of Ward
Juzeler
Lyon
Martin
Midgarden
Meiklejohn
Mooney
Moore
Nelson
Oveson

Messrs.—

Rice
Richmond
Rue
Ryan
Scheer
Stevens of Dickey
Streeter
Thoreson
Tofsrud
Watson

Mr. Nicholson voting nay.

Messrs. Chapman, Chevalier, Heglie, Juzeler, Midgarden, Nelson, Rice, Richmond, Rue, Stevens of Dickey. being excused.

So the bill passed.

Mr. Stevens of Burleigh, moved

That the title be amended

By striking out 1897 and inserting in lieu thereof 1899.

Which motion prevailed, and

The title as amended was agreed to.

Mr. Stevens of Burleigh moved

That the vote by which Senate Bill No. 54 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota, relating to jurors.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

And the speaker signed the same in the presence of the house.

Mr. Phelan moved

That the house do now adjourn until 1 p. m. tomorrow.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1905.

The house assembled at 1 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Mr. Gilbert moved

That the roll call be dispensed with, which motion prevailed.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 14 strike out line 16.

Page 15 after word "chairman" in line 33 insert as line 34 "the speaker in the chair."

Also,

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

Page 5 after line "17" insert the word "also."

Page 5 line 24 after the word "adopted" insert "the same."

Page 17 strike out line 44.

Page 18 line 23 change the word "judiciary" to "taxes and tax laws."

Page 19 insert after line 34 "Mr. Shiels explained his vote."

Line 47 same page change figures "48" to "47" and figures "33" to "34."

Line 48 same page change figures "20" to "19."

Page 28 line 1 after name "Stevens" insert "of Burleigh."

Line 2 same page change word "title" to "bill."

Line 6 same page insert after the word "bill" "as amended."

On same page after line 48 insert as line 49 "Mr. Nicholson voting nay."

In last line same page change word "bill" to "title."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Davis presented the following communication:

WASHINGTON, D. C., February 14-15, 1905.

To Hon. George W. H. Davis:

Senate unanimously agrees to my amendment to agricultural bill construing tariff law so as to prevent the importations of wheat.

H. S. HANSBROUGH.

The courtesies of the floor were extended to Col. Brown, Norve Norveson of Grand Forks county, A. A. Winden and G. W. Thorpe of Stutsman county.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 15, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Also,

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Also,

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in county courts.

Also,

Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house took a recess for ten minutes.

After recess

The chief clerk announced that the speaker was about to sign

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

And the speaker signed the same in the presence of the house.

Mr. McCrea moved

That the chief clerk be instructed to notify the senate that the house is now ready to meet the senate in joint session for the purpose of observing "The John M. Cochrane Memorial Day."

Which motion prevailed.

JOINT SESSION.

The joint session of the two houses was called to order by the president of the senate, and the following program was rendered:

JOHN M. COCHRANE MEMORIAL DAY PROGRAM:

Prayer—Rev. O. F. Jones.

Address—Rev. Father Conaly.

Vocal Solo—Miss Messersmith.

Address on behalf of the senate—Hon. Leslie A. Simpson.

Vocal Solo—Mrs. H. H. Steele.

Address—For the House—Hon. R. N. Stevens.

Vocal Solo—Miss Bartholomew.

Address—In behalf of the Law Students of the University—R. N. Dale and Mr. S. G. Skulason.

Senator Crane moved

A rising vote of thanks be given to the speakers and singers, who have so ably rendered the preceding program.

Which motion prevailed.

Senator Bacon moved

That the joint assembly do now dissolve,

Which motion prevailed, and

The joint assembly dissolved.

House reconvened.

The house took up the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

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

Also,

House Bill No. 213,

A bill for an act to amend section 8120 of the revised

codes of 1899, relating to affidavits of prejudice in criminal actions.

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

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

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

Section 1, in line 2 of printed bill, strike out the word "ten" and insert in lieu thereof the word "twenty."

Section 2, line 3 of the printed bill, strike out the words "fifty dollars (\$50.00)" and insert in lieu thereof the words "not less than ten nor more than fifty dollars."

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

That the report of the committee be adopted

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 200,

A bill for an act to amend section 6380 of the revised codes of 1899, relating to inventory and appraisement of estates of deceased persons.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 193:

An act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion, such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

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

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

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

E. L. RICHMOND,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 129,
Establishing a state board of embalmers.

Also,

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Also,

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Also,

House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

Also,

House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agricultural experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

Also,

Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 30,

A bill for an act to amend section 441 of revised codes
of North Dakota, relating to jurors.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of
the state of North Dakota to the construction and mainten-
ance of highway across, within, under and through the wa-
ter of Des Lac Lake, on township line between the townships
161 and 162 in Ward county, North Dakota.

Were delivered to the governor for his approval at the
hour of 1:30 o'clock p. m., February 15, 1905.

W. A. McCLURE,

Chairman.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 8,

A bill for an act to regulate insurance companies and
provide for conditions in policies.

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

ANTON FRIED,

Chairman.

Mr. Fried moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely
postponed.

Also,

Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 132,

A bill for an act to create the office of state fire marshal;
and providing for the appointment of state fire marshal;
term; oath, bond; removal; deputy and his duties; vacan-
cies; duties of marshal in connection with other officers to
investigate fires; notification of fire to marshal; record of

fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purposes of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

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

ANTON FRIED,
Chairman.

Mr. Fried moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

Also,

Mr. Speaker:

Your committee on insurance to whom was referred
Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

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

ANTON FREID,
Chairman.

Mr. Fried moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

Senate Bill No. 88,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

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

By striking out all after the words "A Bill" in line one, and substituting therefor the following:

SUBSTITUTE FOR SENATE BILL NO. 88.

A bill for an act providing for the selection of candidates for election by popular vote, and relating to their nomination and the perpetuation of political parties.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. It is the intention of this act to purify and reform the methods by which organized political parties shall make nominations of candidates for the several public offices, to perpetuate and strengthen political parties by eliminating therefrom the evils hereby sought to be corrected, and to secure to each individual member and delegate of such party an absolute freedom and independence in the expression of his preferences relating to nominations by such parties, and to prevent and prohibit the use and influence of the methods similar to that known as the unit rule, and this statute shall be so construed as to give force and effect to this expressed intention.

Section 2. On the Tuesday following the third Monday of June of each year during which occurs a general election, there shall be held in lieu of caucuses and conventions, a primary election in the various voting precincts of this state for the nomination of candidates for the following offices, to be voted for at the ensuing general election, viz.: County officers, members of the legislative assembly, county commissioners, and city officers; and also for the election of delegates to the state and judicial district conventions as herein provided.

For special elections for the officers enumerated herein, the nomination shall be made as otherwise provided by law.

Section 3. Every candidate for a member of the legislative assembly shall, not more than thirty nor less than fifteen days prior to said primary election, present to the county auditor of the county in which such legislative district shall be situated, and if such legislative district shall be composed of two or more counties, then in that event to the county auditor of each of said counties, a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of ten per cent of the total vote cast for the candidate of the party with which he affiliates, receiving the greatest number of votes for the same position at the last general election; provided, however, that in no case shall more than 300 names be required. Each name on the petition shall be that of a legal voter and be subscribed under a certified party heading.

Upon receipt by the county auditor of such petition, and when accompanied by the following affidavit he shall place the applicant's name upon the primary election ballot of his party as hereinafter provided.

Said affidavit may be substantially as follows:

STATE OF NORTH DAKOTA,
County of —ss.

I,, being duly sworn, depose and say that I reside in the county of, and state of North Dakota; that I am a qualified voter therein and a; that I am a candidate for nomination to the office of, to be chosen at the primary election to be held on, 19....., and I do hereby request that my name be printed on the primary election ballot as provided by law as a candidate of the party for said office.

Subscribed and sworn to before me this day
of 19.....

Section 4. Every candidate for a county or district office, shall, not more than thirty days, nor less than twenty days prior to any primary election, present to the county auditor a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of five per cent of the total vote cast for the candidate of the party with which he affiliates for the same position at the last general election; provided, however, that in no case shall more than three hundred names be required.

Each name on the petition shall be that of a qualified voter and be subscribed under a certified party heading.

Each signer of a nomination paper shall sign but one paper for the same office; he shall add his residence, with the street number, if any, and the date of the signing.

Upon the receipt of such petition by the county auditor and the payment to him of an amount equal to two per cent of the annual salary of the office to which he aspires, (excepting candidates for state senator who shall pay thirty dollars, and candidates for legislative representative who shall pay ten dollars), and in no case less than five dollars, excepting candidates for county commissioners, surveyor, and coroner, who shall pay three dollars, and the candidates for county constables and county justices of the peace who shall pay one dollar, as provided in this act, and when accompanied by an affidavit as provided in section 3 of this act, he shall place the name of such applicant upon the primary election ballot of his party as hereinafter provided.

For the purpose of this act, candidates for the office of sheriff shall pay the same fee as candidates for the office of county auditor.

The money so received by the county auditor shall be turned over by him to the county treasurer to be covered into the general fund.

Section 5. The petitions required in sections 3 and 4 of this act may be one continuous list of names under the proper political title or principle or there may be a number of such petitions using the same title, giving the aggregate of names required.

Section 6. A candidate may be nominated by having his name written on, or by printed stickers placed in a blank line left for that purpose underneath the group in each official position.

Section 7. It shall be the duty of the chairman of the state central committee of each party or principle entitled to make nominations as such under the provisions hereof, to certify to the county auditor of each county on or before the first day of May of each year during which state officers may be elected the number of delegates which have been apportioned to such county as the representation to which such county is

entitled in the succeeding state convention of such party or principle, and such county auditor shall thereafter include in the notice of the primary election to be held under the provision of this act a notice of the election at such primary election of the number of delegates apportioned to said county as aforesaid, and thereafter the same proceedings shall be had relating to the election of delegates to state conventions as is provided herein for the nomination of candidates for county offices. Provided, that candidates for the office of delegates to the state convention shall not be required to pay any fee to become candidates as such delegates; and provided, further, that a petition for the nomination of candidates for the office of delegate to the state convention shall contain at least ten per cent of the vote cast at the last general election for the candidate of such party or principle for the office of governor in such county; and provided, further, that such petition may contain the names of one or more candidates for office of delegate to the state convention.

Section 8. The delegates for the state convention chosen by each party or principle in the manner provided in the preceding section shall meet at a time and place designated by the state central committee of each of said parties or principles, respectively, and shall nominate by majority vote the candidates of said party or principle for the respective state offices to be filled at the succeeding general election held in this state, including members of congress and presidential electors.

The state central committee shall provide the manner of filling vacancies occurring at the time of holding the convention in the delegations of the several counties, but no person shall be chosen except a resident of the county in which such vacancy occurs.

All nominations by such convention shall be made by secret ballot and not otherwise. The use or observance or enforcement of the practice commonly known as the unit rule is hereby strictly forbidden and any person who shall cast or receive or cause to be cast or received or counted any vote whatever in violation of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished as provided by law for misdemeanors.

In case of any vacancy by death, resignation or otherwise, in any of the nominations made by such state convention the state central committee of such party shall have power to fill such vacancy.

Section 9. All persons nominated in accordance with the provisions of this act shall be eligible and qualified as candidates to be voted for at the ensuing general election.

Section 10. The primary election and primary election ballot shall be provided for, arranged and conducted and all expenses paid as now provided by law for general elections, except as otherwise provided for in this act.

There shall be separate ballots for each party or principle and they shall all be of the same size, texture and color.

The ballot shall be entitled "primary election ballot."

The names of all aspirants for nomination of each political party or principle for the different offices shall be arranged in separate groups in their order, on separate ballots under a proper political designation, leaving one or more blank lines or spaces below each group of names on which may be written or placed a name or a printed sticker attached for the nomination of the candidate. No squares shall be left at the head of the ballot.

At the head of each ballot shall be placed the title of the political party or principle that it represents.

At the left of each group shall be placed the title of the office followed by a bracket indicating the number of names in such group. Above each group there shall be a space in which shall be printed the number of

names in that group to be voted for as follows: "Vote for name (or names) only."

The voter shall place his cross (X) in the square following the name to the right of every candidate he desires to vote for.

The judges and inspectors of election when handing a ballot to a voter shall inform him that he must vote for the candidates of the political party such ballot represents only and the voter shall call for the ballot representing the party or principle with which he affiliates and he shall receive such ballot and no other.

Section 11. Any citizen otherwise eligible by law affiliating or representing, the principles enumerated in the national platform of the following parties are eligible to nomination under this act: The republican party, the democratic party, or any party designation that cast five per cent of the votes cast for governor at the last general election and it shall be unlawful for any person to call for or vote a ballot at the primary election herein provided for except a ballot representing the party, or principle, with which he affiliates and any person who has reason to believe that the ballot called for by the voter does not represent the party or principle with which said voter affiliates may challenge such vote, and he shall not be entitled to cast his ballot unless he makes and files with the inspector of such primary election an affidavit to the effect that such ballot represents the political party with which he affiliates.

Section 12. Should vacancy occur by resignation, death or otherwise where there is only one aspirant for such office, in any office for which candidates are to be nominated in this act, or should there be no applicant for such office before printing the primary election ballots such vacancy may be filled by the regularly constituted committee of the party in which such vacancy occurs, and no petition or fee shall be required therefor.

Section 13. The primary election ballots of each party or principle shall be prepared, unless otherwise provided in this act, as prescribed in section 491 of the revised codes of 1899.

Section 14. The names of candidates for each office upon the sample ballot shall be arranged alphabetically according to surnames.

The names of candidates under headings designating each official position shall be alternated on the ballot in printing in the following manner, viz:

First, the forms shall be sent up with the names in the order in which they were placed upon the sample ballot as prepared by the county auditor.

Second. In printing each set of ballots for the various election precincts, the position of the names shall be changed in each official division as many times as there are candidates in the office, division or group in which there are most names.

As nearly as possible an equal number of ballots shall be printed after each change.

In making the changes of position the printer shall take the line of type at the head of each office division and place it at the bottom of that division shoving up the columns so that the name that was second before the change shall be first after the change.

After the ballots are printed, before being cut, they shall be kept in separate piles for each change or position and shall then be piled by taking one from each pile and placing it upon the other pile to be cut, the intention being that every other ballot in the pile of printed sheets shall have names in different positions.

After the piles are made in this manner they shall be cut and placed in blocks as provided by the general election law.

Section 15. Between the first day of May and the first day of June of each year during which an election shall be held for the purpose of electing, among other officers, judges of the district court in the several dis-

tricts of this state it shall be the duty of the state central committee of each party or principle entitled to make nominations under the provisions hereof to designate a time and place at which a convention shall be held for the purpose of nominating candidates of such party or principle for the office of judge of the district court of each judicial district. Notice of the time and place so designated shall be given in such manner as the state central committee shall determine and at the time and place so designated the persons elected as delegates to the state convention of such party or principle in such year, from the several counties composing each judicial district, shall meet in convention and nominate by majority vote the candidate of such party or principle for the office of the judge of the district court. The vote by which such nominations shall be made shall be by secret ballot. The chairman and secretary of such convention shall immediately issue a certificate of the nomination showing the name and residence of the person so nominated, and forthwith transmit the same to the secretary of state. Such convention shall have power to provide the method by which any vacancy shall be filled by reason of the death, resignation or failure of the person so nominated to accept, or otherwise.

Section 16. The secretary of state shall between the first day of April and the fifteenth day of May in such year, direct and cause to be delivered to the county auditor of each county a notice specifying the officers to be nominated under this act, specifying the several officers to be nominated in such county at the next primary election.

The auditor to whom such notice is delivered, shall cause notice of the same to be given as provided in section 512 of the revised codes of 1899.

Section 17. Except as herein otherwise provided the following sections of chapter 8 of the political code of 1899 entitled "elections" are hereby made applicable to primary elections and primary election ballots under this act, to wit: Sections 480, 481, 483, 484, 485, 486, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 505, 510, 513, 514, 515, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 529, 531, 533, 535, 536, 537, 545, 547, 548, 549, 556, 557, 558, 559, 560, 561 and 562.

Section 18. Two tally books or two sets of tally sheets shall be provided for each political party or principle, having candidates to be voted for at each voting precinct the same to be furnished by the county auditor, at the same time and in the same manner that the poll books and ballots are furnished. The names of the candidates shall be placed on the tally sheets in the order in which they appear on the official sample ballots and in each case shall have the proper party designation at the head thereof.

Section 19. The polls shall be opened at nine o'clock a. m. and shall remain open continuously until four o'clock p. m.

When the polls are closed the judges and inspectors of such primary election shall open the ballot boxes, count the votes and compare the same with the clerk's list and should any irregularities appear they shall proceed as now provided by law.

When the ballots compare with the clerk's lists they shall proceed to canvass and place those of each political party in separate piles.

The tally of the votes shall be separate for each political designation or principle and so returned by the judges and inspectors of election, giving the full vote for each candidate.

The men's and the women's vote shall be kept separately and so returned by the judges.

The county canvassing board shall aggregate those for each of the candidates voted for.

Section 20. The judges of such primary election in each precinct shall make a statement on blanks to be provided for that purpose which shall

be subscribed to by them and filed in the office of the county auditor with the returns as follows: They shall contain the names of all persons voted for at the primary election with the number of votes cast for each candidate and for what office.

A separate statement shall be made for each political party or principle.

Section 21. The clerks of primary election shall keep a list of names of all persons voting at such primary election, and shall return one list as now required and one tally sheet that shall be a part of the records, and deliver the other list to the board of registration within thirty days following any primary election.

No registration of votes shall be required under this act to vote at any primary election

The poll lists so kept at the primary election and delivered to the boards of registration shall take the place of the first registration of the voters now required, and notice only shall be given of the second day of registration which shall be held and conducted as now provided and no other shall be required to vote at the general election following.

Section 22. The county canvassing board shall be composed of the clerk of the district court, county auditor, chairman of the board of county commissioners and the chairman of the county committee of the two political parties that cast the highest vote for governor at the preceding general election.

The members of said board shall meet in the county auditor's office in the court house, at ten o'clock, a. m., on the eighth day after any primary election, and shall proceed after taking the usual oath of office, to open and publicly canvass the primary election returns made to the county auditor.

Any three members of said board shall constitute a quorum and are authorized to make the canvass herein provided and to certify to the results thereof.

Section 23. The canvassing board shall make and prepare a statement the same to be signed by said board and filed in the office of the county auditor as follows:

First. A statement containing the names of all the candidates voted for at the primary election, with the number of votes received by each and for what office or position, said statement to be made as to each political party or principle separately.

Second. A statement of the names of the persons or candidates of each political party who are nominated, to-wit: Those persons or candidates of such political party or principle who received the highest number of votes for the respective office, and where there is more than one person to be elected to a given office at the ensuing general election there shall be included in said statement of nomination the names of so many candidates of such party receiving the next highest number of votes for that office as there are persons to be elected to such office at said ensuing general election, including delegates to the state convention.

Said statement shall in like manner be made separately as to each political party.

Third. A statement of the whole number of electors registered and the number of ballots cast, men's and women's separately, at such primary election.

Fourth. It shall be the duty of the county auditor upon the completion of the canvass to mail or deliver in person, to each candidate so nominated for any county or district office, including delegates elected to the state convention, a notice of such fact except as to delegates, and that his name will be put upon the official ballot except as otherwise provided. He shall, also, cause a copy of the findings of said board to be published in a newspaper at the county seat, if such there be.

Section 24. It shall be the duty of the county auditor of each county under his official seal, except as provided in section 26 of this act, immediately upon the completion of the canvass as provided by section 23 hereof, to issue certificates of nomination for the persons of each political party or principle having the highest number of votes, for the members of the legislative assembly, which certificate of nomination shall be forwarded without delay to the secretary of state by registered mail.

Section 25. When two or more counties are embraced in one legislative district, the respective county auditors shall attend at the office of the county auditor of the senior county of such district, within fifteen days of a primary election, and in conjunction with the auditor of the senior county shall compare the votes cast in the several counties comprising such district; and such auditor shall immediately make out certificates of nomination for the persons of each political party or principle having the highest number of votes in such district for the members of the legislative assembly as provided in section 24 of this act, which certificate of nomination shall be forwarded without delay to the secretary of state by registered mail, by the county auditor of the senior county who shall give notice in writing to all the members of the legislative assembly nominated in such district.

Section 26. When a vacancy occurs by death or resignation of any aspirant for nomination before the primary election ballots are printed in legislative districts containing more than one county, the members of the county central committees of the party in which such vacancy occurs, of the counties of which such district is composed, shall meet and by majority vote may fill such vacancy, and by a certificate of nomination notify the county auditors of the several counties of which such district is composed. Should a nomination be so made the auditors of such counties shall place the name on the primary election ballots where the vacancy exists.

Should a vacancy occur in a legislative office in a county composed of more than one district, or in a commissioners district, then the county central committee of the party in which such vacancy occurs shall meet and fill such vacancy. On receipt of a certificate of nomination from such committee, the county auditor shall place the name of each nominee upon the primary election ballot where such vacancy exists.

Section 27. The provisions of this act shall apply to cities in this state containing a population of five thousand or more according to last government census.

Section 28. Primary elections for the nominations of all municipal officers shall be held on the first Tuesday of March of each year and conducted the same as city elections.

Nominations shall then be made of all officers, city and ward, where the terms of office expire at the municipal election following.

Section 29. Thirty days prior to such election it shall be the duty of the city auditor or recorder to give public notice thereof by two publications following in the official paper of the city, and by posting three notices in each ward, in conspicuous places specifying the officers to be nominated at the primary election following, giving the date of such election and the title and term of such office.

Section 30. All aspirants for nomination shall, not more than twenty nor less than ten days prior to such primary election, present or have presented to the city auditor or recorder a petition and affidavit as required in sections 3 and 4 of this act, provided that the fee required to be paid shall be five dollars for nominations at large and two dollars for nominations in wards, which shall be paid to the city treasurer and a receipt taken therefor: provided, further, that the petition required shall contain the names of at least five per cent of the votes cast for mayor at the preceding election for officers at large, and five per cent of such vote cast in each ward shall be required to place a name on the primary election ballot for nominations in such ward.

Section 31. It shall be the duty of the city auditor or recorder to prepare the primary election ballots as provided in this act and deliver the same as now provided by law.

Section 32. The city council shall compose the canvassing board, and shall meet within five days after any primary election and canvass the votes as required in subdivisions first and second of section 23 of this act and make returns of same as herein provided.

Section 33. When the result of such election is announced it shall be the duty of the city auditor or recorder to notify the candidates declared nominated by written notice thereof and by publishing the same in the official paper of the city, one week prior to the municipal election.

Section 34. All the provisions of chapter 5 of the penal code, in so far as the same relates to crimes against the elective franchise, are hereby made applicable to elections held pursuant to the provisions of this act.

Section 35. Every state, county and city committee of each political party now eligible under the provisions of this act, shall remain the regularly constituted committee of the respective parties until succeeded as provided for in this act.

Section 36. Between the first day and tenth day of August of each year following a primary election for the election of delegates to a state convention, it shall be the duty of the persons elected as delegates to the state convention of each party or principle in such year, to meet at the county seats in each county, respectively, at a time and place to be designated by the chairman of the county central committee (ten days notice whereof shall be given by mail to each of said delegates by such chairman of the county central committee) and elect a county central committee representing such party or principle which committee shall be composed of such number as said delegates to the state convention shall at said time and place determine, and the members of such committee shall be so elected as to give as nearly as practicable equal representation to each portion of the county containing an equal number of electors who shall be members of said party or principle.

No candidate shall be a member of such committee.

Each member shall retain such position until his successor is chosen.

Every member so elected shall be a legal voter.

Such members shall meet within five days after their election and organize by selecting a chairman, a secretary and a treasurer from among their members and shall adopt rules and modes of procedure.

Vacancies shall be filled by a majority of the committee, by appointment from the district in which such vacancy exists.

Section 37. It is not the intention hereof to destroy or impair the organization of any party or principle now existing or hereafter to exist, therefore, each of such parties or principles, and each and all of the state, county, and other committees thereof shall possess all of the ordinary powers and authority heretofore established by the usage and customs of such parties not inconsistent with any of the provisions hereof.

Section 38. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

And when so amended recommend that the same do pass.

GEO. BLAKE,

Chairman.

Mr. Gilbert moved

That the consideration of the substitute bill just read, be made a special order for tomorrow at 3 p. m.

Mr. Stevens of Burleigh, moved

As a substitute motion, that the substitute bill together with Senate Bill No. 88, be referred to the house to be taken up at 3 o'clock p. m. tomorrow, with the same powers of discussion, and amendment, and under the same rules as

would be allowed in the committee of the whole, and that the bill after having been amended or concurred in, be placed upon its third reading, and final passage.

Which substitute motion prevailed.

Mr. Gilbert moved

That 200 copies of the substitute to Senate Bill No. 88, be printed and given to the members by nine o'clock tomorrow.

Which motion prevailed.

Mr. Phelan gave notice that at a future time he would move to reconsider the vote by which

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Was lost.

MOTIONS AND RESOLUTIONS.

Mr. Ryan offered the following resolution, and moved its adoption.

Resolved, That the address delivered before the legislative assembly this day, in honor of the memory of the late John M. Cochrane, be transcribed by the stenographers and that 500 copies of said address be printed for the use of the members of this legislative assembly; further, that the address delivered before the supreme court, at its last session, on the same subject, be included in the same.

Which motion prevailed, and

The resolution was adopted.

Mr. Davis offered the following concurrent resolution, and moved its adoption.

Resolved that the house of representatives, the senate concurring, send congratulations to the Hon. H. C. Hansbrough at Washington on his success in securing unanimous agreement of the U. S. senate to his amendment to agricultural bill construing tariff law so as to prevent free importations of wheat.

Which motion prevailed, and

The resolution was adopted.

Mr. Phelan moved

That the vote by which House Bill No. 23 was lost, be reconsidered, and the bill be placed in its regular order on the calendar.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 15, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

I have the honor to be,
E. Y. SARLES,
Governor.

The speaker called Mr. Casey to the chair.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Richmond introduced

House Bill No. 225,

A bill for an act concerning the transferring of a person's business.

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

Mr. Lillie introduced

House Bill No. 226,

A bill for an act to amend section 3742, revised codes of the state of North Dakota, of 1899, relating to the order of succession.

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

Mr. Lillie introduced
House Bill No. 227,

A bill for an act to amend section 6615 of the revised
codes of North Dakota.

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

Mr. Swendseid (by request) introduced
House Bill No. 228,

A bill for an act to amend section 186 of the revised
codes of 1899, relating to the sale of school and other public
lands.

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

Mr. Purdon introduced
House Bill No. 229,

A bill for an act to amend section 1383 of the revised
codes of North Dakota, of 1899, relating to the appointment
of field and line officers of the national guard of North Da-
kota.

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

Mr. Davis introduced
House Bill No. 230,

A bill for an act to amend section 5577 of the revised
codes, relating to costs on foreclosure of liens.

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

Mr. Chapman introduced
House Bill No. 231,

A bill for an act to provide for the organization of school
districts in unorganized counties.

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

Mr. Ryan introduced
House Bill No. 232,

A bill for an act to amend section 5848, revised codes,
1899, relating to notice of foreclosure of mortgages by ad-
vertisement.

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

Mr. Ryan introduced
House Bill No. 233,

A bill for an act amending section 5908, of chapter 5, of
the session laws of 1901, relating to actions to determine
adverse claims.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 15, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION

Be it resolved by the Senate of the state of North Dakota, the House con-
curring:

That the legislature of the state of North Dakota, having enacted laws for
the protection of the people against adulterated, misbranded and deleterious
foods, drugs and medicines, realizing the necessity for adequate legislation by
congress to protect the states against interstate commerce which is beyond
the control of the state, in such prohibited articles, does hereby memorialize
the senate of the United States to speedily enact efficient legislation prohib-
iting interstate commerce in adulterated, misbranded and deleterious foods,
drugs and medicines to the end that the laws of our state relative thereto may
be more effective.

And further, that copies of this resolution be forwarded by the secretary of
state to the members of the United States senate and the members of con-
gress representing this state of North Dakota.

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

Very respectfully,
L. M. McGLASHAN,
Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 174,

A bill for an act amending section 2581 of the revised
codes relating to board of health.

Was read the third time.

Mr. Stevens of Burleigh moved

That House Bill No. 174 be referred to the committee of
the whole.

Mr. Davis moved

As a substitute motion that the bill be referred to committee on judiciary.

Which substitute motion prevailed, and
The bill was so referred.

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Was read the third time.

Mr. Stevens of Burleigh, moved

That the bill be re-referred to the committee on judiciary.

Mr. Underwood moved

That the motion to re-refer be laid upon the table.

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 72; nays, 6; absent and not voting, 22.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Ryan
Allen	Johnson of Richland	Scheer
Belden	Johnson of Ward	Schlenker
Blake	Juzeler	Sheus
Braaten	Kyle	Simpson
Burgum	Lillie	Sowle
Burtness	Lyon	Spangberg
Buttz	Martin	Stavens
Casey	McCrea	Streeter
Clendening	McLain	Sunderland
Cooper of Sargent	Meidinger	Sweet
Cooper of Stutsman	Mooney	Swendseid
Davis	Moore	Tallackson
Dickinson	Morgan	Thompson
Ellison	Nelson	Thoreson
Flados	Nicholson	Tofsrud
Fried	Oveson	Underwood
Ganssle	Ovind	Vernon
Gibbens	Palfrey	Walter
Gilbert	Peterson	Watson
Glasgow	Phelan	Weigel
Goulet	Piper	Welo
Heglie	Purdon	White
Hemmingson	Rogers	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Blank	Eggen
Baeverstad	Duncan	Meiklejohn

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	McClure	Robillard
Brown	McKechnie	Rose
Chapman	Midgarden	Rue
Chevalier	Mitchell	Stevens of Burleigh
Dahl	Palmer	Stevens of Dickey
Dahlen	Rice	Treat
Hardt	Richmond	Truemner
Lemieux		

So the bill passed and the title was agreed to.

Mr. Briden was excused from voting.

Mr. Davis explained his vote.

Mr. Davis moved

That the vote by which House Bill No. 178 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 68; nays, 2; absent and not voting, 30.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rogers
Allen	Heglie	Ryan
Arnold	Hemmingson	Schlenker
Baeverstad	Jennings	Sheils
Belden	Johnson of Ward	Simpson
Blake	Juzeler	Sowle
Blank	Kyle	Spangberg
Briden	Lillie	Stavens
Burgum	Lyon	Streeter
Buttz	McClure	Sunderland

Messrs.—	Messrs.—	Messrs.—
Casey	McCrea	Sweet
Chapman	McKechnie	Swendseid
Cooper of Sargent	McLain	Tallackson
Dahl	Meidinger	Thompson
Davis	Meiklejohn	Tofsrud
Dickinson	Mooney	Underwood
Duncan	Morgan	Vernon
Ellison	Nelson	Walter
Flados	Nicholson	Watson
Fried	Ovind	Weigel
Ganssle	Purdon	White
Gibbens	Richmond	Mr. Speaker
Glasgow	Robillard	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Oveson	Peterson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Braaten	Johnson of Richland	Rice
Brown	Lemieux	Rose
Burtness	Martin	Rue
Chevalier	Midgarden	Scheer
Clendenning	Mitchell	Stevens of Burleigh
Cooper of Stutsman	Moore	Stevens of Dickey
Dahlen	Palfrey	Thoreson
Eggen	Palmer	Treat
Gilbert	Phelan	Truemner
Hardt	Piper	Welo

Messrs. Mitchell, Moore, Palfrey, Palmer, Phelan, Piper, Rice, Rose, Rue, Scheer, Stevens of Burleigh, Stevens of Dickey, Thoreson, Treat, Truemner, Welo, being excused.

So the bill passed and the title was agreed to.

Mr. Ryan moved

That the vote by which House Bill No. 194 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

Mr. Fried moved

That the house do now adjourn.

Which motion was lost.

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Was read the third time.

Mr. Simpson moved

That the bill be re-referred to the committee on judiciary.

Which motion prevailed, and
The bill was so referred.

The speaker administered the oath of office to Nan H.
Woodmansee, as stenographer.

Mr. Streeter moved
That the house do now adjourn,
Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FORTY-FIFTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

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

The courtesies of the floor were extended to Henry Odenback, Frank Ingalls, Frank Squires and Rev. J. Fischer of Stutsman county.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 23, line 19, change name "senate" to "house."

Page 18, line 37, after figures "23" insert "was lost."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 16, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION

Whereas, The federal act for the establishment and support of experiment stations requires a report to be made to the governor on the first day of February, annually, which report shall set forth in detail the results of investigations and experiments made for the preceding year, and the purpose for which the federal appropriation was expended; and

Whereas, The expenditure of twenty thousand dollars (\$20,000) annually for field experiments and research work upon broad lines affecting every branch of agriculture, represents valuable information that should be widely disseminated among the farmers of the state; therefore, be it

Resolved, by the Senate, the House concurring, That the printing commission be empowered, and it is hereby directed to authorize the publication of not less than 3,000 copies of said annual report, not less than 2,500 of said copies to be delivered to the director of the North Dakota experiment station for gratuitous distribution among the farmers of the state and for other purposes provided for in said act.

Resolved, further, That 1,000 copies of the report of the Edgeley sub-experiment station be printed separately for the same purpose.

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

Also,

I have the honor to transmit herewith

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

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

Also,

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Which the senate has passed unchanged.

Also,

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Which the senate has amended as follows:

By inserting the words "on the part of the state" in line 6 of section 1 of the printed bill after the word "fees."

And passed as amended.

Very respectfully,
L. M. McGLASHAN,
Secretary.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 16, 1905.

To the House of Representatives:

Mr. Speaker:

I have the honor to inform you that I have approved and filed with the secretary of state:

House Bill No. 30;

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

E. Y. SARLES,
Governor.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Dahlen presented the following petition:

We, the undersigned, patrons of Kindred, N. D. creamery, respectfully petition your honorable body to consider favorably house bill No. 158, which provides for an assistant dairy commissioner, who will inspect the creameries and cheese factories of the state, and instruct the buttermakers and patrons thereof in the methods of handling and delivering butter, milk and cream to said patrons.

O. P. BORDERUD
and 17 others.

Mr. Nelson presented the following petition:

We, the undersigned electors of the county of Ramsey, and state of North Dakota, do hereby declare: That we are in favor of a primary election law for the nomination of candidates for office instead of the present system of delegate convention; and

We hereby pledge our moral and political support to the adoption of such a law, and its ultimate future perfection, and to this purpose.

We hereby subscribe as members of the West End Primary Election League, and request the Ramsey county representatives to support such a law, covering the nomination of candidates for all electoral offices, county, state and federal.

JAMES McCORMICK
and 70 others.

Mr. Tallackson presented the following petition:

Grafton, N. D., Feb. 14, 1905.

To T. Tallackson and other members of the legislature from Walsh county:

We, the undersigned, residents of Walsh county, are decidedly in favor of a primary election law, and earnestly urge our members from Walsh county, to support the Sharpe-Davis bill, just as it was passed by the senate; we believe it is better to have a law on this subject with some imperfections, than no law at all.

We believe that 90 per cent of the voters of Walsh county are in favor of this law.

E. M. SPENCER
and 90 other others.

Mr. Swendseid presented the following petition:

We, the undersigned, residents of Nelson county, North Dakota, hereby respectfully petition our legislative delegation to use their utmost endeavors to secure the enactment into law of a bill to raise the minimum price at which state and school lands may hereafter be sold to fifteen dollars (\$15) per acre.

W. J. NOBLE (Pierce Co.)
and 54 others.

Mr. Davis presented the following petition:

To the Honorable Senators and representatives of the Legislature of the State of North Dakota:

The undersigned respectfully urge the defeat of House Bill No. 119 providing for creating normal schools into normal colleges with degree granting powers and making the heads of normal schools members of the state high school board.

We would respectfully represent that the effect of this bill will be to reduce the state university to the condition of a normal school, preventing the growth of our state university, rendering it incapable of competing with the great universities of the land.

We are of the opinion that anything that goes to lessen the influence of the university, or detract from it will act as a detriment to the highest educational interests of the state instead of securing the degree of good that other states do through the liberality of the citizens and the intelligence of its legislators where no effort has been spared to build up the state university.

We think that it is evident that a bill which tends to create three state universities instead of one must necessarily result in rendering them all inferior to what we might expect from one grand state university. The result of this legislation would be a detriment to all educational interests throughout the state and would, without increasing the effectiveness, greatly increase the public expense. We, therefore, urge the defeat of House Bill No. 119.

HENRY HALE
and 50 others.

Mr. Flados presented the following petition:

We, the undersigned, resident voters of Milnor vicinity, do hereby petition you, the Hon. John Flados and Hon. C. H. Cooper, members of the house from Sargent county, to support the primary election bill which is now before your body.

We believe that it is not only the wish of the undersigned but also of a large majority of voters of Sargent county that primary legislation should be enacted at this session of the legislature. Both state and county platforms promulgated by the republican party have promised this reform and your constituents will regard with distinct disappointment your failure to make good the party promises.

Dated at Milnor, N. D., February 11, 1905.

THEO. JOHNSON
and 35 others

Mr. Watson presented the following petition:

To the Hon. Jas. M. Watson, Geo. L. Lillie, and D. H. McArthur, Bismarck, North Dakota:

Gentlemen: We, the undersigned citizens of Bottineau, N. D., respectfully request our senator and representatives to oppose house bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state, as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the Union maintaining an independent normal college at present is New York, and that state, with nearly twenty times the population of North Dakota, supports but one normal college, while house bill No. 119, provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction and the president of the university. The governor and superintendent of public instruction are ex-officio members of the state normal school board, and the superintendent is president of that board, so that the high school board as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools, would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating, and would introduce such divergent views as would lead, it is believed, to constant wrangle in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of house bill No. 119.

P. J. SCULLY
and 22 others.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,
House Bill No. 193,

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

Also,
House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Also,
House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

And find the same correctly engrossed.

T. WELO,
Acting Chairman.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

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

In line 5 of section 1 of the printed bill strike out the word "respectfully" and insert the word "respectively"; and in line 26, section 1, strike out the word "respectfully" and insert the word "respectively."

And when so amended recommend that the same do pass.

H. P. RYAN,
Chairman.

Mr. Ryan moved
That the report be adopted,

Which motion prevailed, and
The report of the committee was adopted.

The committee on live stock industry made the following report:

Mr. Speaker:

Your committee on live stock industry to whom was referred

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

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

After the word "registered" in line 9 of printed bill, insert the words "or hereafter registered."

And when so amended recommend that the same do pass.

J. E. PHELAN,
Chairman.

Mr. Phalen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

The committee on live stock industry made the following report:

Mr. Speaker:

Your committee on live stock industry to whom was referred

House Bill No. 72,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of this state.

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

J. E. PHELAN,
Chairman.

Mr. Phelan moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock industry to whom was referred

House Bill No. 186,

An act to amend sections 1586 and 1587 of the revised codes of the state of North Dakota, relating to the appointment of agents, of societies for the prevention of cruelty to animals, providing for their compensation and the disposition of fines, collected on convictions for cruelty to animals.

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

J. E. PHELAN,
Chairman.

Mr. Phelan moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock to whom was referred

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

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

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That in any county of the state on the presentation of a petition signed by at least ten per cent of the freeholders of said county, to the board of county commissioners of such county, petitioning for the establishment and construction of public dipping stations for livestock within such county; the board of county commissioners of such county shall within ninety days from the presentation of such petition proceed to establish and construct under the supervision of the district veterinarian in whose district such stations may be located, public dipping stations at convenient places within such county. The cost of such stations shall be paid from the general fund, and warrants drawn on the county treasurer for such work shall be paid only when signed by the county auditor and approved by

the board of county commissioners of such county. In the construction of such dipping stations it shall be the duty of the county commissioners to make the work cooperative among farmers or live stock owners as far as possible, and give to the farmers or live stock owners credit against dipping charges for necessary labor performed, it being the purpose of this act to have this work done in the most efficient manner by those most interested in maintaining a good standard of health in the flocks and herds of the community interested, at the least expense; which cost shall be paid from the general funds of such county.

Sec. 2. The board of county commissioners of such county shall upon the establishment of such dipping station or stations appropriate the necessary amount of money under the directions of the district veterinarian for the purpose of purchasing material and chemicals used in the operation of such stations.

Sec. 3. The board of county commissioners shall, in their discretion, levy a dipping fee pro rata, in no case to exceed the actual cost to the county, for material and labor used in constructing and operating such stations.

Sec. 4. The fee for dipping such animals shall be charged against the owner, agent, or person in charge of such animals and together with the cost of seizure and the expense of holding thereof become a lien upon such animals and if not paid within five days from the dipping of such animals; the same shall be foreclosed by the sheriff of such county, the same as any other lien upon personal property.

Sec. 5. The dipping solution used in operating such station or stations shall be in accordance with the rules and formulas adopted by the United States Bureau of Animal Industry.

Sec. 6. The district veterinarian acting with the board of county commissioners of such county, or the person by them designated to oversee and superintend such dipping station or stations and the dipping thereat, shall at the completion of such dipping and the payment of the fees hereunder charged issue a certificate to the owner, agent, or person in charge of such animals certifying to such dipping which certificate must contain the date of such dipping, the number and kind of such animals so dipped, the formula of the solution used in such dipping thereunto attached

stating the amount of fees so charged and collected for such dipping.

Sec. 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 8. Whereas there is no adequate provision for dipping stations and the operation of the same, therefore, this act shall be in full force and effect from and after its passage and approval.

And when so amended recommend that the same do pass.

J. E. PHELAN,
Chairman.

Mr. Phalen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on banks and banking made the following report:

Mr. Speaker:

Your committee on banks and banking to whom was referred

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

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

After the word "exceed" in line 12 of printed bill strike out the words "its capital stock" and insert in lieu thereof the words "fifty per cent of its paid up capital and surplus", and strike out all of section 2, and to annul the title by striking out all after the figures 1899.

And when so amended recommend that the same do pass.

R. CLENDENING,
Chairman.

Mr. Martin moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Buttz moved

That House Bill No. 225 be referred from judiciary committee to committee on state affairs.

Which motion prevailed, and

The bill was so referred.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. McCrea introduced

House Bill No. 234,

A bill for an act defining language calculated to provoke an assault, making the using of the same a misdemeanor, and providing punishment therefor.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Davis introduced

House Bill No. 235,

A bill for an act to amend sections 3261 and 3265 of the revised codes of the state of North Dakota for the year 1899.

Which was read the first and second times and

Referred to the committee on corporations other than municipal.

Mr. Sweet (by request of the Fargo Real Estate Board) introduced

House Bill No. 236,

A bill for an act giving landlords, owners of dwellings or business property a lien upon the household furniture, merchandise and chattels of tenants for past due and unpaid rents.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Eggen introduced

House Bill No. 237,

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Gibbens (by request of County Commissioners) introduced

House Bill No. 238,

A bill for an act providing for the care of bridges and culverts when used by the owners or operators of traction engines, providing for the liability of such owners or operators, and providing penalty for the violation of the provisions of this act.

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Gibbens introduced

House Bill No. 239,

A bill for an act providing that all persons or companies operating telephone lines or central exchanges, and charging fees or rentals, shall not discriminate in giving service of same, also providing penalty for violation of this act.

Which was read the first and second times and

Referred to the committee on corporations other than municipal.

Mr. Palfrey introduced

House Bill No. 240,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. McClure introduced

House Bill No. 241,

A bill for an act to amend section 1936 of the revised codes of North Dakota of 1895, relating to the publication of the proceedings of the board of county commissioners.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Rogers introduced

House Bill No. 242,

A bill for an act to amend section 5577, of chapter 13, of the code of civil procedure of the revised codes of North Dakota, 1899.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Spangberg introduced

House Bill No. 243,

A bill for an act providing how the lots in townsites heretofore entered under the laws of the United States and especially under section 2387 of the revised statutes of the United States, and now held in trust by any city, town, village or school board of any city, may be sold or leased.

Which was read the first and second times and

Referred to the committee on municipal corporations.

Mr. Stevens moved

That the house do now proceed to the consideration of Senate Bill No. 88,

A bill for an act providing for the selection of candidates

for election by popular vote and relating to their nomination and the perpetuation of political parties.

And the substitute bill as reported from the committee on privileges and elections which had been placed at a special order of business for 3 p. m. today.

Which motion prevailed.

SPECIAL ORDERS.

Mr. Stevens moved

That the roll be called on the question of whether or not the house is in favor of the principles of the primary election as enumerated in the substitute to Senate Bill No. 88.

Which motion prevailed.

The question being on the adoption of the report on the substitute bill.

The roll was called and there were ayes 55, nays 44, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Piper
Arnold	Goulet	Richmond
Baeverstad	Hardt	Robillard
Blake	Johnson of Ward	Rogers
Blank	Lillie	Rose
Briden	Lyon	Ryan
Burgum	Martin	Schlenker
Buttz	McClure	Simpson
Chapman	McCrea	Spangberg
Chevalier	McKechie	Stevens of Burleigh
Clendenning	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Sweet
Cooper of Stutsman	Meiklejohn	Treat
Dahl	Mitchell	Truemner
Davis	Nelson	Underwood
Dickinson	Nicholson	Walter
Duncan	Palmer	Weigel
Ganssle	Phelan	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jennings	Scheer
Belden	Johnson of Richland	Shells
Braaten	Juzeler	Sowle
Brown	Kyle	Stavens
Burtness	Lemieux	Streeter
Casey	Midgarden	Sunderland
Dahlen	Moore	Swendseid
Eggen	Morgan	Tallackson
Ellison	Oveson	Thompson
Flados	Ovind	Thoreson

Messrs.—

Fried
Gibbens
Gilbert
Heglie
Hemmingson

Messrs.—

Palfrey
Peterson
Purdon
Rice
Rue

Messrs.—

Tofsrud
Vernon
Watson
Welo
White

Absent and not voting, Mr. Mooney.

Mr. Mooney being excused.

So the report was adopted.

Mr. Briden explained his vote.

Mr. Davis explained his vote.

Mr. Jennings explained his vote.

Mr. Lyon explained his vote.

Mr. Morgan explained his vote.

Mr. Phelan explained his vote.

Mr. Streeter explained his vote.

Mr. White explained his vote.

Mr. Stevens of Burleigh moved

That the substitute for Senate Bill No. 88, be placed upon its third reading and final passage.

Which motion prevailed.

Substitute for Bill No. 88,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Was read the third time.

Mr. Davis moved

To amend the bill by inserting in section 14, line 5, of the printed bill, after the word sample "and official."

Which motion prevailed, and

The bill was so amended.

Mr. Stevens of Burleigh moved

To amend the bill by striking out in section 14 of the printed bill all from line 7 to line 28 inclusive.

Which motion prevailed, and

The bill was so amended.

Mr. Jennings moved

That the bill be amended by inserting after the word vacancy at the end of section 8 in the printed bill: "No promise of appointment of or preference to or for any position in the federal or state service shall be given to

any delegate to the state or district convention to be holden under this act, and no inducement direct or indirect shall be offered to any such delegate for his vote or influence as such in connection with the nomination of any person, by such convention; and any person violating this provision shall be deemed guilty of a misdemeanor and on conviction thereof be fined in any sum not less than \$50 or more than \$500 and imprisonment in the county jail not less than ten days or more than one year.

Which motion prevailed, and
The bill was so amended.

Mr. Belden moved

That the bill be amended by striking out the word "of" where it last appears in line 2, page 12, in the printed bill, and inserting in lieu thereof "after."

Which motion prevailed, and
The bill was so amended.

Mr. Gilbert moved

That the bill be amended as follows:

In section 3, by substituting the figures "100" for the figures "300," in line 10, on page 2, of the printed bill.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 65, nays 32, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Adams
Baeverstad
Belden
Blake
Blank
Briden
Burgum
Buttz
Chapman
Chevalier
Clendenen
Cooper of Sargent
Cooper of Stutsman
Dahl
Davis
Dickinson
Duncan
Flados
Ganssle

Messrs.—

Hardt
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Nelson
Nicholson
Palfrey
Palmer

Messrs.—

Robillard
Rogers
Rose
Ryan
Schlenker
Simpson
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Tallackson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Weigel

Messrs.—

Gibbens
Glasgow
Goulet

Messrs.—

Phelan
Purdon
Richmond

Messrs.—

White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Allen
Arnold
Braaten
Brown
Burtness
Casey
Dahlen
Eggen
Eillson
Fried
Gilbert

Messrs.—

Heglie
Hemmingson
Jennings
Lemieux
Midgarden
Moore
Morgan
Oveson
Ovind
Peterson
Rue

Messrs.—

Scheer
Sheils
Sowle
Stavens
Sunderland
Swendseid
Thompson
Thoreson
Watson
Welo

Absent and not voting:

Messrs.—

Mooney

Messrs.—

Piper

Messrs.—

Rice

Mr. Mooney being excused.

So the bill passed and the title was agreed to.

Mr. Mr. Casey explained his vote.

Mr. Jennings explained his vote.

Mr. Streeter explained his vote.

Mr. Vernon explained his vote.

Mr. Flados explained his vote.

Mr. Stevens of Burleigh moved

That the vote by which the substitute to Senate Bill No. 88 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The house took a recess for 10 minutes.

AFTER RECESS.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Ex-

periment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was delivered to the governor for his approval at the hour of 4:10 o'clock p. m., February 16, 1905.

W. A. McCLURE,
Chairman.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Also,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Also,

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

The speaker signed the same in the presence of the house.

THIRD READING OF HOUSE BILLS.

House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays none, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rogers
Baeverstad	Jennings	Rose
Belden	Johnson of Ward	Rue
Blank	Juzeler	Scheer
Braaten	Kyle	Schlenker
Burgum	Lemieux	Sheils
Burtness	Lillie	Simpson
Buttz	Lyon	Sowle
Casey	Martin	Spangberg
Chevallier	McClure	Stavens
Clendening	McCrea	Streeter
Dahl	McKechnie	Sweet
Dahlen	McLain	Swendseid
Davis	Meidinger	Tallackson
Duncan	Midgarden	Thompson
Eggen	Morgan	Thoreson
Ellison	Oveson	Tofsrud
Flados	Ovind	Underwood
Fried	Palfrey	Vernon
Ganssle	Palmer	Walter
Gilbert	Peterson	Watson
Glasgow	Phelan	Weigel
Goulet	Purdon	White
Hardt	Richmond	Mr. Speaker
Heglie	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gibbens	Rice
Arnold	Johnson of Richland	Ryan
Blake	Meiklejohn	Stevens of Burleigh
Briden	Mitchell	Stevens of Dickey
Brown	Mooney	Sunderland
Chapman	Moore	Treat
Cooper of Sargent	Nelson	Truemner
Cooper of Stutsman	Nicholson	Welo
Dickinson	Piper	

Messrs. Rice, Ryan, Stevens of Burleigh, Stevens of Dickey, Sunderland, Treat, Truemner, Welo and Mooney being excused.

So the bill passed and the title was agreed to.

Mr. Stavens moved

That the vote by which House Bill No. 177 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Richmond moved

That House Bill No. 56 be changed on the calendar to come immediately after House Bill No. 23.

Which motion prevailed.

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 67, nays none, absent and not voting 33.

Those who voted in the affirmative were:

Messrs.—

Belden
Blank
Braaten
Burgum
Burtness
Buttz
Chapman
Chevalier
Dahl
Davis
Eggen
Fried
Ganssle
Gilbert
Glasgow
Heglie
Hemmingson
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie

Messrs.—

Martin
McClure
McCrea
McKechnie
McLain
Meldinger
Midgarden
Moore
Morgan
Nelson
Oveson
Ovind
Palmer
Peterson
Phelan
Purdon
Richmond
Robillard
Rogers
Rue
Ryan
Scheer

Messrs.—

Schlenker
Sheils
Simpson
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Allen
Arnold
Baeverstad

Messrs.—

Dahlen
Dickinson
Duncan
Ellison

Messrs.—

Mitchell
Mooney
Nicholson
Palfrey

Messrs.—

Blake
Briden
Brown
Casey
Clendening
Cooper of Sargent
Cooper of Stutsman

Messrs.—

Flados
Gibbens
Goulet
Hardt
Jennings
Lyon
Meiklejohn

Messrs.—

Piper
Rice
Rose
Sowle
Stevens of Dickey
Truemner
Welo

Mr. Mooney being excused.

So the bill passed and the title was agreed to.

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays none, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Buttz
Chapman
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Moore
Nelson
Ovind
Palfrey
Palmer
Peterson
Phelan
Richmond
Robillard
Rogers
Rose
Rue

Messrs.—

Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Briden

Messrs.—

Cooper of Stutsman
Hardt
Meiklejohn
Mitchell

Messrs.—

Oveson
Piper
Purdon
Rice

Messrs.—

Casey
Chevalier
Clendenning

Messrs.—

Mooney
Morgan
Nicholson

Messrs.—

Stevens of Dickey
Truemner

Mr. Mooney being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Richmond to the chair.

House Bill No. 193,

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the county or city jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail or city jail at hard labor.

Was read the third time.

Mr. Ryan asked unanimous consent to amend House Bill No. 193.

There being no objection Mr. Ryan moved the bill be amended as follows:

In section 1, line 3, after the word county, insert the words "or city; also in line 6 of section 1, insert after the word county "or city"; also in section 2, line 2, after the word county insert the words "or city"; in section 2, line 3, after the word county insert the words "chief of police or marshal."

Which motion prevailed, and

The bill was so amended.

The question being upon the final passage of the bill.

The roll was called and there were ayes 79, nays none, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Belden
Blake
Blank
Braaten
Burgum
Burness
Buttz
Chapman
Clendenning
Cooper of Sargent
Dahl

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Martin
McClure
McCrea
McKechie
McLain
Meidinger
Midgarden

Messrs.—

Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet

Messrs.—

Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Heglie
Hemmingson

Messrs.—

Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon
Richmond
Robillard
Rogers
Rose

Messrs.—

Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Briden
Brown
Casey
Chevalier
Cooper of Stutsman

Messrs.—

Fried
Hardt
Lemieux
Lyon
Meiklejohn
Mitchell
Mooney

Messrs.—

Moore
Nelson
Piper
Rice
Stevens of Dickey
Treat
Truemner

Mr. Mooney being excused.

So the bill passed and the title as amended was agreed to.

Mr. Ryan moved to amend the title by inserting in line 3, after the word county the words "or city"; also insert in line 6, after the word county the words "or city".

Which motion prevailed, and

The title was so amended.

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Was read the third time.

Mr. Martin asked unanimous consent to amend House Bill No. 149.

There being no objection Mr. Martin moved that the bill be amended by inserting the following emergency clause after section 1:

Emergency. Whereas an emergency exists in that the present laws of this state relating to collection of personal property tax are inadequate; therefore, an emergency exists and this law shall take effect and be in force from and after its passage and approval.

Which motion prevailed, and
The bill was so amended.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 77, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Chapman
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Heglie

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Purdon
Richmond
Robillard
Rogers
Rose

Messrs.—

Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Treat
Underwood
Vernon
Walter
Watson
Weigel
Welo
White

Absent and not voting:

Messrs.—

Adams
Baeverstad
Brown
Casey
Chevalier
Clendening
Cooper of Stutsman
Fried

Messrs.—

Hardt
Lemieux
Lillie
Lyon
Meiklejohn
Mooney
Moore
Nelson

Messrs.—

Phelan
Piper
Rice
Stevens of Burleigh
Tofsrud
Truemner
Mr. Speaker

Mr. Mooney being excused.

So the bill passed and the title was agreed to.

Mr. Gilbert moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Mr. Phelan moved as a substitute motion

That the house proceed with the work on the calendar.

Which substitute motion prevailed.

House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 39, absent and not voting 31.

Those who voted in the affirmative were:

Messrs.—

Briden
Buttz
Chapman
Cooper of Sargent
Dickinson
Ganssle
Hemmingson
Johnson of Ward
Martin
McClure

Messrs.—

McCrea
McLain
Palfrey
Peterson
Phelan
Purdon
Richmond
Rose
Ryan
Scheer

Messrs.—

Sheils
Simpson
Stavens
Stevens of Dickey
Streeter
Tofsrud
Vernon
Watson
Welo
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Allen
Arnold
Belden
Blake
Blank
Braaten
Burtness
Cooper of Stutsman
Dahlen
Duncan
Eggen
Flados
Fried

Messrs.—

Gibbens
Glasgow
Goulet
Heglie
Johnson of Richland
Juzeler
Kyle
McKechnie
Meidinger
Moore
Morgan
Nicholson
Oveson

Messrs.—

Ovind
Palmer
Robillard
Rogers
Rue
Schlenker
Sowle
Spangberg
Stevens of Burleigh
Swenaseid
Tallackson
Underwood
White

Absent and not voting:

Messrs.—

Adams
Baeverstad
Brown
Burgum
Casey
Chevalier
Clendening
Dahl
Davis
Ellison
Gilbert

Messrs.—

Hardt
Jennings
Lemieux
Lillie
Lyon
Meiklejohn
Midgarden
Mitchell
Mooney
Nelson

Messrs.—

Piper
Rice
Sunderland
Sweet
Thompson
Thoreson
Treat
Truemner
Walter
Weigel

Mr. Mooney being excused.

So the bill was lost.

Mr. Johnson of Ward gave notice that he would call up for reconsideration some future time the vote by which House Bill No. 213 was lost.

GENERAL ORDERS.

Mr. Streeter moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker pro tem called Mr. Davis to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

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

Also,

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

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

Also,

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

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

GEO. W. H. DAVIS,
Chairman.

The speaker in the chair.

Mr. Morgan moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Phelan moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned

OTTO SOUGSTAD,

Chief Clerk.

FORTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1905.

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

And was called to order by the chief clerk, who announced that the speaker was absent and had designated Mr. McCrea of Pembina county as speaker pro tem.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Chapman, Mooney, Piper, Rice, Schlenker and Truemner, who were excused.

The courtesies of the floor were extended to Thos. H. Baker, Jr., and R. M. Pollock of Fargo, N. D., ex-speakers of the house, and H. H. Lampman, Pembina county, and Miss Lela E. Lovell of Jamestown, N. D.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 23 line 34 strike out after the word "title" the words "as amended"

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 17, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Also,

Senate Bill No. 128,

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Also,

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners, and providing penalties for the destruction of, damage to, or removing of monuments when so erected.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised

codes of this state, relating to appeals in civil actions in justice's courts.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

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

Also,

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

Which the senate has passed unchanged.

Also

House Bill No. 22,

A bill for an act to promote forest tree culture.

Which the senate has indefinitely postponed.

Very respectfully,

L. M. McGLASHAN,

Secretary.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

REPORT OF CAPITOL COMMISSION.

The capitol commission presented the following report:
To the Ninth Legislative Assembly:

The board of capitol commissioners have the honor to submit the following report of their actions under the provisions of chapters twenty-seven and twenty-nine of the session laws of 1903, authorizing the erection of a north

wing to the capitol, and the construction of an electric railway, and an electric light and heating plant.

The commission consisting of Gov. White, State Auditor Holmes and Secretary of State Porter, held its first meeting under the provisions of the above acts, on the 14th day of March, 1903, and organized by electing Gov. White president and Secretary of State Porter, secretary.

On April 9th Mr. M. E. Beebe of Fargo, was selected to prepare plans and specifications for the north wing and to supervise the construction thereof.

Mr. Chas. Foster of Bismarck, was employed to survey the line for the electric railway and prepare plans and specifications for the electric railway and the electric light and heating plant. A greater part of the work has been done under contracts awarded upon competitive bids. Butler Bros. of St. Paul, were the lowest bidders and were given the main contract for the erection of north wing and the alterations of the old building.

Grambs & Wolbert of Bismarck, were awarded the contract for heating and ventilating of the north wing. H. C. Rhud of Bismarck, the contract for the state library and the supreme court chambers, and N. H. Lavine of Bismarck, the contract for the power house. Penitentiary brick were used for the interior work and Dickinson brick for facing and for piers and bearing courses.

Upon entering upon the work the board found many things necessary to be done in order to give completeness to the work, particularly in the old building, that were not specified in the act. The arches in the tower were found to be unsafe and were replaced by steel beams, it was necessary to reinforce the north wall in order to insure its carrying the roof trusses; supreme court chambers, and a law library had to be provided, and the amount appropriated for the electric railway and electric light and heating plant was less than half the amount needed for those purposes. It was also deemed wise to change the original plan somewhat and substitute fireproof construction in the new wing, in order that it be made permanent and enduring.

All payments were made out of the capitol building fund, the money in that fund being derived from the sale of \$100,000.00 of capitol building bonds authorized by said chapter 27, laws 1903, and from the interest and income and sale of the capitol lands.

In order to show just what has been done and where the expenditures have been made, we have separated the items as near as possible and present them under the following heads:

- “Expenditures for north wing.”
- “Alteration of old building.”
- “Electric light and heating plant.”
- “Electric Railway.”

“NORTH WING.”

Excavating and grading	\$ 1,622.40
Foundation	1,344.52
Rock	293.00
Butler contracts	69,400.38
Brick, (Dickinson)	3,588.08
Brick, (Penitentiary)	3,483.49
Heating and ventilating	3,406.00
Light fixtures.....	2,996.12
Advertising, printing bonds and legal advice....	448.60
Architect	2,872.94
Supervising	1,010.07
Total	<u>\$90,465.60</u>

“ALTERATION OF OLD BUILDING.”

Supreme court and library	\$ 7,085.83
Changing heating system	6,530.25
Electric wiring	1,126.01
Light fixtures	724.06
Replacing arches by steel beams	5,800.00
Butler contract	13,600.00
Butler extras	352.07
Elevator	7,267.86
Architect	1,193.70
Painting and kalsomining ..	540.34
Total	<u>\$44,220.12</u>

“ELECTRIC RAILWAY.”

Labor on grade and laying track ..	\$ 4,286.11
Ties and poles	3,015.37
Rails, plates, spikes, etc.	5,557.10

Car and equipment	5,771.92
Wire	969.20
Lumber	794.79
Electric supplies	228.13
Tools	311.57
Right of way (3 lots)	125.00
Car barn	1,550.25
Total	\$22,609.44

“ELECTRIC LIGHT, POWER AND HEATING
PLANT.”

House	\$ 4,819.89
Boilers	3,950.00
Engines	3,288.00
Foundations	656.80
Heater, pumps, etc.	1,933.16
Stokers	1,678.77
Generators	2,837.20
Electric fittings	310.58
Freight and drayage	1,295.45
Installation of machinery	1,653.80
Butler, extras	212.55
Total	\$22,636.20

TOTAL EXPENDITURES.

North Wing	\$ 90,465.60
Alteration of old building	44,220.12
Electric light, power and heating plant	22,636.20
Electric railway	22,609.44
Total	\$179,931.36

In the above totals the amount due Butler Brothers on final settlement has been estimated. The figures may vary a little from said estimate included in above figures when final settlement is had.

^

Respectfully submitted,
FRANK WHITE,
H. L. HOLMES,
E. F. PORTER.

Mr. Phalen moved

That the reading of the report be dispensed with and be made of record in the journal.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 17, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

I have the honor to be,

E. Y. SARLES,
Governor.

REPORT OF STANDING COMMITTEES.

The committee on insurance made the following report:
Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

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

ANTON FRIED,
Chairman.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

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

Also,

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

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

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

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

Strike out all after the enacting clause and substituting the following.

Section 1. That chapter 107 of the session laws of 1901 be amended to read as follows:

Sec. 107. The board of county commissioners of every county in this state may, at any time fixed by law for levy and assessment of taxes levy a tax not exceeding one mill on the dollar of assessed valuation upon all real estate in such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of gophers in said county, the fund provided to be raised in accordance with this section shall be denominated the "Gopher Destruction Fund," and shall be kept separate and distinct by the county treasurer and shall be expended by the board of county commissioners at such time and in such manner as is by said board deemed best to secure the abatement and extermination of the gopher pest.

Sec. 2. It shall be the duty of the board of county commissioners of any county, on receiving a petition signed by not less than thirty-five per cent of the total number of votes cast at the last general election held in such county, requesting them to do so, to offer a bounty or reward for each gopher destroyed. The board of county commissioners when so petitioned, as herein provided, shall publish in the local papers of the county during the month of March of each year, the amount of bounty or reward to be paid for each gopher destroyed, the manner of ascertaining the number of gophers destroyed and the manner of procedure necessary to obtain such reward.

Sec. 3. Emergency.] Whereas, an emergency exists, in that the season when the gophers are most destructive to crops will be passed before July 1st, therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

C. A. JOHNSON,

Chairman.

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

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

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

Also,

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

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

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

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

After the word "constructed" in line 5 of the printed bill be inserted in parenthesis, "(or extensions of railways or branch lines now in operation)" and after the word "also" in line 6 of the printed bill be inserted the words "railways or" and also strike out the word "of" in line 6, and after the word "lines" in line 6 of the printed bill insert the following clause: "Whole total length does not exceed," and after the words "twenty-five miles" strike out the words, "or less in extent."

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

Your committee on warehouses and grain grading to whom was referred

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

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

Also,

House Bill No. 218,

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.

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

Also,

House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

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

After the word "weights" in line 20 of the printed bill insert the following: "Provided, further, that the sheriff shall at the time of issuing the certificate herein referred to, stamp, stencil, or otherwise permanently mark upon such scale, weight or measure his initial or date."

And when so amended recommend the same do pass.

F. H. DICKINSON,
Chairman.

Mr. Dickinson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

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

Also,

House Bill No. 206,

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by the governor to fill such offices until the next ensuing general election.

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

Strike out all after the words "a bill" in line 1, and substituting therefor substitute house bill No. 206.

Substitute for House Bill No. 206,

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by a board to consist of the three county commissioners, county treasurer and county judge, to fill such offices until the next ensuing general election.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That section 1893 of the revised codes be amended and re-enacted to read as follows:

Sec. 1893. Districts, How Formed. Commissioners, How Designated.) When the returns of such election show a majority of all the legal votes cast to be for an increase from three to five it shall be the duty of the board of county commissioners within ten days after the votes have been canvassed to divide the county into five districts. The districts shall be numbered from one to five, those last created being designated fourth and fifth respectively. The three county commissioners, with the county judge and the county treasurer shall constitute an appointing board, and by a majority thereof shall thereupon or within thirty days after the taking effect of this law, appoint in writing one person for each district so formed, who shall be a resident of such district, possessing the qualification of electors, and who shall qualify within the time and in the manner provided

by law, and who shall hold their offices until the next general election and until their successors are elected and qualified. At the ensuing general election commissioners for such additional districts shall be elected, the commissioner in the fourth district for two years and in the fifth district for four years; thereafter they shall hold their terms of office for four years. The tenure of office of the existing board of county commissioners shall not be affected. The district which each commissioner shall represent shall be designated by such board. When the special election results in a majority for a decrease from five to three the existing county board shall at the end of the first two expiring terms of the same year declare such districts vacant and at their first regular meeting thereafter proceed to divide the county into three commissioner districts, and in such division designate the district which each of the three remaining commissioners shall represent.

Sec. 2. Emergency.) Whereas, there is no provision of law for the appointment of county commissioners in counties where an election has been held increasing the number of county commissioners from three to five, this shall be in full force and effect from and after its passage and approval.

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,

House Bill No. 193,

A bill for an act providing that whenever any court in

passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

And find the same correctly re-engrossed.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Also,

House Bill No. 17;

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 70,

A bill for an act creating a state board for bar examiners and providing for their appointment, compensation and duties.

And find the same correctly enrolled.

Also,

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was delivered to the governor for his approval at the hour of 3 o'clock p. m., February 17, 1905.

Also,

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

Was delivered to the governor for his approval at the hour of 3.10 o'clock p. m., February 17, 1905.

W. A. McCLURE,

Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Underwood moved

That when the house do adjourn today it take a recess until 10 a. m. tomorrow.

Which motion prevailed.

Mr. Underwood moved

That the vote by which

House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Was lost be reconsidered and put on calendar for third reading and final passage.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS.

Mr. Phelan introduced

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Which was read the first and second times and

Referred to the committee on live stock.

Mr. Phelan introduced

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Phelan introduced

House Bill No. 246,

A bill for an act to amend section 1804, of the revised codes of 1899, relating to official newspapers.

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

Mr. White introduced

House Bill No. 247,

A bill for an act to cure defective acknowledgments.

Which was read the first and second times and

Referred to the committee on judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 23,

A bill for an act to fix the salary of deputies in county
offices.

Was read the third time.

Mr. Heglie asked unanimous consent to amend the bill

Which was objected to.

Mr. Phelan asked unanimous consent to amend the bill.

There being no objection.

Mr. Phelan moved

That House Bill No. 23 be amended by inserting at the
end of section 2 the following:

Provided that such deputies or clerks shall not be em-
ployed unless sufficient work is on hand to warrant such
assistance."

Which motion prevailed, and

The bill was so amended.

Mr. Davis asked unanimous consent to amend the bill.

There being no objection.

Mr. Davis moved

That the bill be amended by inserting in section 2, line 3,
in the printed bill, after the word October, "and Novem-
ber."

Which motion prevailed, and

The bill was so amended.

Mr. Underwood asked unanimous consent to amend the
bill.

There being no objection.

Mr. Underwood moved

That the bill be amended by inserting in section 1, line
6 of the printed bill, after the words register of deeds, the
words "and county superintendent of schools."

Which motion prevailed, and

The bill was so amended.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 77, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chevalier
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Moore
Morgan
Nelson
Nicholson
Ovind
Palmer
Peterson

Messrs.—

Phelan
Purdon
Richmond
Robillard
Rogers
Rue
Ryan
Scheer
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Underwood
Vernon
Walter
Watson
Weigel
White

Absent and not voting:

Messrs.—

Adams
Baeverstad
Blank
Chapman
Clendening
Cooper of Stutsman
Johnson of Richland
McCrea

Messrs.—

Mooney
Oveson
Palfrey
Piper
Rose
Rice
Schlenker
Sheils

Messrs.—

Simpson
Stevens of Dickey
Sweet
Treat
Truemner
Welo
Mr. Speaker

Messrs. Chapman, Piper, Rice, Schlenker and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 56,

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

Was read the third time.

Mr. Davis asked unanimous consent to make an amendment.

Which was objected to.

Mr. Davis moved

That House Bill No. 56 be indefinitely postponed.

Which motion was lost.

Mr. Davis asked unanimous consent to make an amendment.

There being no further objection.

Mr. Davis moved

That the bill be amended by striking out the word "fifteen," in line 6, page 1 of printed bill, and insert in lieu thereof "sixteen."

Which motion prevailed, and

The bill was so amended.

Mr. Phelan moved

That House Bill No. 56 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Was read the third time.

Mr. Davis asked unanimous consent to amend the bill.

There being no objection.

Mr. Davis moved

That the bill be amended by substituting the word "September" for the word "August," on page 2, line 35, of the printed bill.

Which motion prevailed, and

The bill was so amended.

Mr. White asked unanimous consent to amend the bill.

There being no objection.

Mr. White moved

That the bill be amended by changing the word typewritten, in line 30, page 2, of printed bill, to the word "written."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 68, nays 6, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Robillard
Allen	Jennings	Rogers
Belden	Johnson of Richland	Rose
Blank	Johnson of Ward	Rue
Blake	Kyle	Ryan
Braaten	Lemieux	Sheus
Burgum	Lillie	Sowle
Burtness	Lyon	Spangberg
Buttz	Martin	Stavens
Chevalier	McClure	Stevens of Burleigh
Dahl	McCrea	Sunderland
Dahlen	McKechnie	Swendseid
Davis	Meidinger	Thompson
Dickinson	Meiklejohn	Thoreson
Eggen	Morgan	Tofsrud
Ellison	Nelson	Treat
Flados	Nicholson	Underwood
Fried	Oveson	Vernon
Gibbens	Ovind	Weigel
Glasgow	Palmer	Welo
Goulet	Peterson	White
Hardt	Phelan	Mr. Speaker
Heglie	Purdon	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Ganssle	Tallackson
Cooper of Sargent	McLain	Walter

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Juzeler	Scheer
Briden	Midgarden	Schlenker
Brown	Mitchell	Simpson
Casey	Mooney	Stevens of Dickey
Chapman	Moore	Streeter
Clendenning	Palfrey	Sweet
Cooper of Stutsman	Piper	Truemner
Duncan	Rice	Watson
Gilbert	Richmond	

Messrs. Chapman, Piper, Rice, Schlenker and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent

personal taxes, and amending chapter 134 of the session laws of 1903.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 67, nay, none, absent and not voting 33.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Peterson
Arnold	Hardt	Phelan
Belden	Heglie	Purdon
Blaka	Hemmingson	Rue
Blank	Jennings	Sheils
Braaten	Johnson of Ward	Sowle
Briden	Juzeler	Spangberg
Burgum	Kyle	Stavens
Burness	Lemieux	Stevens of Burleigh
Buttz	Lillie	Sweet
Chevalier	Lyon	Swendseid
Clendenning	Martin	Tallackson
Cooper of Sargent	McClure	Thompson
Dahl	McCrea	Tofsrud
Dahlen	McKechnie	Treat
Davis	McLain	Underwood
Dickinson	Meidinger	Vernon
Eggen	Meiklejohn	Walter
Ellison	Midgarden	Welo
Fried	Mitchell	White
Ganssle	Morgan	Mr. Speaker
Gibbens	Ovind	
Glasgow	Palmer	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Moore	Ryan
Baeverstad	Nelson	Scheer
Brown	Nicholson	Schlenker
Casey	Oveson	Simpson
Chapman	Palfrey	Stevens of Dickey
Cooper of Stutsman	Piper	Streeter
Duncan	Rice	Sunderland
Flados	Richmond	Thoreson
Gilbert	Robillard	Truemner
Johnson of Richland	Rogers	Watson
Mooney	Rose	Weigel

Messrs. Chapman, Piper, Rice, Schlenker and Truemner being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 26 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

And the speaker signed the same in the presence of the house.

GENERAL ORDERS.

Mr. Phelan moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed. and

The house resolved itself into a committee of the whole.

The speaker called Mr. Johnson of Ward to the chair.

When the committee arose, the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

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

Also,

House Bill No. 129,

Establishing a state board of embalmers.

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

That the terms of office of the members of the board shall be "2, 3, and 4 years," instead of "3, 4 and 5," and in the last line of section 1 the word "five" be changed to "four."

And when so amended recommend the same do pass.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

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

By striking out all of the emergency clause.

And when so amended recommend that the same do pass.

Also,

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

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

By inserting at the end of section 4 "all fees collected under this act shall be paid in to the county treasury and placed in the general fund."

And when so amended recommend that the same do pass.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

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

Also,

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

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

C. A. JOHNSON,
Chairman.

The speaker in the chair.

Mr. McCrea moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The house returned to the 7th order of business.

Mr. Davis moved

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Be re-referred to committee on railroads for further consideration.

Which motion prevailed, and

The bill was so referred.

The house proceeded to the 12th order of business.

CONSIDERATION OF MESSAGE FROM THE SENATE.

The following concurrent resolution was laid before the house.

CONCURRENT RESOLUTION

Whereas, The federal act for the establishment and support of experiment stations requires a report to be made to the governor on the first day of February, annually, which report shall set forth in detail the results of investigations and experiments made for the preceding year, and the purpose for which the federal appropriation was expended; and

Whereas, The expenditure of twenty thousand dollars (\$20,000) annually for field experiments and research work upon broad lines affecting every branch of agriculture, represents valuable information that should be widely disseminated among the farmers of the state; therefore, be it

Resolved, by the Senate, the House concurring, That the printing commission be empowered, and it is hereby directed to authorize the publication of not less than 3,000 copies of said annual report, not less than 2,500 of said copies to be delivered to the director of the North Dakota experiment station for gratuitous distribution among the farmers of the state and for other purposes provided for in said act.

Resolved, further, That 1,000 copies of the report of the Edgeley sub-experiment station be printed separately for the same purpose.

Mr. Sweet moved

That the house do concur in the senate concurrent resolution.

The motion prevailed, and

The concurrent resolution was adopted.

Also,

The following:

CONCURRENT RESOLUTION

Be it resolved by the Senate of the state of North Dakota, the House concurring:

That the legislature of the state of North Dakota, having enacted laws for the protection of the people against adulterated, misbranded and deleterious foods, drugs and medicines, realizing the necessity for adequate legislation by congress to protect the states against interstate commerce which is beyond the control of the state, in such prohibited articles, does hereby memorialize the senate of the United States to speedily enact efficient legislation prohibiting interstate commerce in adulterated, misbranded and deleterious foods, drugs and medicines to the end that the laws of our state relative thereto may be more effective.

And further, that copies of this resolution be forwarded by the secretary of state to the members of the United States senate and the members of congress representing this state of North Dakota.

Mr. McCrea moved

That the house concur in the senate concurrent resolution.

The motion prevailed, and

The concurrent resolution was adopted.

Mr. Stevens, of Burleigh, moved

That the house do concur in the senate amendment to House Bill No. 61.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That the bill be put on the calendar for third reading and final passage.

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions. providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of

water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

Was read the first and second times, and

Referred to the committee on irrigation.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Was read the first and second times and

Referred to the committee on public health.

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Was read the first and second time, and

Referred to the committee on state affairs.

Also,

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Was read the first and second times and

Referred to the committee on state affairs.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

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

Also,

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

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

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

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

Also,

Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

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

Also,

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

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

Also,

Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protection of traders.

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

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action

may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Was read the first and second times and

Referred to the committee on judiciary.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Was read the first and second times and

Referred to the committee on municipal corporations.

Also,

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

Was read the first and second time, and

Referred to the committee on judiciary.

Also,

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in county courts.

Was read the first and second times and

Referred to the committee on judiciary.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Was read the first and second times and

Referred to the committee on state affairs.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Was read the first and second times and

Referred to the committee on state affairs.

Also,

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

Was read the first and second times and

Referred to the committee on public printing.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Was read the first and second times and

Referred to the committee on judiciary.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Was read the first and second times and

Referred to the committee on judiciary.

Also,

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Was read the first and second times, and

Referred to the committee on live stock.

Also,

Senate Bill No. 128,

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Was read the first and second time, and

Referred to the committee on corporations other than municipal.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

Also,

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

Was read the first and second times, and

Referred to the committee on public lands.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Was read the first and second times and

Referred to the committee on judiciary.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Was read the first and second times and

Referred to the committee on public buildings.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Morgan moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed.

OTTO SOUGSTAD,
Chief Clerk.

FORTY-SIXTH DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

February 18, 1905.

The house assembled at 10 o'clock a. m., pursuant to recess taken, and was called to order by the chief clerk, who stated that the speaker was absent, and that the speaker had designated Mr. Sheils of LaMoure, as speaker pro tem. for the day.

THIRD READING OF SENATE BILLS.

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 61; nays, 0; absent and not voting 39.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blank
Braaten
Briden
Burtness
Buttz
Casey
Chapman
Chevalier
Dahl
Dahlen
Eggen
Flados

Messrs.—

Kyle
Lemieux
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Morgan
Nicholson
Oveson

Messrs.—

Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Truemner

Messrs.—	Messrs.—	Messrs.—
Gibbens	Ovind	Underwood
Goulet	Palmer	Walter
Hardt	Purdon	Weigel
Heglie	Rogers	Welo
Hemmingson	Rue	White
Johnson of Richland	Schlenker	
Juzeler	Shells	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Fried	Phelan
Arnold	Ganssle	Piper
Baeverstad	Gilbert	Rice
Blake	Glasgow	Richmond
Brown	Jennings	Robillard
Burgum	Johnson of Ward	Rose
Clendenning	Lillie	Ryan
Cooper of Sargent	Mitchell	Scheer
Cooper of Stutsman	Mooney	Simpson
Davis	Moore	Treat
Dickinson	Nelson	Vernon
Duncan	Palfrey	Watson
Ellison	Peterson	Mr. Speaker

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 62; nays, 0; absent and not voting, 38.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Juzeler	Shells
Belden	Kyle	Sowle
Blake	Lemieux	Spangberg
Blank	Lyon	Stavens
Braaten	Martin	Stevens of Burleigh
Briden	McClure	Stevens of Dickey
Burtness	McCrea	Streeter
Buttz	McKechnie	Sunderland
Casey	McLain	Sweet
Chapman	Meidinger	Swendseid
Chevalier	Meiklejohn	Tallackson
Cooper of Sargent	Midgarden	Thompson
Dahl	Morgan	Thoreson
Dahlen	Oveson	Tofsrud
Eggen	Ovind	Truemner
Goulet	Palmer	Underwood
Hardt	Phelan	Walter
Heglie	Purdon	Weigel

Messrs.—

Hemmingson
Johnson of Richland
Johnson of Ward

Messrs.—

Rogers
Rue
Schlenker

Messrs.—

Welo
White

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Brown
Burgum
Clendening
Cooper of Stutsman
Davis
Dickinson
Duncan
Ellison
Flados
Fried

Messrs.—

Ganssle
Gibbens
Gilbert
Glasgow
Jennings
Lillie
Mitchell
Mooney
Moore
Nelson
Nicholson
Palfrey
Peterson

Messrs.—

Piper
Rice
Richmond
Robillard
Rose
Ryan
Scheer
Simpson
Treat
Vernon
Watson
Mr. Speaker

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 59; nays, 2; absent and not voting, 39.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Blank
Braaten
Briden
Burtness
Casey
Chapman
Chevalier
Cooper of Sargent
Dahl
Dahlen
Eggen
Flados
Fried
Gibbens
Goulet
Hardt
Heglie

Messrs.—

Hemmingson
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lyon
McClure
McCrea
McKechie
McLain
Meiklejohn
Midgarden
Morgan
Oveson
Ovind
Palmer
Purdon
Rogers
Rue
Schlenker

Messrs.—

Sheils
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Truemner
Underwood
Walter
Weigel
Welo
White

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Martin	Stevens of Burleigh	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Phelan
Arnold	Glasgow	Piper
Baeverstad	Jennings	Rice
Brown	Juzeler	Richmond
Burgum	Lillie	Robillard
Buttz	Meidinger	Rose
Clendening	Mitchell	Ryan
Cooper of Stutsman	Mooney	Scheer
Davis	Moore	Simpson
Dickinson	Nelson	Treat
Duncan	Nicholson	Vernon
Ellison	Palfrey	Watson
Ganssle	Peterson	Mr. Speaker

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 39.

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 65; nays, 0; absent and not voting, 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Richland	Shiels
Belden	Johnson of Ward	Sowle
Blake	Kyle	Spangberg
Blank	Lyon	Stavens
Braaten	Marlin	Stevens of Burleigh
Briden	McClure	Stevens of Dickey
Burtness	McCrea	Streeter
Buttz	McKechnie	Sunderland
Casey	McLain	Sweet
Chapman	Meidinger	Swendseid
Chevalier	Meiklejohn	Tallackson
Cooper of Sargent	Midgarden	Thompson
Dahl	Morgan	Thoreson
Dahlen	Oveson	Tofsrud
Eggen	Ovind	Treat
Flados	Palmer	Treumner
Fried	Phelan	Underwood
Gibbens	Purdon	Walter
Goulet	Rogers	Weigel

Messrs.—
Hardt
Heglie
Hemmingson

Messrs.—
Rue
Ryan
Schlenker

Messrs.—
Welo
White

Absent and not voting:

Messrs.—
Adams
Arnold
Baeverstad
Brown
Burgum
Clendenning
Cooper of Stutsman
Davis
Dickinson
Duncan
Ellison
Ganssle

Messrs.—
Gilbert
Glasgow
Jennings
Juzeler
Lemieux
Lillie
Mitchell
Mooney
Moore
Nelson
Nicholson
Palfrey

Messrs.—
Peterson
Piper
Rice
Richmond
Robillard
Rose
Scheer
Simpson
Vernon
Watson
Mr. Speaker

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Was read the third time.

Mr. Stevens of Burleigh, asked unanimous consent to amend Senate Bill No. 9.

Which was objected to.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 66; nays, 0; absent and not voting, 34.

Those who voted in the affirmative were:

Messrs.—
Allen
Belden
Blake
Blank
Braaten
Briden
Burtness
Casey
Chapman
Chevalier
Cooper of Sargent
Dahl
Dahlen
Eggen
Flados
Fried

Messrs.—
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Morgan
Oveson
Ovind

Messrs.—
Schlenker
Sneils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat

Messrs.—

Gibbens
Goulet
Hardt
Heglie
Hemmingson
Johnson of Richland

Messrs.—

Palmer
Phelan
Purdon
Rogers
Rue
Ryan

Messrs.—

Truemner
Underwood
Walter
Weigel
Welo
White

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Brown
Burgum
Buttz
Clendening
Cooper of Stutsman
Davis
Dickinson
Duncan
Ellison

Messrs.—

Ganssle
Gilbert
Glasgow
Jennings
Lillie
Mitchell
Mooney
Moore
Nelson
Nicholson
Palfrey
Peterson

Messrs.—

Piper
Rice
Richmond
Robillard
Rose
Scheer
Simpson
Vernon
Watson
Mr. Speaker

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 63; nays, 0; absent and not voting, 37.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Blank
Braaten
Briden
Burtness
Buttz
Casey
Chapman
Chevalier
Cooper of Sargent
Dahl
Dahlen
Duncan
Eggen
Ellison
Flados
Fried
Gibbens
Glasgow

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Morgan
Oveson
Ovind
Phelan
Purdon
Rogers

Messrs.—

Ryan
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Truemner
Underwood
Vernon
Walter
Weigel
Welo
White

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Brown
Burgum
Clendening
Cooper of Stutsman
Davis
Dickinson
Ganssle
Gilbert
Jennings
Lillie

Messrs.—

Martin
McClure
Midgarden
Mitchell
Mooney
Moore
Nelson
Nicholson
Palfrey
Palmer
Peterson
Piper

Messrs.—

Rice
Richmond
Robillard
Rose
Rue
Scheer
Simpson
Stevens of Dickey
Sweet
Treat
Watson
Mr. Speaker

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

The house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Buttz moved

That Senate Bill No. 46 be referred to committee on education,

Which motion prevailed, and

The bill was so referred.

The house proceeded to the third reading of senate bills.

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 59; nays, 3; absent and not voting, 38.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Blank
Braaten
Burgum
Burtness
Buttz
Casey
Cooper of Sargent
Dahl
Dahlen

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lemieux
Lyon
McClure
McCrea
McLain
Meidinger

Messrs.—

Rogers
Rue
Ryan
Schlenker
Sheils
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson

Messrs.—	Messrs.—	Messrs.—
Duncan	Meiklejohn	Thompson
Eggen	Nicholson	Tofsrud
Ellison	Oveson	Treat
Flados	Ovind	Underwood
Fried	Palmer	Walter
Gibbens	Peterson	Weigel
Glasgow	Phelan	Welo
Hardt	Purdon	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Chapman	Stevens of Burleigh	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Richmond
Arnold	Lillie	Robillard
Baeverstad	Martin	Rose
Briden	McKechnie	Scheer
Brown	Midgarden	Simpson
Chevalier	Mitchell	Sowle
Clendening	Mooney	Sweet
Cooper of Stutsman	Moore	Thoreson
Davis	Morgan	Truemner
Dickinson	Nelson	Vernon
Ganssle	Palfrey	Watson
Gilbert	Piper	Mr. Speaker
Goulet	Rice	

Messrs. Piper and Rice, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were: Ayes, 58; nays, 5; absent and not voting, 37.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Rogers
Belden	Hemmingson	Rue
Blake	Jennings	Ryan
Blank	Johnson of Richland	Sheils
Braaten	Johnson of Ward	Sowle
Burgum	Lyon	Spangberg
Burtness	Martin	Stevens of Dickey
Casey	McClure	Streeter
Chapman	McCrea	Sunderland
Chevalier	McKechnie	Swendseid

Messrs.—	Messrs.—	Messrs.—
Cooper of Sargent	McLain	Tofsrud
Dahl	Midgarden	Treat
Dahlen	Morgan	Truemner
Duncan	Nicholson	Underwood
Eggen	Oveson	Vernon
Ellison	Ovind	Walter
Flados	Palmer	Weigel
Fried	Phelan	Welo
Glasgow	Purdon	White
Goulet		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hardt	Kyle	Meldinger
Juzeler	Lemieux	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Lillie	Rose
Arnold	Meiklejohn	Scheer
Baeverstad	Mitchell	Schlenker
Briden	Mooney	Simpson
Brown	Moore	Stavens
Buttz	Nelson	Stevens of Burleigh
Clendenning	Palfrey	Sweet
Cooper of Stutsman	Peterson	Tallackson
Davis	Piper	Thompson
Dickinson	Rice	Thoreson
Ganssle	Richmond	Watson
Gibbens	Robillard	Mr. Speaker
Gilbert		

Messrs. Piper and Rice being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 71; nays, 0; absent and not voting, 29.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Ryan
Allen	Jennings	Schlenker

Messrs.—	Messrs.—	Messrs.—
Belden	Johnson of Richland	Shiels
Blank	Johnson of Ward	Sowle
Braaten	Juzeler	Spangberg
Briden	Kyle	Stavens
Burgum	Lemieux	Stevens of Burleigh
Burtness	Lillie	Stevens of Dickey
Casey	Lyon	Streeter
Chapman	Martin	Sunderland
Chevalier	McClure	Swendseid
Cooper of Sargent	McCrea	Tallackson
Dahl	McKechnie	Thompson
Dahlen	McLain	Thoreson
Davis	Meidinger	Treet
Duncan	Midgarden	Truemner
Eggen	Morgan	Underwood
Ellison	Nicholson	Vernon
Fried	Oveson	Walter
Gibbens	Ovind	Weigel
Glasgow	Palmer	Welo
Goulet	Phelan	White
Hardt	Purdon	Mr. Speaker
Heglie	Rogers	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Gilbert	Richmond
Baeverstad	Meiklejohn	Robillard
Blake	Mitchell	Rose
Brown	Mooney	Rue
Buttz	Moore	Scheer
Clendening	Nelson	Simpson
Cooper of Stutsman	Piper	Sweet
Dickinson	Palfrey	Tofsrud
Flados	Peterson	Watson
Ganssle	Rice	

Messrs. Piper and Rice being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Was read the third time.

Mr. White asked unanimous consent to amend the bill. There being no objection, Mr. White moved that the bill be amended by substituting the word "by" for the word "that" where it appears in line one of the printed bill after the word resolved.

Which motion prevailed. and

The bill was so amended.

The question being on the final passage of the bill as amended.

The roll was called and there were: Ayes, 68; nays, 0; absent and not voting, 32.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Purdon
Allen	Heglie	Rogers
Belden	Hemmingson	Ryan
Blake	Jennings	Schlenker
Blank	Johnson of Richland	Sheils
Braaten	Johnson of Ward	Sowle
Briden	Juzeler	Spangberg
Burgum	Kyle	Stavens
Burtness	Lemieux	Stevens of Dickey
Chapman	Lillie	Streeter
Chevallier	Lyon	Sunderland
Cooper of Sargent	Martin	Swendseid
Dahl	McClure	Tallackson
Dahlen	McCrea	Thompson
Davis	Meidinger	Thoreson
Dickinson	Midgarden	Truemner
Duncan	Morgan	Vernon
Eggen	Nicholson	Walter
Ellison	Oveson	Weigel
Fried	Oving	Welo
Gibbens	Palmer	White
Glasgow	Peterson	Mr. Speaker
Goulet	Phelan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	McLain	Rose
Baeverstad	Meiklejohn	Rue
Brown	Mitchell	Scheer
Buttz	Mooney	Simpson
Casey	Moore	Stevens of Burleigh
Clendening	Nelson	Sweet
Cooper of Stutsman	Palfrey	Tofsrud
Flados	Piper	Treat
Ganssle	Rice	Underwood
Gilbert	Richmond	Watson
McKechnie	Robillard	

Messrs. Piper and Rice being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 28; nays, 37; absent and not voting, 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Blake	Duncan	Ovind
Blank	Eggen	Phelan
Briden	Glasgow	Ryan
Burgum	Lyon	Spangberg
Burtness	Martin	Stevens of Dickey
Buttz	McClure	Treat
Casey	McKechnie	Underwood
Chapman	McLain	Weigel
Cooper of Sargent	Meiklejohn	Mr. Speaker
Dickinson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kyle	Stavens
Belden	Meldinger	Stevens of Burleigh
Braaten	Midgarden	Streeter
Dahlen	Morgan	Sunderland
Fried	Nicholson	Swendseid
Gibbens	Palmer	Tallackson
Goulet	Purdon	Thompson
Hardt	Rogers	Thoreson
Heglie	Rue	Truemner
Hemmingson	Schlenker	Vernon
Jennings	Sheils	Walter
Johnson of Richland	Sowle	White
Juzeler		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Piper
Arnold	Johnson of Ward	Rice
Baeverstad	Lemieux	Richmond
Brown	Lillie	Robillard
Chevalier	McCrea	Rose
Clendening	Mitchell	Scheer
Cooper of Stutsman	Mooney	Simpson
Dahl	Moore	Sweet
Davis	Nelson	Tofsrud
Ellison	Oveson	Watson
Flados	Palfrey	Welo
Ganssle	Peterson	

Messrs. Piper and Rice being excused.

So the bill was lost.

Mr. Stevens of Burleigh,

Gave notice that he would move to reconsider the vote by which Senate Bill No. 94 was lost.

Mr. Stevens of Burleigh, explained his vote.

Mr. Purdon explained his vote.

Mr. Buttz explained his vote.

Mr. Davis moved

That Senate Bill No. 24 be referred to the committee on state affairs.

Which motion prevailed, and
The bill was so referred.
Mr. Stevens of Burleigh moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FORTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baeverstad, Clendenning, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond, who were excused.

The courtesies of the floor were extended to H. H. Lampman, G. S. Hager of Pembina, C. C. Doty, Col. E. Smith-Petersen of Walsh county, H. A. Langlie, A. A. Trovaten of Fargo, N. D.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Also,

Senate Bill No. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 13, add name "Palfrey" to those voting in the affirmative and on page 14, strike out name "Palfrey" from those voting in the negative.

And when so amended recommend that the same be approved.

Also,

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

Page 1, line 11, add name "Mooney" to those excused.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Jennings presented the following petition:

We, the undersigned citizens of Milton, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. That the bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education, and will add greatly to the cost of higher education in this state, as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at the present time is the state of New York, and that state, with nearly twenty times the population of North Dakota, supports but one normal college, while House bill No. 119 provides for the creating of two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state normal school board, and the superintendent is the president of that board, so that the high school board, as composed at present, has two normal school representatives and one representative of the university. To add two more representatives of the normal schools would give these schools a representation on the high school board out of all proportion to their proper interests in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to the enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school, and the state school of science. Such an enlargement of the board would add enormously to the expense of operating, without any

additional benefit, and would introduce such divergent views as would lead, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence and votes to secure the defeat of House bill No. 119.

BYNJOLF PROM
and 19 others.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 129,

Establishing a state board of embalmers.

Also,

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

And find the same correctly re-engrossed.

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

Also,

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

Also,

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Also,

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

Also,

House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899; relating to investments of funds of domestic insurance corporations.

Also,

House Bill No. 218,

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Also,

House Bill No. 206,

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority

of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by the governor to fill such offices until the next ensuing general election.

And find the same correctly engrossed.

CHARLES WEIGEL,
Acting Chairman.

The committee on charitable institutions made the following report:

Mr. Speaker:

Your committee on charitable institutions to whom was referred

House Bill No. 71,

A bill for an act making an appropriation for the maintenance of the Florence Crittenton Home of North Dakota, located at city of Bismarck, North Dakota, and providing for the auditing of the accounts and inspection of said home by the state examiner; also providing for the filing of an annual report with the governor.

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

CHARLES WEIGEL,
Chairman.

Mr. Weigel moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

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

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trus-

tees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

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

By striking out all of section 4 of the engrossed bill thereby sustaining amendment as previously reported back by committee.

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Acting Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. Speaker:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

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

Also,

House Bill No. 222,

A bill for an act for the organization and government of cities.

Beg leave to report that they have carefully considered said bill and recommend that the same be amended as hereinafter stated.

Amend the title by adding thereto, the following words: "And to provide for the limitation of actions to vacate special assessments heretofore made."

Amend sub-division 11, of section 47, by adding thereto, "and to provide for the furnishing of light to the inhabitants of the city."

Amend sub-division 24, of section 47, by striking out in

line 97 thereof the word "twenty," and insert in lieu thereof the word "fifty."

Amend sub-division 30, of section 47, by adding thereto the following: "Provided, however, that the provisions of this section with reference to hawkers and peddlers shall not apply to persons selling or offering for sale the products raised or grown on lands within this state.

Amend sub-division 69, of section 47, by striking out in the first line thereof, being line 261, the word "no," and by striking out of line 263, the words "steam electric or horse," and by striking out all the remainder of said section after the word "company," in line 263.

Amend section 147, by striking out from line 5 the words, "such city," and inserting in lieu thereof the words "the state."

Strike out sections 142, 143 and 144, and insert in lieu thereof, "section 142. Plans, specifications and estimates."

When the city council shall deem it necessary to construct or alter any sewer, or to open, widen, extend, pave, repave, macadamize or curb any street, alley, avenue, lane, highway or other public grounds within the city limits, or to extend, relay or replace any water mains, the city council shall direct the city engineer, or in case the city has no competent city engineer, shall employ a competent engineer, to prepare plans and specifications for such work, including the grade of the street, if not already established, and all the details of the work to be done, and make an estimate of its probable cost, which plans, specifications and estimates shall be approved by resolution of the city council, which approval shall be deemed to establish the grade of the street as shown in such plans and specifications, if the grade of the street has not previously been established by ordinance. In case the improvement shall consist in paving or repaving any street, alley or public place, the city council may require such plans, specifications and estimates to be made, of such different kinds of pavement as they may deem advisable. Such plans, specifications and estimates shall be the property of the city and be filed in the office of the city auditor and remain on file in his office subject to the inspection of all persons. The city engineer shall retain a copy of such plans, specifications and estimates, and file the same in his office, and shall furnish to any person applying therefor copies of the same,

and may charge and receive for such copies at the rate of one dollar (\$1.00) an hour for the time necessarily employed in making the same.

Sec. 143. Resolution Declaring Work Necessary.) After the plans, specifications and estimates mentioned in the preceding section shall have been filed in the office of the city auditor, and approved as provided in the preceding section, the city council shall by resolution declare such work or improvement (except the construction or alteration of sewers), necessary to be done, according to such plans and specifications, as filed in the office of the city auditor; and in case of paving such resolution shall designate the kind of paving proposed to be constructed and refer intelligently to the plans, specifications and estimates therefor; which resolution shall be published twice, once in each week for two successive weeks, in the official newspaper of the city, and if a majority of the owners of property, liable to be specially assessed therefor, shall not, within thirty-five days after the first publication of such resolution, file with the city auditor a written protest against such improvement, then the city council shall have power to cause such improvement to be made according to such plans and specifications, and to contract therefor, and to levy and collect assessments therefor as hereinafter provided and all such work shall be let by contract to the lowest bidder therefor.

Sec. 144. Paving Council May Take Further Proceedings.) In case the improvement designated in such resolution consists in paving or repaving any street, alley or other public place, and a majority of the owners of property liable to be specially assessed therefor shall protest against the same, that fact shall not prevent the city council from taking the proceedings designated in the two preceding sections to pave such streets, alleys or public places, with pavement of a kind different from that designated in such resolution.

Amend section 156 by inserting in line 1 of said section after the word whenever the word "all."

Amend section 159 by inserting in line 13 thereof, before the word seven, the words "not exceeding" and adding to line 15 thereof, the words "the rate to be fixed by the city council."

Amend section 164 by inserting in line 29 thereof after

the word mayor, "with the consent of a majority of the members of the city council," and by inserting in line 30 thereof after the word office, the words, "or for misconduct in office," and by striking out the words "upon such removal the mayor shall report his reasons therefor to the city council," in lines 30 and 31 of said section.

Amend section 166 by striking out in line 50 thereof the word "will," and insert in lieu thereof the word "shall."

Amend section 173 by inserting in line 24 thereof after the word "not," the following: "and any amount paid by this city for the redemption of such premises from sale for general delinquent taxes with interest thereon and the date of such assessment."

Amend section 174 by inserting in line 2 for the word "proceeding," before the word "not," the following: "When any property is to be taken under this act by condemnation proceedings, the court shall upon request by resolution of the city council, call a special term of court for the purpose of the trial upon such proceedings, and may summon a jury for such trial whenever necessary and such proceedings shall be determined as speedily as practicable, and any appeal from the judgment in such action shall be taken within sixty days after the entry of such judgment and such appeal may be determined at either a special or regular term of the supreme court, and shall be given precedence of all other civil causes before the court except election contested," and,

Amend section 181 by inserting in line 22 thereof after the word "thereof" the word "that."

And when so amended recommend that the same do pass.

H. P. RYAN,

Chairman.

Mr. Ryan moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Briden introduced

House Bill No. 248,

A bill for an act to prohibit the use of the automatic shot gun on game birds,

Which was read the first time.

Mr. Ryan moved

That further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Ryan introduced

House Bill No. 249,

A bill for an act to amend section 1, of chapter 165, of the session laws of 1903, relating to taxing of the occupation of hawkers and peddlers.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Allen introduced

House Bill No. 250,

A bill for an act to amend sections 867, 868, 869, 871, 872 and 873, of the revised codes of 1899, as amended by chapter 81, of the laws of 1899, relating to education, and creating two new sections providing what schools shall receive state aid, and that high schools may be classified as accredited schools of the university of North Dakota; and repealing all acts in conflict therewith.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Morgan moved

That the chief clerk be instructed to notify the senate that the house is now ready to meet the senate in joint session for the purpose of listening to an address by Hon. Wm. J. Bryan.

The speaker appointed Messrs. Casey and Phelan as a committee on part of the house to act with a similar committee on part of the senate to escort Mr. Bryan before the joint assembly.

JOINT SESSION.

The joint session of the two houses was called to order by the president of the senate.

The committee returned escorting Mr. Bryan and the governor.

The president of the senate introduced Mr. Bryan who addressed the joint session.

The joint session dissolved.

The house re-assembled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION.

Resolved, By the Senate, the House concurring, That the secretary of state shall cause to be published in each newspaper in the state that has been established and regularly published for at least one year, the primary election measure that has passed the legislature, if it becomes a law, said publication to be for one time only, and paid for at the same rates as provided in the publication of amendments to the constitution.

Both of which the senate has adopted and your concurrence therein is requested.

Very respectfully,
L. M. McGLASHAN,
Secretary.

Mr. Glasgow introduced
House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

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

Mr. McCrea introduced
House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

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

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

To the Members of the Senate and House of Representatives:

Gentlemen: I desire to call your careful attention at

this time to the matter of the state's finances, and invite your consideration of the probable revenue of the state for the ensuing two years and the expenditures already contemplated in measures pending before this legislative body which have been reported favorably by the committees.

In approximate figures, the total revenue of the state for for two years next ensuing will be \$1,683,000.00. From this must be deducted the sum of \$632,000.00 for fixed charges and unlimited standing appropriations; estimating those expenses at the same figures as in the past two years; in the growth of the state and the consequent natural increase of these expenses, it is to be expected that the sum covered in these unlimited appropriations will be considerably greater in the two years to come than in the past biennial period. Deducting this probable sum from the revenue, including all possible sources of revenue for the ensuing two years, we have a total sum of less than \$1,000,000.00 in net available revenue, and the appropriations already recommended exceed that sum by \$100,000.00. In the event of a possible reduction in some of our sources of revenue, and estimating that taxes may not be paid as fully and completely in the ensuing two years as in the past, which is only a prudent precaution, it must be apparent to your body that it is not wise or prudent to appropriate even as much as the probable revenue of the state. A safe margin should be left upon the right side of the balance sheet. I trust, therefore, in the final consideration of these appropriation bills, you will be governed as well by a wise regard for the financial interests of the state as by your natural inclination that liberal provision be made for state institutions; in the various demands upon the state from worthy sources for consideration, it should be your care, as it will be my care, to see that the revenues of the state are not exceeded by the appropriations. We should be broad and liberal and at the same time prudently careful that the close of the biennial period does not find us with a deficit instead of a surplus.

I have the honor to be

E. Y. SARLES,

Governor.

Also,
To the House of Representatives:
Mr. Speaker:

I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Also,

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

And

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

I have the honor to be,
E. Y. SARLES,
Governor.

Mr. Sweet moved

That the communication from the governor in relation to appropriations be referred to the committee on appropriations.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Was read the third time.

The question being on the final passage of the bill.

The roll being called and there were ayes 68, nays 1, absent and not voting 31.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Burgum
Burtness
Buttz
Chapman
Chevalier
Dahlen
Davis
Dickinson
Duncan
Ellison
Fried
Gibbens
Glasgow
Goulet
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meldinger
Meiklejohn
Midgarden
Morgan
Nelson
Oveson
Ovind
Peterson
Phelan
Purdon
Rice

Messrs.—

Rogers
Rose
Rue
Ryan
Schlenker
Sheils
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swenseid
Tallackson
Thompson
Tofsrud
Treat
Truemner
Vernon
Walter
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Briden
Brown
Casey
Clendening
Cooper of Stutsman
Cooper of Sargent
Dahl
Eggen
Flados
Ganssle

Messrs.—

Gilbert
Hardt
Martin
Mooney
Moore
Nicholson
Palfrey
Palmer
Piper
Richmond

Messrs.—

Robillard
Scheer
Simpson
Sowle
Stevens of Burleigh
Thoreson
Underwood
Watson
Weigel
Welo

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

Mr. Mitchell voting in the negative.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 213 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 21,

A bill for an act requiring corporations to make annual report of the secretary of state, and providing for the

cancellation of articles of incorporation for failures to do so.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 70, nays none, absent and not voting 30.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Blank
Braaten
Burtness
Buttz
Casey
Chapman
Chevalier
Dahl
Davis
Dickinson
Duncan
Ellison
Gibbens
Glasgow
Goulet
Hardt
Heglie
Hemmingson
Johnson of Richland
Johnson of Ward

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Peterson
Phelan
Purdon
Rice
Rogers

Messrs.—

Rose
Rue
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Tallackson
Thompson
Thoreson
Swendseid
Tofsrud
Treat
Truemner
Vernon
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Briden
Brown
Burgum
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen

Messrs.—

Eggen
Flados
Fried
Ganssle
Gilbert
Jennings
Martin
Mitchell
Moore
Palfrey

Messrs.—

Palmer
Piper
Richmond
Robillard
Ryan
Scheer
Simpson
Sweet
Underwood
Watson

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which House Bill No. 21 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 129,

Establishing a state board of embalmers.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays none, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Ward	Rose
Arnold	Juzeler	Rue
Belden	Kyle	Schlenker
Blake	Lemieux	Sheils
Blank	Lillie	Simpson
Braaten	Lyon	Sowle
Burgum	Martin	Spangberg
Burtness	McClure	Stevens of Burleigh
Buttz	McCrea	Stevens of Dickey
Casey	McKechnie	Streeter
Chapman	McLain	Sunderland
Chevalier	Meidinger	Sweet
Dahl	Meiklejohn	Swendseid
Dahlen	Midgarden	Tallackson
Davis	Mooney	Thompson
Dickinson	Morgan	Thoreson
Duncan	Nelson	Tofsrud
Ellison	Nicholson	Treat
Fried	Oveson	Truemner
Gibbens	Ovind	Vernon
Glasgow	Peterson	Walter
Goulet	Phelan	Weigel
Hardt	Purdon	Welo
Heglie	Rice	White
Hemmingson	Rogers	Mr. Speaker
Johnson of Richland		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Flados	Piper
Baeverstad	Ganssle	Richmond
Briden	Gilbert	Robillard
Brown	Jennings	Ryan
Clendening	Mitchell	Scheer
Cooper of Sargent	Moore	Stavens
Cooper of Stutsman	Palfrey	Underwood
Eggen	Palmer	Watson

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays none, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Ward	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Blank	Lemieux	Schlenker
Braaten	Lillie	Shiels
Burgum	Lyon	Simpson
Burtness	Martin	Sowle
Buttz	McClure	Spangberg
Casey	McCrea	Stavens
Chapman	McKechnie	Stevens of Burleigh
Chevalier	McLain	Stevens of Dickey
Dahl	Meidenger	Streeter
Dahlen	Meiklejohn	Sunderland
Davis	Midgarden	Swendseid
Dickinson	Mitchell	Tallackson
Duncan	Mooney	Thompson
Ellison	Morgan	Thoreson
Fried	Nelson	Tofsrud
Gibbens	Nicholson	Treet
Glasgow	Oveson	Treumner
Goulet	Ovind	Vernon
Hardt	Peterson	Walter
Heglie	Phelan	Welo
Hemmingson	Purdon	White
Johnson of Richland	Rice	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Flados	Richmond
Arnold	Ganssle	Robillard
Baeverstad	Gilbert	Ryan
Briden	Jennings	Scheer
Brown	Moore	Sweet
Clendenning	Palfrey	Underwood
Cooper of Sargent	Palmer	Watson
Cooper of Stutsman	Piper	Weigel
Eggen		

Messrs. Baeverstad, Clendenning, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

House Bill No. 17,

A bill for an act to provide for the establishment, con-

struction and maintenance of public dipping stations for live stock in the various counties of the state.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Blank
Braaten
Burgum
Burness
Casey
Chapman
Chevalier
Dahl
Dahlen
Davis
Duncan
Ellison
Fried
Gibbens
Glasgow
Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Peterson
Phelan
Purdon
Rice
Robillard
Rogers
Rose

Messrs.—

Rue
Ryan
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Baeverstad
Briden
Brown
Buttz
Clendening
Cooper of Sargent
Cooper of Stutsman

Messrs.—

Dickinson
Eggen
Flados
Ganssle
Gilbert
McCrea
Moore

Messrs.—

Palfrey
Palmer
Piper
Richmond
Scheer
Underwood
Watson

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

House Bill No, 105,

A bill for an act to amend section 1619 of the revised

codes of 1899, relating to diplomas and certificates for veterinarians.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 79, nays none, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Ward	Rue
Arnold	Juzeler	Rose
Belden	Kyle	Ryan
Blake	Lemieux	Schlenker
Blank	Lillie	Sheils
Braaten	Lyon	Simpson
Briden	Martin	Sowle
Burgum	McClure	Spangberg
Burtness	McCrea	Stavens
Casey	McKechnie	Stevens of Dickey
Chapman	McLain	Streeter
Chevalier	Meidinger	Sunderland
Dahl	Meiklejohn	Sweet
Dahlen	Midgarden	Swenuseid
Davis	Mitchell	Tallackson
Dickinson	Mooney	Thompson
Duncan	Morgan	Thoreson
Ellison	Nelson	Tofsrud
Fried	Nicholson	Treat
Gibbens	Ovind	Truemner
Glasgow	Palmer	Vernon
Goulet	Peterson	Walter
Hardt	Phelan	Weigel
Heglie	Purdon	Welch
Hemmingson	Robillard	White
Jennings	Rogers	Mr. Speaker
Johnson of Richland		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Eggen	Piper
Baeverstad	Flados	Rice
Brown	Ganssle	Richmond
Buttz	Gilbert	Scheer
Clendening	Moore	Stevens of Burleigh
Cooper of Sargent	Oveson	Underwood
Cooper of Stutsman	Palfrey	Watson

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Mooney moved

That the vote by which House Bill No. 105 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays none, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Richland	Ryan
Arnold	Juzeler	Schlenker
Belden	Lemieux	Sheils
Blake	Lillie	Simpson
Blank	Lyon	Sowle
Braaten	Martin	Spangberg
Briden	McClure	Stavens
Burgum	McKechnie	Stevens of Burleigh
Burtness	McLain	Stevens of Dickey
Casey	Meldenger	Streeter
Chapman	Meiklejohn	Sunderland
Chevalier	Midgarden	Sweet
Dahl	Mitchell	Swendseid
Dahlen	Mooney	Tallackson
Dickinson	Morgan	Thoreson
Duncan	Nicholson	Tofsrud
Ellison	Ovind	Treat
Fried	Palmer	Truemner
Gibbens	Phelan	Vernon
Glasgow	Purdon	Walter
Goulet	Robillard	Weigel
Hardt	Rogers	Welo
Heglie	Rose	White
Hemmingson	Rue	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Flados	Palfrey
Baeverstad	Ganssle	Peterson
Brown	Gilbert	Piper
Buttz	Johnson of Ward	Rice
Clendening	Kyle	Richmond
Cooper of Sargent	McCrea	Scheer
Cooper of Stutsman	Moore	Thompson
Davis	Nelson	Underwood
Eggen	Oveson	Watson

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. Nicholson explained his vote.

House Bill No. 218,

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 67, nays 12, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Lillie	Ryan
Blake	Lyon	Shells
Braaten	Martin	Simpson
Briden	McClure	Spangberg
Burgum	McCrea	Stavens
Burtness	McKechnie	Stevens of Burleigh
Casey	McLain	Stevens of Dickey
Chevallier	Meidinger	Streeter
Dahl	Meiklejohn	Sunderland
Davis	Midgarden	Sweet
Dickinson	Mitchell	Swendseid
Ellison	Mooney	Tallackson
Fried	Nicholson	Thompson
Gibbens	Ovind	Thoreson
Glasgow	Palmer	Tofsrud
Goulet	Peterson	Treat
Hardt	Phelan	Vernon
Heglie	Purdon	Walter
Hemmingson	Robillard	Weigel
Jennings	Rogers	Welo
Johnson of Ward	Rose	White
Juzeler	Rue	Mr. Speaker
Lemieux		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Duncan	Morgan
Arnold	Nelson	Schlenker
Blank	Johnson of Richland	Sowle
Buttz	Kyle	Truemner
Chapman		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Eggen	Piper
Baeverstad	Flados	Rice
Brown	Ganssle	Richmond
Clendening	Gilbert	Scheer
Cooper of Sargent	Moore	Underwood
Cooper of Stutsman	Oveson	watson
Dahlen	Palfrey	

Messrs. Baeverstad, Clendening, Cooper of Stutsman,

Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 218 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Sweet gave notice

That on Monday he would move to reconsider the vote by which Senate Bill No. 94 was lost.

Mr. Davis moved

That the rules be suspended and that the House proceed to the 14th order of business.

Which motion prevailed.

Mr. Davis moved

That Senate Bill No. 24 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Was read the third time.

Mr. Davis asked unanimous consent to amend the bill.

There being no objection.

Mr. Davis moved

That the bill be amended by inserting after the figures 1899, in line 2, page 1 of the printed bill, the words "and chapter 122 of the session laws of 1903."

Which motion prevailed. and

The bill was so amended.

Mr. Phelan asked unanimous consent to make an amendment.

Which was objected to.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 60, nays 1, absent and not voting 39.

Those who voted in the affirmative were:

Messrs.—

Allen
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Dahlen
Davis
Dickinson
Duncan
Ellison
Fried
Glasgow
Hardt
Hemmingson
Jennings

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lyon
Martin
McClure
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Nelson
Nicholson
Oveson
Ovind
Palmer
Peterson
Phelan
Robillard

Messrs.—

Rose
Rue
Shells
Simpson
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid
Thompson
Tofsrud
Treat
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Belden
Blake
Brown
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Eggen
Flados
Ganssle

Messrs.—

Gibbens
Gilbert
Goulet
Heglie
Lemieux
Lillie
McCrea
Midgarden
Mooney
Moore
Morgan
Palfrey
Piper

Messrs.—

Purdon
Rice
Richmond
Rogers
Ryan
Scheer
Schlenker
Sowle
Stevens of Dickey
Thoreson
Truemner
Underwood
Watson

Mr. Tallackson voting in the negative.

Messrs. Baeverstad, Clendening, Cooper of Stutsman, Ganssle, Gilbert, Moore, Palfrey, Piper and Richmond being excused.

So the bill passed.

Mr. Davis asked unanimous consent to amend the title of Senate Bill No. 24.

There being no objection.

Mr. Davis moved

That the title be amended by inserting after the figures 1899, in the printed bill, the words "and chapter 122 of the session laws of 1903."

Which motion prevailed, and

The bill was so amended.

And the title as amended was agreed to.

Mr. Johnson of Richland explained his vote.

Mr. Davis moved

That the vote by which Senate Bill No. 24 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA.

February 18, 1905.

Mr. Speaker:

I have the honor to transmit herewith:

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. Treat moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,

Chief Clerk.

FORTY-NINTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1905.

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

The speaker presiding.

Prayer by Rev. James Austin of Hannah, N. D.

Roll call.

All members present except Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood, Watson, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 10 add name "Buttz" to those voting in the affirmative on Senate bill No. 27 and strike out name "Buttz" from those absent and not voting on same bill.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the attorney general:

Bismarck, N. D., Feb. 16, 1905.

To the House of Representatives, State of North Dakota:
Mr. Speaker:

I have the honor to acknowledge receipt of a copy of a resolution adopted by your honorable body requesting me to report what steps, if any, have been taken looking to the enforcement of freight rates on lignite coal.

This request refers to chapter 146, of the laws of 1903, being an act fixing maximum coal rates.

The fourth session of the legislative assembly enacted a law, chapter 93, of the laws of 1895, approved March 2, 1895, that fixed the maximum rates that railroad companies should charge for the transportation of coal within the state of North Dakota.

There were three sections in this act, aside from the repealing and emergency clause. Section 1 fixed the maximum coal rates. Section 2 provided for a penalty for failure to comply with the act. Section 3 prescribed the duty of the attorney general, and reads as follows:

"It shall be the duty of the attorney general or of the state's attorney of any county in which an action arises against any railroad company for a violation of any of the provisions of this act, upon demand of the board of railroad commissioners, to commence and prosecute all action necessary for the enforcement of the provisions of this act."

These three sections were incorporated in the revised codes of 1899 as sections 3071l, 3071m, 3071n. Chapter 146, of the laws of 1903, the law referred to by your resolution, amended section 3071l, of the revised codes. It follows that section 3071n of the revised codes, prescribing the duty of the attorney general, sustains the same relation to chapter 146 of the laws of 1903 as it did to section 3071l of the revised codes of section 1, of chapter 93, of the laws of 1895. That is to say, the law since March 1, 1895 has

made it the duty of the attorney general or state's attorney to commence and prosecute all actions necessary for the enforcement of the provisions of law relating to maximum coal rates, upon demand of the board of railroad commissioners.

I have the honor to report pursuant to your request that the board of railroad commissioners has not made any demand upon this office, since I have been attorney general, to commence or prosecute any action relating to the enforcement of freight rates on lignite coal.

Very truly yours,

C. M. FRICH,

Attorney General.

Mr. Rose moved

That the communication be referred to the committee on railroads

Which motion prevailed.

Mr. Meiklejohn presented the following resolution:

We, the undersigned, citizens of Langdon, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at present in New York and that state, with nearly twenty times the population of North Dakota, supports but one normal college while House bill No. 119 provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state normal school board and the superintendent is president of that board, so that the high school board as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating and would introduce such divergent views as would lend, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of House bill No. 119.

(Signed.)

B. E. GROOM
and 6 others.

REPORT OF STANDING COMMITTEES.

The committee on printing made the following report:

Mr. Speaker:

Your committee on printing to whom was referred

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

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

W. S. MITCHELL,
Chairman.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

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

ANTON FREID,
Chairman.

The committee on temperance made the following report:

Mr. Speaker:

Your committee on temperance to whom was referred

House Bill No. 104,

A bill for an act making it unlawful for any person, firm or corporation to sell so-called "non-intoxicating" liquors as a beverage, unless the bottle or package containing the beverage has affixed thereto a label containing a true and correct analysis of the constituents or ingredients of such beverage.

Have had the same under consideration and recommend that the same do not pass, and that the further consideration thereof be indefinitely postponed.

GEO. A. McCREA,
Chairman.

Mr. McCrea moved

That the report of the committee be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 222,

A bill for an act for the organization and government of cities, and to provide for the limitation of actions to vacate special assessments heretofore made.

And find the same correctly engrossed.

T. WELO,

Acting Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Sweet moved

To reconsider the vote by which

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

Was lost, be reconsidered.

Which motion prevailed.

Mr. White moved

That Senate Bill 94, be referred to the committee of the whole.

Which motion was lost.

Mr. Thoreson introduced the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Whereas, Under the present system of testing and grading wheat and other grains by the Minnesota inspectors and concerns purchasing and buying grain in Minnesota and North Dakota, the grade is determined by weight of the uncleaned grain per bushel measure, including the dockage of chaff, straw and other stuffs intermingled therewith; and

Whereas, Such chaff and other stuffs are lighter than grain and take up considerable space without corresponding weight, the grade of the grain is hereby unjustly lowered to the detriment of the farmers; and

Whereas, the grading and inspection of North Dakota grain is largely if not wholly governed and regulated by the system prevailing in the state of Minnesota, now, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of the state of Minnesota, to enact such a law as will require the grading of the wheat and other grains at its weight per bushel measure after the docking is taken out; be it further,

Resolved, That a copy of this resolution be sent to the speaker of the house and the president of the senate at St. Paul, Minnesota, with the request that action along these lines be taken at the present session of the legislature.

Which motion prevailed, and

The concurrent resolution was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Tofsrud introduced

House Bill No. 253,

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

Which was read the first and second times, and

Referred to the committee on corporations other than municipal.

Mr. Chapman introduced

House Bill No. 254,

A bill for an act to amend and re-enact chapter 179, of the session laws of 1903, of the state of North Dakota, relating to the appointment of state's attorneys by the court.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Rose introduced

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Which was read the first and second times and

Referred to the committee on county and county boundaries.

Mr. Oveson introduced

House Bill No. 256,

A bill for an act to require railroad companies to provide seats for all persons riding on their passenger trains.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Phelan introduced

House Bill No. 257,

A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 63, nays none, absent and not voting 37.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Lillie	Rogers
Arnold	Lyon	Rose
Belden	Martin	Rue
Blake	McClure	Sheils
Burgum	McCrea	Sowle
Buttz	McKechnie	Spangberg
Chapman	McLain	Stavens
Chevallier	Meidinger	Stevens of Dickey
Cooper of Stutsman	Meiklejohn	Streeter
Dahl	Midgarden	Sunderland
Davis	Mitchell	Sweet
Ellison	Moore	Swendseid
Fried	Nelson	Tallackson
Ganssle	Oveson	Thompson
Gibbens	Ovind	Thoreson
Glasgow	Palmer	Tofsrud
Goulet	Peterson	Treat
Heglie	Phelan	Vernon
Jennings	Purdon	Walter
Johnson of Ward	Rice	White
Kyle	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Eggen	Piper
Baeverstad	Flados	Richmond
Blank	Gilbert	Ryan
Braaten	Hardt	Scheer
Briden	Hemmingson	Schlenker
Brown	Johnson of Richland	Simpson
Burtness	Juzeler	Stevens of Burleigh
Casey	Lemieux	Truemner
Clendenning	Mooney	Underwood
Cooper of Sargent	Morgan	Watson
Dahlen	Nicholson	Weigel
Dickinson	Palfrey	Welo
Duncan		

Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood and Watson being excused.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which House Bill No. 188 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Rose to the chair.

House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays 1, absent and not voting 39.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Kyle	Rose
Allen	Lillie	Rue
Arnold	Lyon	Schlenker
Belden	McClure	Sheils
Blake	McKechnie	Sowle
Burgum	McLain	Spangberg
Burtness	Meidinger	Stavens
Buttz	Meiklejohn	Stevens of Dickey
Cooper of Stutsman	Midgarden	Streeter
Dahl	Moore	Sunderland
Davis	Morgan	Sweet
Ellison	Oveson	Swendseld
Fried	Ovind	Tallackson
Ganssle	Palmer	Thompson
Gibbens	Peterson	Thoreson
Glasgow	Phelan	Tofsrud
Goulet	Purdon	Treat
Heglie	Rice	Vernon
Hemmingson	Robillard	Walter
Jennings	Rogers	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Flados	Palfrey
Blank	Gilbert	Piper
Braaten	Hardt	Richmond
Briden	Johnson of Richland	Ryan
Brown	Johnson of Ward	Scheer
Casey	Juzeler	Simpson

Messrs.—	Messrs.—	Messrs.—
Chevalier	Lemieux	Stevens of Burleigh
Clendening	Martin	Truemner
Cooper of Sargent	McCrea	Underwood
Dahlen	Mitchell	Watson
Dickinson	Mooney	Weigel
Duncan	Nelson	Welo
Eggen	Nicholson	Mr. Speaker

Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood and Watson being excused.

Mr. Chapman voting in the negative.

So the bill passed and the title was agreed to.

Mr. Rogers moved

That the vote by which House Bill No. 110 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays none, absent and not voting 31.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rogers
Arnold	Jennings	Rose
Belden	Johnson of Richland	Rue
Blake	Kyle	Schlenker
Briden	Lemieux	Sheils
Burgum	Lillie	Sowle
Burtness	Lyon	Spangberg
Buttz	McClure	Stavens
Casey	McKechnie	Stevens of Burleigh
Chapman	McLain	Stevens of Dickey
Chevalier	Meidinger	Streeter
Cooper of Stutsman	Meiklejohn	Sunderland
Dahl	Midgarden	Swendseid
Dahlen	Moore	Tallackson
Davis	Morgan	Thompson
Dickinson	Oveson	Thoreson
Ellison	Ovind	Tofsrud

Messrs.—	Messrs.—	Messrs.—
Flados	Palmer	Treat
Fried	Peterson	Vernon
Ganssle	Phelan	Walter
Gibbens	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet	Robillard	
Heglie		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Richmond
Baeverstad	Juzeler	Ryan
Blank	Martin	Scheer
Braaten	McCrea	Simpson
Brown	Mitchell	Sweet
Clendening	Mooney	Truemner
Cooper of Sargent	Nelson	Underwood
Duncan	Nicholson	Watson
Eggen	Palfrey	Weigel
Gilbert	Piper	Welo
Hardt		

Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood and Watson being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 121 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 71, nays none, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Rogers
Arnold	Hemmingson	Rose
Belden	Jennings	Rue
Blake	Johnson of Richland	Schlenker
Braaten	Kyle	Shells
Briden	Lillie	Sowle
Burgum	Lyon	Spangberg
Burtness	Martin	Stavens
Buttz	McClure	Stevens of Dickey
Casey	McCrea	Streeter

Messrs.—	Messrs.—	Messrs.—
Chapman	McKechnie	Sunderland
Chevalier	McLain	Sweet
Cooper of Stutsman	Meidinger	Swendseld
Dahl	Meiklejohn	Tallackson
Dahlen	Moore	Thompson
Davis	Morgan	Thoreson
Dickinson	Nicholson	Tofsrud
Ellison	Oveson	Treat
Flados	Ovind	Vernon
Fried	Palmer	Walter
Ganssle	Peterson	Welo
Gibbens	Phelan	White
Glasgow	Rice	Mr. Speaker
Goulet	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Richmond
Baeverstad	Juzeler	Ryan
Blank	Lemieux	Scheer
Brown	Midgarden	Simpson
Clendening	Mitchell	Stevens of Burleigh
Cooper of Sargent	Mooney	Truemner
Duncan	Nelson	Underwood
Eggen	Palfrey	Watson
Gilbert	Piper	Weigel
Hardt	Purdon	

Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood and Watson being excused.

So the bill passed and the title was agreed to.

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 2, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rice
Arnold	Jennings	Robillard
Belden	Johnson of Richland	Rogers
Blake	Johnson of Ward	Rose
Braaten	Kyle	Rue
Briden	Lemieux	Ryan
Burgum	Lillie	Schlenker
Burtness	Lyon	Snells
Buttz	Martin	Sowle
Casey	McClure	Spangberg
Chapman	McKechnie	Stavens

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	McLain	Stevens of Dickey
Dahl	Meidinger	Streeter
Dahlen	Meiklejohn	Sunderland
Davis	Midgarden	Swendseid
Dickinson	Moore	Tallackson
Ellison	Morgan	Thoreson
Flados	Nelson	Tofsrud
Fried	Nicholson	Treat
Ganssle	Ovind	Vernon
Gibbens	Palmer	Walter
Glasgow	Peterson	Welo
Goulet	Phelan	White
Heglie	Purdon	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—
Oveson	Thompson

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Scheer
Baeverstad	Hardt	Simpson
Blank	Juzeler	Stevens of Burleigh
Brown	McCrea	Sweet
Chevalier	Mitchell	Truemner
Clendening	Mooney	Underwood
Cooper of Sargent	Palfrey	Watson
Duncan	Piper	Weigel
Eggen	Richmond	

Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood and Watson being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which House Bill No. 61 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Phelan moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker pro tem called Mr. McCrea to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred
House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

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

Also,

House Bill No. 206,

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by the governor to fill such offices until the next ensuing general election.

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

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

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

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

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

By inserting "and prairie dogs" after the word "gophers" wherever it appears in the title and in the bill, also in section 2, line 2, of engrossed bill strike out the word "thirty-five" and insert in lieu thereof the word "twenty-five," and in section 2, line 5, after the word "destroy" insert "during the months of April, May and June."

And when so amended recommend that the same do pass.

Also,

House Bill No. 222,

A bill for an act for the organization and government of cities.

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

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

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

GEO. A. McCREA,
Chairman.

The speaker in the chair.

Mr. McCrea moved

That the report be adopted.

Mr. Stevens of Burleigh, moved

As a substitute motion that the report of the committee be adopted with the exception of recommendation on House Bill No. 114.

Which substitute motion prevailed

Mr. Stevens of Burleigh moved

That the bill be referred to the committee on banking and bank laws.

Which substitute motion prevailed and the bill was so referred.

The house took a recess for 10 minutes.

AFTER RECESS.

The house returned to the twelfth order of business.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The following concurrent resolution was laid before the house:

CONCURRENT RESOLUTION

Resolved, By the Senate, the House concurring, That the secretary of state shall cause to be published in each newspaper in the state, that has been established and regularly published for at least one year, the primary election measure that has passed the legislature, if it becomes a law, said publication to be for one time only and paid for at same rates as provided in the publication of amendments to the constitution.

Mr. McCrea moved

That the concurrent resolution be adopted,

Which motion was lost.

Mr. Phelan moved

As a substitute motion that the concurrent resolution be referred to the committee on appropriations,

Which substitute motion prevailed, and

The concurrent resolution was so referred.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Also,

Senate Bill No. 88,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

And the speaker signed the same in the presence of the house.

The house proceeded to the fourteenth order of business.

Mr. Phelan moved

That Senate Bill No. 53 be put on third reading and final passage.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays none, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Blake
Braaten
Briden

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan

Messrs.—

Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Ellison
Fried
Ganssle
Gibbens
Glasgow
Heglie
Hemmingson

Messrs.—

Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Moore
Nelson
Nicholson
Ovind
Palmer
Peterson
Phelan
Purdon
Rice

Messrs.—

Schlenker
Shiels
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Thoreson
Tofsrud
Treat
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Baeverstad
Belden
Blank
Brown
Clendening
Cooper of Sargent
Eggen
Flados
Gilbert

Messrs.—

Goulet
Hardt
Midgarden
Mitchell
Mooney
Morgan
Oveson
Palfrey
Piper
Richmond

Messrs.—

Scheer
Simpson
Sunderland
Swendseld
Tallackson
Thompson
Treumner
Underwood
Watson

Messrs. Baeverstad, Blank, Brown, Clendening, Cooper of Sargent, Eggen, Gilbert, Hardt, Mooney, Palfrey, Richmond, Scheer, Truemner, Underwood and Watson being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 53 was passed be reconsidered and a motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 20, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Also,

Senate Bill No. 158,

A bill for an act to amend section 1, of chapter 162, of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtendness has accrued against such county.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Also,

Senate Bill No. 95,

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

Also,

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

Also,

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to townhsip boards.

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Also,

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Also,

Senate Bill No. 127,

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

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

Also,

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of

the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Which the senate has passed unchanged.

Also,

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Which the senate has amended by inserting in line 11 of the engrossed bill, after the word "except," the following: "Corporations organized for the purpose of irrigation."

And passed as amended.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house returned to the fifth order of business.

REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Have had the same under consideration and recommend that the same be amended by adding emergency clause as follows:

Emergency.] Whereas, The state examiner must report before the first of July next this act shall take effect and be in force from and after its passage and approval.

And when so amended, recommend that the same do pass.

GEO. W. H. DAVIS,

Acting Chairman.

Mr. Stevens of Burleigh moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Stevens of Burleigh moved

That the rules be suspended and that the bill be put on the calendar for third reading and final passage.

Which motion prevailed.

Mr. Johnson of Ward moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,

Chief Clerk.

FIFTIETH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemer and Watson, who were excused.

The courtesies of the floor were extended to T. S. Oium, J. C. Shouls, Chas. E. Williams, of Gardner, N. D.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 3 line 18 strike out the word "resolution" and insert the word "petition."

Page 5 line 19 strike out the words "to reconsider" and insert the words "that the"

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.
The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:
House Bill No. 61,
A bill for an act amending section 2097 of the political
code, relating to the fees of witnesses.
And find the same correctly enrolled.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 21, 1905.

Mr. Speaker:

I have the honor to transmit herewith:
House Bill No. 41,
A bill for an act to amend section 1230, revised codes of
1899, North Dakota, relating to tax list to be made out by
county auditors.

Which the senate has indefinitely postponed.

Very respectfully,
L. M. McGLASHAN,
Secretary.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Vernon presented the following petition:

We the undersigned, citizens of Hoople, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at present in New York and that state, with nearly twenty times the population of North Dakota, supports but one normal college while House bill No. 119 provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state normal school board and the superintendent is president of that board, so that the high school board as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating and would introduce such divergent views as would lend, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of House bill No. 119.

(Signed.)

CHAS. C. VICK,
Sec. Walsh Co. Rep. Central Committee.
and 6 others.

The chief clerk announced that the speaker was about to sign.

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

And the speaker signed the same in the presence of the house.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

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

Also,
House Bill No. 226,

A bill for an act to amend section 3742, revised codes of the state of North Dakota, of 1899, relating to the order of succession.

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

Also

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

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

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

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

Also,

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

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

And

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

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

Also,

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

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

Also,

House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

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

Also.

House Bill No. 52,

A bill for an act to amend chapter 59 of the session laws of 1901, being section 6676e, of the revised codes of 1899, relating to garnishee procedure in justice court.

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

Also,

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

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

Also,

House Bill No. 50,

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

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

Also,

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

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

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personality.

Have had the same under consideration and a majority of the committee recommend that the same be indefinitely postponed.

The minority of the committee, of which the chairman is one, presents the following minority report:

Mr. Speaker:

The minority of your committee, to whom was referred House Bill No. 189, being a bill for an act to provide for a

lien for repairs of personal property, have had the same under consideration and respectfully recommend that the same be amended by adding at the end of line 19, of printed bill, the following: "Provided, that the person holding such lien on property that has been previously incumbered by mortgage, before the foreclosure of same, shall give to the record holder of such mortgage twenty days notice in writing of his intention to foreclose said lien before beginning advertisement or action for foreclosure of the same, and providing further, that the holder of any mortgage against property on which the lien herein provided for, shall have been filed, may at any time previous to sale pay off the amount due on such lien and the holder thereof shall assign the same to such person, and thereafter he shall be entitled to all the rights that the person filing said lien would have been had the same not have been paid."

The minority of your committee believe that "the laborer is worthy of his hire," and that in a great many instances a mortgage has been taken upon machinery at the time the same was purchased from the implement dealer, and any repairs that may be put on the machinery by mechanics, the material furnished, and labor performed in making repairs, is lost to the mechanic because of the existence of a mortgage against the machinery which is foreclosed, and the machinery taken with no protection to the person making repairs. The machinery would have been worthless to any person without the repairs being put on the same, and the owner of the machinery would be put to great inconvenience and loss by being deprived of the use of same.

In the sale of threshing machines the implement dealer usually binds the purchaser, as additional security to the mortgage that he takes at the time of the sale of the machine, an agreement to turn over to him fifty per cent of the earnings of the machine, which is allowed to be done under chapter 118, of the session laws of 1901, so that the earning capacity of the machine is reduced fifty per cent out of which is to come the expenses of operating the same.

If the flues in a boiler become leaky and for that reason the owner is unable to operate the engine, it is taken to a machinist and a new set of flues put in the machine, the owner goes on with the operation of the machine for the

balance of the season. The implement dealer collects fifty per cent of the earnings of the machine, and at the close of the season forecloses his mortgage and takes back the machine, and the man who put the repairs on the machine at his own expense, *for material and labor*, without which repairs the machine could not have earned the fifty per cent which goes to the implement dealer, and the implement dealer refuses in every instance to pay for the repairs for the betterment of the machinery. The operator of a threshing machine frequently goes to a machinist or blacksmith, and has him work all night so that he may be able the next morning to operate the machine. In a case of this kind, the mechanic has no time to go and examine the records to see whether or not a mortgage exists against the machinery, and the thresher has not usually the ready money to pay in advance for the work to be done. The man for whom the threshing is being done cannot afford to keep in his employ for a whole day or more, a gang of men to operate the machinery, waiting for satisfactory arrangements to be made with the implement company before repairs can be made, and for this and a hundred other reasons that might be given, and because the "laborer is, indeed, worthy of his hire," your committee recommend that when the bill is amended as herein indicated, that the same do pass.

Respectfully submitted,

C. W. BUTTZ,
R. N. STEVENS,
E. L. RICHMOND,
H. W. RYAN,
C. A. JOHNSON.

Mr. Stevens of Burleigh, moved

That the minority report be adopted,

Which motion prevailed, and

The minority report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

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

By striking out all after the words "a bill" and in lieu thereof insert substitute bill attached to original bill as follows:

A bill for an act regulating the sale of poisons and disinfectants, and an act to amend section 7283 of chapter 39, of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That section 7283, of the penal code of 1899, be amended and re-enacted so as to read as follows:

Section 7283. Physicians' Prescriptions and Other Sales Excepted. The provisions of the last section shall not be construed to apply to the dispensing of physicians' prescriptions, specifying or containing poison. Provided, any person, shop keeper, or merchant, may sell in any quantities whatsoever, any of the commonly used disinfectants used in the treatment of vegetable seeds and grains to be used for that purpose, only if at the time of the delivery of the same, he shall take from the purchaser a written statement setting forth the amount and kind of disinfectant sold, and purpose for which the same is to be used, and that the same is properly labeled to conform with requirements of laws in force upon that subject. Provided, further, that a statement of all sales above referred to shall be filed with the judge of probate of the county wherein the sale is made on or before the 30th day of each month, respectfully.

Section 2. Whereas, an emergency exists on the sale arising out of the conditions mentioned herein, and the same are not properly covered by legislative enactment, therefore, this act shall be in force and take effect immediately upon the passage and approval of the same.

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

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

Also,

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 181,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid to judges of county courts, and to repeal chapter 66 of the session laws of 1903.

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

In line 3 of the title strike out the words "and to repeal" and insert in lieu thereof the word "being."

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 125,

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Mr. Stevens of Dickey, moved as a substitute motion that the bill be referred to the committee of the whole.

Which substitute motion prevailed.

The committee on live stock industry, made the following report:

Mr. Speaker:

Your committee on live stock industry to whom was referred

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective

association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

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

Also,

Your committee on live stock industry, to whom was referred

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

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

In line 13 of printed bill after the words "veterinary surgeon" insert the following, "or who does not hold a certificate from the state board of veterinary medical examiners."

And when so amended, recommend that the same do pass.

J. E. PHELAN,
Chairman.

Mr. Phelan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

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

D. LEMIEUX,
Chairman.

The committee on corporations other than municipal, made the following report:

Mr. Speaker:

Your committee on corporations other than municipal, to whom was referred

House Bill No. 239,

A bill for an act providing that all persons or companies operating telephone lines or central exchanges, and charging fees or rentals, shall not discriminate in giving service of same, also providing penalty for violation of this act.

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

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

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

O. T. TOFSRUD,

Chairman.

The committee on highways and bridges made the following report:

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 238,

A bill for an act providing for the care of bridges and culverts when used by the owners or operators of traction engines, providing for the liability of such owners or operators, and providing penalty for the violation of the provisions of this act.

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

Also,

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 207,

A bill for an act relating to the construction of bridges.

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

F. J. LYON,

Chairman.

Mr. Lyon moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on public buildings made the following report:

Mr. Speaker:

Your committee on public buildings, to whom was referred

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

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

GEO. D. PALMER,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

And find the same correctly re-engrossed.

C. V. BROWN,
Chairman.

Also,

Mr. Speaker:

Your committee on engrossment have examined:
House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

And find the same correctly engrossed.

C. V. BROWN,
Chairman.

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

Your committee on education to whom was referred

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

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

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

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

Also,

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 119,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

Have had the same under consideration and recommend that the same do not pass and that the further consideration thereof be indefinitely postponed.

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 231,

A bill for an act to provide for the organization of school districts in unorganized counties.

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

A. L. MARTIN,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker :

Your committee on state affairs to whom was referred
House Bill No. 225,

A bill for an act concerning the transferring of a person's
business.

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

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised
codes, relating to official bonds of state examiner and his
deputies.

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

Also,

House Bill No. 208,

A bill for an act prohibiting the use of firearms by certain
minors, and providing a penalty for the violation thereof.

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

By striking out the emergency clause.

And when so amended recommend that the same do pass.

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official
bonds of county officers, and for acceptance of bids therefor,
and payment of premiums on same.

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

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and decep-
tion in the sale of white lead and mixed paints.

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

Also,

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

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

Also,

House Bill No. 217,

A bill for an act repealing section 5454a of the revised codes of 1899, relating to affidavits to prejudice in civil actions.

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

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

And further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 223,

A bill for an act to amend section 8407 of the revised codes of North Dakota for the year 1899.

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

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

Senate Bill No. 199,

A bill for an act to amend section 8624 of the revised codes, relating to the employment of persons confined in jail for violation of any ordinance, by-laws or other regulation of an incorporated city or village.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report of the committee be adopted,

Which motion prevailed,

And further consideration of the bill was indefinitely postponed.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

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

Also,

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

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

Also,

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

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

Also,

House Bill No. 196,

A bill for an act to amend and re-enact sections 2082, 2084, 2085, 2086, 2087, 2088, and to repeal section 2083 of the revised codes of North Dakota 1899, relating to sheriffs' fees.

Have had the same under consideration and recomemnd that the same be referred to the committee on judiciary.

E. L. RICHMOND,
Chairman.

Mr. Richmond moved
That the report be adopted,
Which motion prevailed, and
The bill was so referred.

Also,
House Bill No. 236,

A bill for an act giving landlords, owners of dwellings or business property a lien upon the household furniture, merchandise and chattels of tenants for past due and unpaid rents.

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

E. L. RICHMOND,
Chairman.

Mr. Richmond moved
That the report of the committee be adopted.

Which motion prevailed,

And further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

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

By striking out the word "reside" where it appears in line 3 of section 2 of the printed bill and inserting the words "desires such license"

Also by striking out the word "securities" in the same line and inserting the word "sureties"

Also by adding the following emergency clause: Emergency, Whereas, an emergency exists in that there is now no provision by which record shall be kept of goods sold by auctioneers within this state, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

E. L. RICHMOND,
Chairman.

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

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state

of North Dakota, and providing penalties for the violation thereof.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Phelan moved that

When the house adjourn today it take a recess until 10 a. m. tomorrow.

Which motion prevailed.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Stevens of Burleigh (by request) introduced
House Bill No. 258,

A bill for an act to amend section 1447, of the revised codes, as amended by section 1, chapter 79, of the laws of 1899, and as amended by section 1, chapter 80, of the laws of 1903, relating to the establishment, construction and maintenance of drains.

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

Mr. Gibbens introduced
House Bill No. 259,

A bill for an act providing that the fees or charges of physicians and surgeons and veterinarians and other persons who are licensed to practice a profession in this state, shall be equitable and reasonable, and fixing a maximum mileage charge, to be made in making visits and rendering service, and providing penalties for violation of this act.

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

Mr. Arnold introduced
House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

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

Mr. Sweet introduced
House Bill No. 261,

A bill for a concurrent resolution to amend section 57, of the constitution of the state of North Dakota, relating to the introduction of bills in the legislative assembly.

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

Mr. McCrea introduced
House Bill No 262,

A bill for an act entitled "An act to amend chapter one hundred and seventy-five of the laws of 1901, relating to the slander of females."

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

Mr. Oveson introduced
House Bill No. 263,

A bill for an act to amend chapter 152, of the session laws of the state of North Dakota, for the year 1901, relating to property exempt from taxation.

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

Mr. Treat introduced
House Bill No. 264

A bill for an act to amend section 7, of chapter 129, of the session laws of 1903, relating to oil inspection.

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

Mr. Ryan (by request) introduced
House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

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

The chief clerk announced that the speaker was about to sign:

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of

estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servic medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

And the speaker signed the same in the presence of the house.

THIRD READING OF HOUSE BILLS.

House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 79; nays, 0; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—

Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevallier

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechie
McLain
Meidinger
Meiklejohn

Messrs.—

Rogers
Rose
Rue
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter

Messrs.—	Messrs.—	Messrs.—
Dahlen	Midgarden	Sunderland
Davis	Moore	Sweet
Duncan	Morgan	Swenseid
Eggen	Nicholson	Tallackson
Ellison	Oveson	Thompson
Flados	Ovind	Thoreson
Fried	Palfrey	Tofsrud
Ganssle	Palmer	Treat
Gibbens	Peterson	Underwood
Gilbert	Phelan	Vernon
Glasgow	Piper	Walter
Heglie	Purdon	Weigel
Hemmingson	Rice	Welo
Jennings	Richmond	White
Johnson of Richland	Robillard	Mr. Speaker
Johnson of Ward		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Cooper of Sargent	Mooney
Allen	Dahl	Nelson
Arnold	Dickinson	Ryan
Blank	Goulet	Scheer
Casey	Hardt	Stevens of Burleigh
Clendening	Martin	Truemner
Cooper of Stutsman	Mitchell	Watson

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner, Watson, being excused.
So the bill passed and the title was agreed to.

House Bill No. 206,

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by the governor to fill such offices until the next ensuing general election.

Was read the third time.

Mr. Buttz moved

That the bill be referred to the committee on judiciary,
Which motion prevailed.

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 74; nays, 0;
absent and not voting, 26.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Kyle	Rue
Baeverstad	Lemieux	Schlenker
Blake	Lillie	Sheils
Braaten	Lyon	Simpson
Briden	McClure	Sowle
Brown	McKechnie	Spangberg
Burgum	McLain	Stavens
Buttz	Meidinger	Stevens of Burleigh
Chapman	Meiklejohn	Streeter
Chevalier	Midgarden	Sunderland
Dahlen	Moore	Sweet
Davis	Morgan	Swendseld
Duncan	Oveson	Tallackson
Eggen	Ovind	Thompson
Ellison	Palfrey	Thoreson
Flados	Palmer	Tofsrud
Ganssle	Peterson	Treat
Gilbert	Phelan	Underwood
Glasgow	Piper	Vernon
Heglie	Purdon	Walter
Hemmingson	Rice	Weigel
Jennings	Richmond	Welo
Johnson of Richland	Robillard	White
Johnson of Ward	Rogers	Mr. Speaker
Juzeler	Rose	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Dahl	Mooney
Allen	Dickinson	Nelson
Belden	Fried	Nicholson
Blank	Gibbens	Ryan
Burtness	Goulet	Scheer
Casey	Hardt	Stevens of Dickey
Clendening	Martin	Truemner
Cooper of Sargent	McCrea	Watson
Cooper of Stutsman	Mitchell	

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 79 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 72; nays 0; absent and not voting, 28.

Those who voted in the affirmative were:

Messrs.—

Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Burgum
Buttz
Chapman
Chevalier
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Jennings
Johnson of Richland
Johnson of Ward

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McLain
Meidinger
Meiklejohn
Midgarden
Morgan
Nicholson
Oveson
Ovind
Palmer
Peterson
Piper
Purdon
Rice
Richmond
Robillard
Rogers
Rose
Rue

Messrs.—

Ryan
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Allen
Blank
Brown
Burtness
Casey
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl

Messrs.—

Fried
Goulet
Hardt
Hemmingson
Martin
McCrea
McKechnie
Mitchell
Mooney

Messrs.—

Moore
Nelson
Palfrey
Phelan
Scheer
Stevens of Burleigh
Thoreson
Truemner
Watson

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner, Watson, being excused. So the bill passed and the title was agreed to.

House Bill No. 222,

A bill for an act for the organization and government of cities.

Was read the third time.

Mr. Stevens of Burleigh, asked unanimous consent to amend the bill

There being no objection, Mr. Stevens of Burleigh, moved that the bill be amended by striking out all of section 86 and inserting in lieu thereof the following:

Section 86. Board of Equalization. Meeting. Compensation.) The board of equalization shall be composed of the mayor and city council, and the auditor who shall act as clerk to the same, and shall meet on the second Tuesday of June in each year. In the absence of the mayor the council shall elect one of its own number to preside. The city auditor shall keep an accurate record of all changes made in the valuation and of all other proceedings. It may adjourn from day to day until its work is completed and a majority of the whole board shall constitute a quorum to transact business. If no quorum is present the clerk may adjourn from day to day and publicly announce the time to which the meeting is adjourned; the compensation of the board shall be three dollars, (\$3.00) per day while in actual session.

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill, as amended.

The roll was called and there were: Ayes, 76; nays, 0; absent and not voting, 24.

Those who voted in the affirmative were:

Messrs.—

Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson
Jennings

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Lemieux
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Melklejohn
Midgarden
Mitchell
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rogers

Messrs.—

Rose
Rue
Ryan
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Tofsrud
Treat
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Fried	Richmond
Allen	Goulet	Robillard
Arnold	Hardt	Scheer
Blank	Kyle	Stevens of Burleigh
Casey	Lillie	Tallackson
Clendening	Mooney	Thoreson
Cooper of Sargent	Nelson	Truemner
Dahl	Rice	Watson

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner, Watson, being excused.

So the bill passed and the title was agreed to.

Mr. Stevens, of Burleigh, moved

That the vote by which House Bill No. 222 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Stevens of Burleigh to the chair.
House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Was read the third time.

Mr. Phelan asked unanimous consent to amend the bill.

There being on objection.

Mr. Phelan moved

That the bill be amended by adding in line 8 of the printed bill after the words "six months," the words "and hereafter for one year."

Which motion prevailed, and

The bill was so amended.

Mr. Piercy asked unanimous consent to amend the bill.

Which was objected to.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 79, nays 1, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Juzeler	Rogers
Belden	Kyle	Rose
Blake	Lillie	Rue
Braaten	Lyon	Ryan
Brown	Martin	Schlenker

Messrs.—

Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward

Messrs.—

McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Moore
Morgan
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice
Richmond
Robillard

Messrs.—

Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Underwood
Vernon
Walter
Weigel
Welo
White

Absent and not voting:

Messrs.—

Adams
Allen
Arnold
Blank
Briden
Casey
Clendening

Messrs.—

Cooper of Sargent
Dahl
Fried
Goulet
Hardt
Lemieux
Mooney

Messrs.—

Nelson
Nicholson
Scheer
Thoreson
Truemner
Watson

Mr Speaker voting in the negative.

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner and Watson being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which House Bill No. 201 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Chapman moved

That the house concur in the senate amendments to House Bill No. 124.

Which motion prevailed, and

And the amendments were concurred in.

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 76, nays none, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Johnson of Ward	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Braaten	Lillie	Schlenker
Brown	Lyon	Shiels
Burgum	Martin	Sowle
Burness	McClure	Spangberg
Buttz	McCrea	Stavens
Chapman	McKechnie	Stevens of Burleigh
Chevalier	McLain	Stevens of Dickey
Cooper of Stutsman	Meidinger	Streeter
Dahlen	Meiklejohn	Sunderland
Davis	Midgarden	Sweet
Dickinson	Mitchell	Swendseid
Duncan	Moore	Tallackson
Eggen	Morgan	Thompson
Ellison	Nicholson	Thoreson
Flados	Oveson	Tofsrud
Ganssle	Ovind	Treat
Gibbens	Palmer	Underwood
Gilbert	Phelan	Vernon
Glasgow	Piper	Walter
Heglie	Purdon	Weigel
Hemmingson	Rice	White
Jennings	Richmond	
Johnson of Richland	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Dahl	Peterson
Allen	Fried	Ryan
Arnold	Goulet	Scheer
Blank	Hardt	Simpson
Briden	Lemieux	Truemner
Casey	Mooney	Watson
Clendening	Nelson	Welo
Cooper of Sargent	Palfrey	Mr. Speaker

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner and Watson being excused.

So the bill passed and the title was agreed to.

The house returned to the fifth order of business.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Have had the same under consideration and recomemnd that it be amended by adopting substitute bill as attached hereto as follows:

A bill for an act, amending section 3261 of the revised codes of the state of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Be it Enacted by the Legislative Assembly of the State of North Dakota: ?

Section 1. Section 3261, of the revised codes of 1899 is hereby amended and re-enacted so as to read as follows:

Section 3261. Conditions of Foreign Corporations Doing Business in This State.] No foreign corporation, association or joint stock company, except an insurance company, shall transact any business within this state, or acquire, hold or dispose of property, real or personal within this state, until such corporation shall have filed in the office of the secretary of state a duly authenticated copy of its charter or articles of incorporation, and shall have complied with the provisions of this chapter; provided, that the provisions of this chapter shall not apply to corporations created for religious or charitable purposes solely nor to the holding and disposing of such real estate as may be acquired only by foreclosure or otherwise, in liquidation of mortgages or other securities acquired by corporations which may not have complied with the provisions of this act.

And when so amended recommend that the same do pass.
C. W. BUTTZ,

Chairman.

Mr. Phelan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The house proceeded to the 13th order of business.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Was read the first and second times, and

Referred to the committee on school and public lands.

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Was read the first and second times and

Referred to the committee on county any county boundaries.

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Was read the first and second time, and

Referred to the committee on judiciary.

Senate Bill No. 158,

A bill for an act to amend section 1, of chapter 162, of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtedness has accrued against such county.

Was read the first and second times, and

Referred to the committee on municipal corporations.

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Was read the first and second times, and

Referred to the committee on railroads.

Senate Bill No. 7.

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 95,

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

Was read the first and second times, and

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

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Was read the first and second times, and

Referred to the committee on public health.

Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 127,

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

Was read the first and second times and

Referred to the committee on municipal corporations.

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Was read the first and second times and

Referred to the committee on public printing.

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Was read the first and second time, and

Referred to the committee on state affairs.

Mr. Davis moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Mr. Phalen moved

As a substitute motion, that the house take up the third reading of Senate Bill No. 117.

Which substitute motion prevailed.

The speaker in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 61, nays 13, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Kyle	Robillard
Baeverstad	Lemieux	Rose
Belden	Lillie	Rue
Blake	Lyon	Ryan
Burgum	Martin	Schlenker
Buttz	McClure	Sheils
Chapman	McKechnie	Simpson
Chevallier	McLain	Sowle
Cooper of Stutsman	Meidinger	Spangberg
Dahlen	Meiklejohn	Stevens of Burleigh
Davis	Mitchell	Stevens of Dickey
Dickinson	Moore	Streeter
Duncan	Nicholson	Swendseid
Eggen	Ovind	Treat
Ellison	Palmer	Underwood
Ganssle	Peterson	Vernon
Gilbert	Phelan	Walter
Glasgow	Purdon	Weigel
Hemmingson	Rice	White
Jennings	Richmond	Mr. Speaker
Johnson of Ward		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Braaten	Midgarden	Sunderland
Flados	Morgan	Tallackson
Heglie	Piper	Thompson
Johnson of Richland	Stavens	Thoreson
Juzeler		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Allen	Dahl	Palfrey
Arnold	Fried	Rogers
Blank	Gibbens	Scheer
Briden	Goulet	Sweet
Brown	Hardt	Tofsrud
Burtness	McCrea	Truemnner
Casey	Mooney	Watson
Clendening	Nelson	Welo
Cooper of Sargent	Oveson	

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemnner and Watson being excused.

So the bill passed and the title was agreed to.

Mr. Phelan moved

That the vote by which Senate Bill No. 117 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Underwood gave notice that he would move at some future time to reconsider the vote by which Senate Bill 117 was passed.

The house took a recess for 10 minutes.

The house reassembled.

Mr. Richmond moved

That Senate Bill No. 19 be placed upon third reading and final passage.

Which motion prevailed, and

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

Was read the third time.

Mr. Richmond asked unanimous consent to amend the bill.

There being no objection.

Mr. Richmond moved

That the bill be amended by striking out in line 23, page 2, of the printed bill the word "judge" and substituting therefor the word "clerk."

Which motion prevailed, and

The bill was so amended.

Mr. Ryan asked unanimous consent to amend the bill.

Which was objected to.

The question being upon the final passage of the bill.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Adams
Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevaller
Dahlen
Davis
Dickinson
Duncan

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Moore
Nicholson
Oveson

Messrs.—

Rose
Rue
Ryan
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson

Messrs.—

Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson
Jennings

Messrs.—

Oviad
Palmer
Peterson
Phelan
Piper
Purdon
Rice
Richmond
Robillard
Rogers

Messrs.—

Thompson
Tofsrud
Treat
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Allen
Arnold
Blank
Casey
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl

Messrs.—

Fried
Goulet
Hardt
Lemieux
Lyon
Mitchell
Mooney

Messrs.—

Morgan
Nelson
Palfrey
Scheer
Thoreson
Truemner
Watson

Messrs. Blank, Clendening, Cooper of Sargent, Hardt, Mooney, Nelson, Scheer, Truemner and Watson being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1905.

Mr. Speaker:

I have the honor to inform the house that the senate respectfully requests the return of

House Bill No. 22,

A bill for an act to promote forest tree culture.

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. Stevens of Burleigh moved

That house bill No. 22 be returned to the senate as requested.

Which motion prevailed.

GENERAL ORDERS.

Mr. Davis moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Jennings to the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred
House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Have had the same under consideration and report progress and ask leave to sit again for the purpose to further consider this bill.

W. E. JENNINGS,
Chairman.

The speaker in the chair.

Mr. Stevens of Burleigh moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the

state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the present site of said reform school.

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 104,

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

Also,

Senate Bill No. 37,

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

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Also,

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

The chief clerk announced that the speaker was about to sign

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

And

The speaker signed the same in the presence of the house.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of

estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Also,

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Were delivered to the governor for his approval at the hour of 4 o'clock p. m., February 21st, 1905.

W. A. McCLURE,
Chairman.

Mr. Stevens of Burleigh, moved

That Hon. J. E. Phelan be requested to read Washington's farewell address at the opening of the session tomorrow.

Which motion prevailed, and

The house took a recess

AFTER RECESS.

The house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

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

Also,

House Bill No. 197,

A bill for an act providing for the salaries of sheriffs, under sheriffs and deputy sheriffs; providing for the appointment of under sheriffs and deputy sheriffs, prescribing the duties of said officers, and prescribing the penalties for the violation of said duties.

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

In section 4, on page 3, of the printed bill in line 2, strike out the words "not to exceed the following"; also in line 3, strike out the words "number of" and insert in lieu thereof the word "additional;" also in line 3, between the words "deputies and in" insert in lieu thereof "in the discretion of the board of county commissioners."

And when so amended recommend that the same do pass.

C. W. BUTTZ,

Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 174,

A bill for an act amending section 2581 of the revised
codes relating to board of health.

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

In section one, in line one of the printed bill, strike out the figure "1" and
insert in lieu thereof, "2581 of the revised codes is hereby amended to read
as follows:"

In section two of the printed bill strike out all of lines one and two.

And when so amended, recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 158,

A bill for an act to regulate the manufacture and sale of
dairy products and imitations and substitutes therefor,
prescribing penalties for violations, to create the office of
assistant dairy commissioner, prescribing his duties and
fixing his salary.

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

In the printed House Bill No. 158, on page 5, of section 5, after the word
"same" in line 15 add, "Provided, that any creamery, cheese factory or renovat-
ing or process butter factory shipping its products to a particular or special
market may not be required to use said brand as provided for in this act."

Also on page 6, section 8, of the printed bill between the words "milk and
shall" insert, "or less than three pounds of butter fat to the hundred pounds
of milk."

Also on page 6, of the printed bill in section 7, in line 3, strike out the
words "unclean," "unhealthy," "unwholesome."

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in county courts.

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

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

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

C. W. BUTTZ,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

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

In section one of the engrossed bill, in line fifteen, between the words "refunded and to" insert the following: "with interest at 6 per cent per annum from the date of payment."

And when so amended, recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

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

JOHN S. PALFREY,
Chairman.

The house proceeded to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 12.

A bill for an act providing for the creating of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the apportionment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

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

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

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

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

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

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

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

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

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

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the present site of said reform school.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 104,

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

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 37,

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

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 69.

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Mr. McCrea moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed.

OTTO SOUGSTAD,
Chief Clerk.

FIFTIETH DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 22, 1905.

The house assembled at 10 o'clock and pursuant to recess taken.

The courtesies of the floor were extended to Superintendent W. E. Hoover of Park River.

The speaker called Hon. J. E. Phelan, member from Stark county, to the desk, who read Geo. Washington's farewell address to congress.

The speaker addressed the house.

Mr. McClure moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned until 2 o'clock p. m. February 23, 1905.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner, who were excused.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 23, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Also,

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servic medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

I have the honor to be,

E. Y. SARLES,

Governor.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 8, line 22, strike out the comma after word "purpose" and place the comma after word "only."

Page 35, after line 47, add:

"Mr. Underwood gave notice that he would move at some future time to reconsider the vote by which Senate bill No. 117 was passed."

Page 36, strike out lines 2, 3 and 4.

Page 16, strike out lines 1, 2, 3, 4 and 5 and insert in lieu thereof "House bill No. 199" with proper title.

And when so amended recommend that he same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Also,

House Bill No. 222,

A bill for an act for the organization and government of special assessments heretofore made.

And find the same correctly re-engrossed.

Also,

House Bill No. 50,

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

Also,

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Also,

House Bill No. 52,

A bill for an act to amend chapter 59 of the session laws of 1901, being section 6676e, of the revised codes of 1899, relating to garnishee procedure in justice court.

Also,

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

Also,

House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Also,

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 181,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid to judges of county courts, and to repeal chapter 66 of the session laws of 1903.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personalty.

Also,

House Bill No. 197,

A bill for an act providing for the salaries of sheriffs, under sheriffs and deputy sheriffs; providing for the appointment of under sheriffs and deputy sheriffs, prescribing the duties of said officers, and prescribing the penalties for the violation of said duties.

Also,

House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Also,

House Bill No. 208,

A bill for an act prohibiting the use of firearms by certain minors, and providing a penalty for the violation thereof.

Also,

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

Also,

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Also,

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

Also,

House Bill No. 225,

A bill for an act concerning the transferring of a person's business.

Also,

House Bill No. 226,

A bill for an act to amend section 3742, revised codes of the state of North Dakota, of 1899, relating to the order of succession.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Also,

House Bill No. 231,

A bill for an act to provide for the organization of school districts in unorganized counties.

Also,

House Bill No. 238,

A bill for an act providing for the care of bridges and culverts when used by the owners or operators of traction engines, providing for the liability of such owners or operators, and providing penalty for the violation of the provisions of this act.

Also,

House Bill No. 239,

A bill for an act providing that all persons or companies operating telephone lines or central exchanges, and charging fees or rentals, shall not discriminate in giving service of same, also providing penalty for violation of this act.

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

And find the same correctly engrossed.

T. WELO,

Acting Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

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

Also,

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

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

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

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

Also,

House Bill No. 228,

A bill for an act to amend section 186 of the revised codes of 1899, relating to the sale of school and other public lands.

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

E. L. RICHMOND,

Chairman.

Mr. Richmond moved
That the report of the committee be adopted
Which motion prevailed, and
And further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

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

Also,

House Bill No. 84,

A bill for an act to define and regulate the sale of matches and to provide a penalty for the violation of this act.

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

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

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

Also,

House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

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

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

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

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

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

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

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

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

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

Also.

House Bill No. 198,

A bill for an act to provide for the safekeeping of the public funds.

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

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report of the committee be adopted,

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The committee on corporations other than municipal made the following report:

Mr. Speaker:

Your committee on corporations other than municipal, to whom was referred

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

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

Also,

House Bill No. 253,

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

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

O. T. TOFSRUD,

Chairman.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

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

A. L. MARTIN,

Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

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

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

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

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

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

Also,

Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

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

Also,

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

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

In section 2, of the engrossed bill, in line 9 between the words "not" and "appearing" insert "in possession or not."

And when so amended recommend that the same do pass.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted,

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 232,

A bill for an act to amend section 5848, revised codes, 1899, relating to notice of foreclosure of mortgages by advertisement.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 57,

A bill for an act to amend section 5848, revised codes, 1899, relating to the filing of mortgage foreclosure papers.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved

That the report of the committee be adopted.

Which motion prevailed,

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 58,

A bill for an act amending and re-enacting section 5861 revised codes, 1899, relating to affidavit of publication and register's receipt filed.

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

C. W. BUTTZ,
Chairman.

Mr. Buttz moved
That the report of the committee be adopted
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:
Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 257,
A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.
Have had the same under consideration and recommend that the same be indefinitely postponed.

C. W. BUTTZ,
Chairman.

Mr. Buttz moved
That the report of the committee be adopted
Mr. Phelan moved
As a substitute motion that the bill be re-referred to the committee on judiciary.
Which substitute motion prevailed, and
The bill was so referred.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sheils introduced
House Bill No. 266,
A bill for an act to amend and re-enact chapter 146, of the laws of 1903, being section 30711 of the revised codes of North Dakota for 1899, relating to the maximum coal rate.
Which was read the first and second times and
Referred to the committee on railroads.

Mr. Belden introduced
House Bill No. 267,
A bill for an act to amend chapter 103, of the session laws of 1903.

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

Mr. Arnold introduced
House Bill No. 268,
A bill for an act providing for the publication by the county treasurer of a list of names of personal property

tax-payers, and the amount taxed against each, and providing compensation therefor.

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

Mr. Martin (by request of Committee on Education) introduced

House Bill No. 269,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

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

Mr. Regan introduced

House Bill No. 270,

A bill for an act to amend section 5911, of chapter 5, of the laws of 1901, being an act to provide for making unknown persons parties defendant in certain civil actions, and to amend sections 5904, 5905, 5906, 5907, 5907a, 5908, 5909, 5910, 5911, 5912, 5913, of the revised codes of North Dakota for 1899, relating to the determination of conflicting claims to real estate and other actions, and enacting other provisions relating thereto.

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

Mr. Rogers (by request) introduced

House Bill No. 271,

A bill for an act to amend section 4818 of the revised codes of 1899, relating to liens for the service of sires.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 72, nays none, absent and not voting 28.

Those who voted in the affirmative were:

Messrs.—

Blake
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Palfrey
Phelan
Piper

Messrs.—

Purdon
Rice
Rogers
Rue
Ryan
Sheils
Sowle
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Brown
Casey
Clendening
Cooper of Sargent
Fried

Messrs.—

Goulet
Hardt
Lyon
Martin
Mitchell
Moore
Peterson
Richmond
Robillard
Rose

Messrs.—

Scheer
Schlenker
Simpson
Spangberg
Stevens of Burleigh
Treat
Truemner
Watson

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 50,

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 73, nays 1, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward

Messrs.—

Rice
Richmond
Robillard

Messrs.—

Blank
Braaten
Briden
Burntress
Buttz
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Phelan
Piper
Purdon

Messrs.—

Rogers
Rose
Rue
Ryan
Sowle
Spangberg
Stavens
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Underwood
Vernon
Walter
Weigel
Welo
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Brown
Burgum
Casey
Clendenning
Davis
Fried

Messrs.—

Goulet
Hardt
Martin
McKechnie
Midgarden
Palfrey
Peterson
Scheer
Schlenker

Messrs.—

Shiels
Simpson
Stevens of Burleigh
Stevens of Dickey
Tallackson
Treat
Truemner
Watson

Mr. White voting in the negative.

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. McClure to the chair.

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 82, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Blank
Braaten

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle

Messrs.—

Rice
Robillard
Rogers
Rose
Rue

Messrs.—

Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson

Messrs.—

Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Oveson
Ovind
Palmer
Peterson
Piper
Purdon

Messrs.—

Ryan
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Welo
White

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Brown
Casey
Fried

Messrs.—

Goulet
Hardt
Nicholson
Palfrey
Phelan
Richmond

Messrs.—

Scheer
Simpson
Truemner
Watson
Weigel
Mr. Speaker

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 231,

A bill for an act to provide for the organization of school districts in unorganized counties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays none, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Blank
Burgum
Burtness
Buttz

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
Martin
McClure

Messrs.—

Purdon
Robillard
Rogers
Rue
Ryan
Schlenker
Shells
Sowle
Spangberg

Messrs.—

Chapman
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Heglie
Hemmingson

Messrs.—

McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Peterson
Phelan

Messrs.—

Stavens
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Tofsrud
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Braaten
Briden
Brown
Casey
Chevalier
Clendenning
Duncan
Fried

Messrs.—

Goulet
Hardt
Lillie
Mitchell
Moore
Palfrey
Piper
Rice
Richmond

Messrs.—

Rose
Scheer
Simpson
Stevens of Burleigh
Sweet
Thoreson
Treat
Truemner
Watson

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Burgum
Burtness
Buttz
Chapman
Clendenning
Cooper of Sargent
Cooper of Stutsman

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
Martin
McClure
McKechnie
McLain
Meidinger

Messrs.—

Phelan
Piper
Purdon
Rice
Robillard
Rogers
Rue
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter

Messrs.—

Dahl
Dahlen
Davis
Dickinson
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Hardt

Messrs.—

Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Peterson

Messrs.—

Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Weigel
White

Absent and not voting:

Messrs.—

Adams
Briden
Brown
Casey
Chevalier
Duncan
Fried

Messrs.—

Goulet
Lillie
McCrea
Palfrey
Richmond
Rose
Ryan

Messrs.—

Scheer
Simpson
Sweet
Truemner
Watson
Welo
Mr. Speaker

Mr. Stevens of Burleigh voting in the negative.

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 23, 1905.

I have the honor to transmit herewith

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflicting laws.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 73, nays 3, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglio	Piper
Arnold	Hemmingson	Purdon
Baeverstad	Johnson of Richland	Rice
Belden	Juzeler	Robillard
Blake	Kyle	Rogers
Blank	Lemieux	Rue
Braaten	Lillie	Schlenker
Burgum	Lyon	Sheils
Burtness	Martin	Sowle
Buttz	McClure	Spangberg
Chapman	McCrea	Stavens
Clendenning	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Streeter
Cooper of Stutsman	Meiklejohn	Sunderland
Dahl	Midgarden	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Thoreson
Eggen	Nelson	Underwood
Ellison	Nicholson	Vernon
Flados	Oveson	Walter
Ganssle	Ovind	Weigel
Gibbens	Palmer	White
Glasgow	Phelan	Mr. Speaker
Hardt		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Peterson	Stevens of Burleigh

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Scheer
Briden	Johnson of Ward	Simpson
Brown	McKechnie	Sweet
Casey	Mitchell	Tofsrud
Chevalier	Palfrey	Treat
Duncan	Richmond	Truemner
Fried	Rose	Watson
Goulet	Ryan	Welo

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 52,

A bill for an act to amend chapter 59 of the session laws of 1901, being section 6676e, of the revised codes of 1899, relating to garnishee procedure in justice court.

Was read the third time.

Mr. Stevens of Burleigh, moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rice
Arnold	Jennings	Rogers
Baeverstad	Johnson of Richland	Rue
Belden	Johnson of Ward	Ryan
Blake	Juzeler	Schlenker
Blank	Kyle	Sheils
Burgum	Lemieux	Sowle
Burtness	Lillie	Spangberg
Chapman	Lyon	Stavens

Messrs.—	Messrs.—	Messrs.—
Chevalier	Martin	Stevens of Dickey
Clendenning	McClure	Streeter
Cooper of Sargent	McKechnie	Sunderland
Cooper of Stutsman	Meldinger	Swendseid
Dahl	Meiklejohn	Tallackson
Davis	Midgarden	Thompson
Dickinson	Mitchell	Thoreson
Duncan	Mooney	Tofsrud
Eggen	Moore	Treat
Ellison	Morgan	Underwood
Flados	Nelson	Vernon
Ganssle	Nicholson	Walter
Gibbens	Oveson	Weigel
Gilbert	Ovind	Welo
Glasgow	Palmer	White
Hardt	Phelan	Mr. Speaker
Heglie	Purdon	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rose
Branten	McCrea	Scheer
Briden	McLain	Simpson
Brown	Palfrey	Stevens of Burleigh
Buttz	Peterson	Sweet
Casey	Piper	Truemner
Dahlen	Richmond	Watson
Fried	Robillard	

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill passed and the title was agreed to.

The house proceeded to the 13th order of business.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Was read the first and second times, and

Referred to the committee on municipal corporations.

The house returned to the 9th order of business.

FIRST AND SECOND READING OF HOUSE BILLS

Mr. Davis introduced

House Bill No. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on taxes and tax laws.

Mr. Stevens of Burleigh, introduced

House Bill No. 273,

A bill for an act relating to the sale and disposal of state lands bearing coal, and providing that the commissioner of state lands shall ascertain what state lands bear coal before offering state lands for sale.

Which was read the first and second times and

Referred to the committee on state affairs.

THIRD READING OF HOUSE BILLS.

House Bill No. 238,

A bill for an act providing for the care of bridges and culverts when used by the owners or operators of traction engines, providing for the liability of such owners or operators, and providing penalty for the violation of the provisions of this act.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 36, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Schlenker
Belden	Jennings	Stavens
Blake	Johnson of Ward	Stevens of Dickey
Blank	Kyle	Streeter
Briden	Lemieux	Sweet
Buttz	Lillie	Swendseld
Chevalier	McCrea	Tallackson
Dahl	Midgarden	Thompson
Davis	Moore	Underwood
Dickinson	Morgan	Vernon
Eggen	Nelson	Walter
Flados	Palmer	Welo
Ganssle	Rice	White
Gibbens	Rue	Mr. Speaker
Heglie		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Glasgow	Purdon
Arnold	Hardt	Richmond
Baeverstad	Johnson of Richland	Rogers
Braaten	McClure	Rose
Burgum	McLain	Ryan
Burtness	Meidenger	Sowle
Clendening	Mooney	Spangberg
Cooper of Sargent	Oveson	Stevens of Burleigh
Cooper of Stutsman	Ovind	Sunderland
Dahlen	Peterson	Thoreson
Duncan	Phelan	Treat
Ellison	Piper	Weigel

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Lyon	Robillard
Casey	Martin	Scheer
Chapman	McKechnie	Sheils
Fried	Meiklejohn	Simpson
Gilbert	Mitchell	Tofsrud
Goulet	Nicholson	Truemner
Juzeler	Palfrey	Watson

Messrs. Brown, Casey, Fried, Goulet, Simpson and Truemner being excused.

So the bill was lost.

Mr. Cooper of Sargent explained his vote.

Mr. Davis explained his vote.

Mr. Johnson of Richland explained his vote.

Mr. Stevens of Burleigh explained his vote.

Mr. Tallackson explained his vote.

Mr. Stevens of Burleigh moved

That the vote by which House Bill No. 238 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Phelan moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Morgan to the chair.

The speaker in the chair.

When the committee arose, the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred
House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

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

By inserting at the end of section 1 the following:

"Provided, that when in the judgment of any such board, person or persons, an emergency exists, and the interests of the state are jeopardized by reason of the exhaustion of the amount appropriated for a specific purpose, the matter with all relative facts, shall be referred to a commission consisting of the governor, secretary of state, and state auditor, who may authorize the transfer of money from one fund to another fund of the same institution or purpose.

"Provided further, that nothing in this act shall be construed as authorizing any expenditures by any person or persons not provided for by lawful appropriations."

"Sec. 4. Section 1023 of the revised code is hereby repealed."

And when so amended, recommend that the same do pass.

Also,

House Bill No. 125,

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

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

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

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

Also,

House Bill No. 181,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid to judges of county courts, and to repeal chapter 66 of the session laws of 1903.

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

Also,

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

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

Also,

House Bill No. 208,

A bill for an act prohibiting the use of firearms by certain minors, and providing a penalty for the violation thereof.

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

Also,

House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personalty.

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

V. MORGAN,
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,
Senate Bill No. 185,

A bill for an act to amend section 3574 of article III of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.

Also,
Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Also,
Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Also,
Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,
Senate Bill No. 74,

A bill for an act to amend sections 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

Also,
Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the in-

stitution treasurer, and providing for the application of such funds.

Also,

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Also,

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 192,

A bill for an act establishing and naming a state flower for the state of North Dakota.

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

Also

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house returned to 5th order of business.

The committee on irrigation made the following report:

Mr. Speaker:

Your committee on irrigation to whom was referred

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage

and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

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

F. B. CHAPMAN,
Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Was delivered to the governor for his approval at the hour of 4:20 o'clock p. m., February 23, 1905.

W. A. McCLURE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Gilbert moved

That House Bill No. 239 be re-referred to committee on judiciary.

Which motion prevailed, and

The bill was so referred.

Mr. Davis moved

That Senate Bill No. 187 be re-referred to the committee on state affairs.

Which motion prevailed, and

The bill was so referred.

Mr. Morgan moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Freid, McLain and Truemner, who were excused.

The courtesies of the floor were extended to E. P. Olson and Charles L. Mitchell of Stutsman county.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

To the House of Representatives:

Mr. Speaker:

I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

I have the honor to be,
E. Y. SARLES,
Governor.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 15, line 13, change name "Regan" to "Ryan."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign.

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

And the speaker signed the same in the presence of the house.

REPORT OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House Bill No. 92,

A bill for an act providing for maintaining switch lights at railroad switches and providing a penalty for failure to do so.

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

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:
Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 195,

A bill for an act requiring railroad corporations to establish and maintain telephones or telegraphones at stations where agents are not kept.

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

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report of the committee be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:
Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

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

By striking out the word "exact" in line 5 of section 1 of the printed bill.

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:
Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 256,

A bill for an act to require railroad companies to provide seats for all persons riding on their passenger trains.

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

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on public printing, made the follownig report:

Mr. Speaker:

Your committee on public printing to whom was referred

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

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

Also,

House Bill No. 246,

A bill for an act to amend section 1804, of the revised codes of 1899, relating to official newspapers.

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

W. S. MITCHELL,

Chairman.

Mr. Mitchell moved

That the report of the committee be adopted

Mr. Phelan moved

As a substitute motion that the bill be re-referred to the committee on public printing.

Which motion was lost.

The question being upon the original motion to indefinitely postpone.

Which motion prevailed.

And further consideration of the bill was indefinitely postponed.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred

House Bill No. 202,

A bill for an act to amend section 1936 of the revised codes, relating to the publication of the proceedings of the board of county commissioners.

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

W. S. MITCHELL,
Chairman.

Mr. Mitchell moved

The report of the committee was adopted.

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

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

W. S. MITCHELL,
Chairman.

Mr. Mitchell moved

That the report of the committee be adopted

Which motion prevailed.

And further consideration of the bill was indefinitely postponed.

The committee on rules made the following report:

Mr. Speaker:

Your committee on rules respectfully report recommending the adoption of the following rule:

The speaker shall appoint a steering committee to consist of fifteen members to receive and take charge of all bills, and report the order of the day.

E. L. RICHMOND,
Chairman.

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

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 84,

A bill for an act to define and regulate the sale of matches and to provide a penalty for the violation of this act.

Also,

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Also,

House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

Also,

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Also,

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Also,

House Bill No. 253,

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Have had the same under consideration and recommend that the same be amended by striking out all after the words "a bill," and inserting the following:

Substitute for House Bill No. 245:

For an act to amend chapter 334, of session laws of 1903, to provide for the collection, arrangement and display of the products and resources of the state of North Dakota, at the Lewis and Clark Centennial and Pacific Exposition and Oriental Fair to be held in 1905, at the City of Portland, Oregon, and providing, for a board of commissioners therefor, and making an appropriation for the purpose.

Section 1. That chapter 34, of session laws of 1903, be amended to read as follows:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Commission Created. Members of.] For the purpose of exhibiting the resources, products and advantages of the state of North Dakota, at the Lewis and

Clark Centennial and Pacific Exposition and Oriental Fair, to be held at Portland, Oregon, in 1905, a commission is hereby created to be known as the Lewis and Clark Centennial Fair Commission, which commission shall be composed of the governor and two other members, whom the governor shall have power to appoint.

Section 2. Meetings. Appointment of Manager. His Duties. Must Give Bond.] The commission shall meet at the call of the governor at such time and place as he may designate. They shall select an executive commissioner or manager, who shall be authorized and required to assume and exercise, subject to the supervision of the board, all such executive powers and functions as may be necessary to secure a complete and creditable exhibit of the industries of the state at said fair, and shall have personal charge of the solicitation, collection, transportation, arrangement and exhibition of the products and resources of the state. Such executive commissioner shall employ all assistance necessary to carry out the purpose of this act, and shall, before assuming the duties of his office, execute a bond in a sum equal to one-half the amount appropriated by this act, to be approved by the governor and filed with the secretary of state. Said bond shall run to the state of North Dakota, and shall be conditioned for the faithful performance of his duties as such executive commissioner.

Section 3. Compensation of Board.] The members of the commission herein provided for shall not be entitled to any compensation for their services, except their actual necessary expenses for transportation, and subsistence for each day they are necessarily absent from their homes on the business of said commission; provided, that the executive commissioner herein provided for shall receive such compensation as may be allowed by the commission.

Section 4. Expenses, How Paid.] The expenses incurred under this act shall be audited and paid in the same manner as provided for the payment of expenses of state affairs (officers); provided, that no bill shall be audited or paid unless the same is endorsed by the executive commissioner "approved."

Section 5. Appropriation.] There is hereby appropriated out of any moneys in the state treasury, so much of the money as remains from the appropriation authorized under chapter 34, session laws of 1903.

Section 6. Commissioners Shall Hold Office During Lewis and Clark Exposition.] The commission named in section 1, or their successors in office, shall hold their office as such commission for and during the term ending with the close of the Lewis and Clark exposition named herein.

Section 7. Commission Shall Report, When.] Said commission shall report to the next session of the legislature an itemized statement of its receipts and disbursements.

Section 8. Emergency.] Whereas, an emergency exists in that said commission will require all the time possible to give them to properly perform their duties, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

E. L. RICHMOND,
Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

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

E. L. RICHMOND,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble

minged, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

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

By striking out after the word "Grafton" the following in line 3 of section 1 of the printed bill: "To the school for the deaf and dumb at Devils Lake and to the blind asylum at Bathgate," and inserting the word "and" after the word "Jamestown" in line 3 of section 1.

And when so amended recommend that the same do pass.

E. L. RICHMOND,
Chairman.

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

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 176.

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

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

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

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

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure

and Williams for money advanced by them to defray irrigation investigation expenses.

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

That after the word "irrigation" in the eighth line of section 1 of the original bill, insert the following words, viz: "and to pay for the expenses incurred in connection with the irrigation congress."

And that the title be amended as follows: Insert after the title in the original bill the following words, viz: "And to pay expenses in connection with the state irrigation congress."

And when so amended recommend that the same do pass.

W. D. SWEET,
Chairman.

Mr. Sweet moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Stevens of Burleigh, introduced

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Which was read the first and second times and

Referred to the committee on enrollment.

Mr. White introduced

House Bill No. 275,

A bill for an act to provide for the erection and removal of school houses in certain cases by a majority vote of electors.

Which was read the first and second times and

Referred to the committee on education.

Mr. Lillie introduced

House Bill No. 276,

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Lillie introduced

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Mitchell introduced

House Bill No. 278,

A bill for an act to repeal section 1807, of article 27, and section 50, of article 4, of the revised codes of 1899.

Which was read the first and second times and

Referred to the committee on judiciary.

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh moved

That the state fair bill be made a special order for Tuesday, Feb. 28, at 3 o'clock p. m., and that the discussion of the same shall be under the rules of the committee of the whole.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That the house when on the third reading of bills today shall continue under that order of business until completed, except in case of general orders.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 225,

A bill for an act concerning the transferring of a person's business.

Was read the third time.

Mr. Phelan asked unanimous consent to amend the bill.

There being no objection.

Mr. Phelan moved

That the bill be amended:

By striking out in line 1, section 1 of the printed bill, the word "commodities" and inserting in lieu thereof the word "merchandise."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 83; nays, 2; absent and not voting, 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Richmond
Allen	Hemmingson	Robillard
Belden	Jennings	Rogers
Blake	Johnson of Ward	Rose
Blank	Juzeler	Rue
Braaten	Kyle	Ryan
Briden	Lemieux	Scheer
Burgum	Lillie	Schlenker
Burtness	Lyon	Sheils
Buttz	Martin	Simpson
Casey	McClure	Sowle
Chapman	McCrea	Spangberg
Chevalier	McKechnie	Stevens of Dickey
Clendenning	Meidinger	Streeter
Dahl	Meiklejohn	Sunderland
Dahlen	Midgarden	Sweet
Dickinson	Mitchell	Swendseid
Davis	Mooney	Tallackson
Duncan	Moore	Thompson
Eggen	Morgan	Treat
Ellison	Nelson	Underwood
Flados	Oveson	Vernon
Ganssle	Ovind	Walter
Gibbens	Palmer	Weigel
Gilbert	Phelan	Welo
Glasgow	Piper	White
Goulet	Purdon	Mr. Speaker
Hardt	Rice	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Peterson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Johnson of Richland	Stevens of Burleigh
Baeverstad	McLain	Thoreson
Brown	Nicholson	Truemner
Cooper of Sargent	Palfrey	Tofsrud
Fried	Stavens	Watson

Messrs. Freid, McLain, Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. Richmond moved

That the vote by which House Bill No. 225 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. White asked unanimous consent to amend House Bill No. 205.

There being no objection

Mr. White moved

That House Bill No. 205 be amended as follows: By inserting after the word "shall" in line 3 of section 1, of the printed bill, the words "on demand."

Which motion prevailed, and

The bill was so amended.

Mr. Ryan moved

That House Bill No. 205 be referred to the committee on judiciary.

Which motion prevailed, and

The bill was so referred.

House Bill No. 226,

A bill for an act to amend section 3742, revised codes of the state of North Dakota, of 1899, relating to the order of succession.

Mr. White moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed and

The further consideration of the bill was indefinitely postponed.

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 78; nays, none; absent and not voting, 22.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Clendening
Dahl
Dahlen

Messrs.—

Hardt
Heglie
Hemmingson
Jennings
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McClure
McCrea
Meldinger
Meiklejohn
Midgarden
Mitchell

Messrs.—

Piper
Purdon
Rice
Robillard
Rogers
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter

Messrs.—

Davis
Dickinson
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet

Messrs.—

Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Peterson
Phelan

Messrs.—

Sunderland
Sweet
Swenseld
Tallackson
Thompson
Thoreson
Underwood
Walter
Weigel
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Briden
Chevalier
Cooper of Sargent
Cooper of Stutsman
Eggen
Fried
Johnson of Richland

Messrs.—

Lyon
McKechnie
McLain
Palfrey
Richmond
Rose
Stevens of Burleigh

Messrs.—

Tofsrud
Treat
Truemner
Vernon
Watson
Welo
White

Messrs. Freid, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Was read the third time.

Mr. Morgan asked unanimous consent to make an amendment.

There being no objection

Mr. Morgan moved that the bill be amended by striking out the word "township" in line 5, section 354 of the printed bill.

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 74; nays, 0; absent and not voting, 26.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Blake
Blank
Braaten
Brown

Messrs.—

Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McClure

Messrs.—

Rose
Rue
Ryan
Scheer
Simpson
Sowle
Spangberg

Messrs.—	Messrs.—	Messrs.—
Burgum	McCrea	Stavens
Burtness	McKechnie	Stevens of Burleigh
Buttz	Meldinger	Stevens of Dickey
Chapman	Meiklejohn	Streeter
Chevalier	Mitchell	Sunderland
Clendening	Mooney	Sweet
Cooper of Stutsman	Moore	Swendseid
Dahl	Morgan	Tallackson
Dahlen	Nelson	Thompson
Davis	Nicholson	Thoreson
Ellison	Oveson	Tofsrud
Flados	Palmer	Treat
Ganssle	Peterson	Underwood
Gibbens	Phelan	Walter
Gilbert	Purdon	Weigel
Glasgow	Rice	White
Heglie	Robillard	Mr. Speaker
Jennings	Rogers	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Piper
Belden	Hardt	Richmond
Briden	Hemmingson	Schlenker
Casey	Johnson of Richland	Shells
Cooper of Sargent	Lyon	Truemner
Dickinson	McLain	Vernon
Duncan	Midgarden	Watson
Eggen	Ovind	Welo
Fried	Palfrey	

Messrs. Freid, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 84; nays, 0; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Purdon
Allen	Hardt	Rice
Arnold	Heglie	Richmond
Baeverstad	Hemmingson	Robillard
Belden	Jennings	Rogers
Blake	Johnson of Richland	Rose
Blank	Johnson of Ward	Rue
Braaten	Juzeler	Ryan

Messrs.—

Briden
Brown
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Kyle
Lemieux
Lillie
McClure
McCrea
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Palmer
Peterson
Phelan
Piper

Messrs.—

Scheer
Schlenker
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Cooper of Sargent
Dickinson
Eggen
Fried
Lyons
Martin

Messrs.—

McLain
Ovind
Palfrey
Sheils
Stevens of Burleigh

Messrs.—

Sweet
Truemner
Vernon
Watson
Welo

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Stevens of Burleigh to the chair.

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Was read the third time.

The question being on the final passage of the bill.

Mr. Sheils moved

That the bill be re-referred to the committee on state affairs.

Which motion prevailed.

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Was read the third time.

Mr. White asked unanimous consent to make an amendment.

Which was objected to.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 76; nays, 1; absent and not voting, 23.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Rogers
Allen	Johnson of Ward	Rue
Arnold	Kyle	Ryan
Baeverstad	Lemieux	Scheer
Blake	Lillie	Schlenker
Blank	Martin	Sheils
Braaten	McClure	Simpson
Briden	McCrea	Sowle
Brown	McKechnie	Spangberg
Burgum	Meidinger	Stavens
Burness	Meklejohn	Stevens of Burleigh
Chapman	Midgarden	Stevens of Dickey
Chevalier	Mooney	Streeter
Cooper of Stutsman	Moore	Sunderland
Dahlen	Morgan	Sweet
Davis	Nelson	Swendseld
Duncan	Nicholson	Tallackson
Ellison	Ovind	Thompson
Flados	Palmer	Thoreson
Ganssle	Peterson	Tofsrud
Gibbens	Phelan	Treat
Gilbert	Piper	Underwood
Glasgow	Purdon	Walter
Hardt	Rice	Weigel
Heglie	Robillard	White
Hemmingson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	Fried	Richmond
Buttz	Goulet	Rose
Casey	Juzeler	Truemner
Glendening	Lyon	Vernon
Cooper of Sargent	McLain	Watson
Dahl	Mitchell	Welo
Dickinson	Oveson	Mr. Speaker
Eggen	Palfrey	

Mr. Johnson of Richland, voting in the negative.

Messrs. Freid, McLain and Truemner, being excused.

So the bill passed and the title as amended was agreed to.

Mr. Simpson moved

That the vote by which House Bill No. 151 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 24, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION.

Whereas, The studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and

Whereas, The local statutes and session laws are not readily obtainable by school district authorities, therefore, be it,

Resolved by the Senate of the state of North Dakota, the House of Representatives concurring, That the secretary of state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district having a high school or a school giving a high school course within such district, one copy of the code of 1899 and one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter, issued, and one copy of the legislative manual or blue book issued in 1905 and bi-ennially thereafter, for the use of each such high school or school teaching or giving a high school course, within such district.

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

Also,

I have the honor to transmit herewith
Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Also,

Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

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

Respectfully,
L. M. McGLASHAN,
Secretary.

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 79; nays, 0; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Robillard
Allen	Jennings	Rogers
Arnold	Johnson of Richland	Rose
Blake	Juzeler	Rue
Blank	Kyle	Ryan
Braaten	Lemieux	Scheer
Briden	Lillie	Schlenker
Brown	McClure	Sheils
Burgum	McCrea	Simpson
Burtness	McKechnie	Sowle
Buttz	Meidinger	Spangberg
Chapman	Meiklejohn	Stavens
Chevalier	Midgarden	Stevens of Burleigh
Cooper of Stutsman	Mitchell	Stevens of Dickey
Dahlen	Mooney	Streeter
Davis	Moore	Sunderland
Dickinson	Morgan	Sweet
Duncan	Nicholson	Swenaseid
Ellison	Oveson	Thompson
Flados	Ovind	Thoreson
Ganssle	Palfrey	Tofsrud
Gibbens	Palmer	Underwood
Gilbert	Peterson	Walter
Glasgow	Phelan	Weigel
Goulet	Piper	White
Hardt	Purdon	
Heglie	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Fried	Tallackson
Belden	Johnson of Ward	Treat
Casey	Lyon	Truemner
Clendening	Martin	Vernon

Messrs.—

Cooper of Sargent
Dahl
Eggen

Messrs.—

McLain
Nelson
Richmond

Messrs.—

Watson
Welch
Mr. Speaker

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 184 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 80; nays, 0; absent and not voting, 20.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Chapman
Chevalier
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
McClure
McCrea
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseld
Tallackson
Thompson
Thoreson
Tofsrud
Underwood
Walter
Weigel
White

Absent and not voting:

Messrs.—

Baeverstad
Buttz
Casey
Clendening
Cooper of Sargent
Dahl
Eggen

Messrs.—

Ellison
Fried
Lyon
Martin
McLain
Moore
Richmond

Messrs.—

Treat
Truemner
Vernon
Watson
Welo
Mr. Speaker

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

House Bill No. 125,

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 75; nays, 11; absent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Chapman
Chevalier
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Martin
McClure
McCrea
McKechnie
Meidenger
Midgarden
Mitchell
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper

Messrs.—

Purdon
Rice
Richmond
Robillard
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Simpson
Spangberg
Stavens
Stevens of Dickey
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Treat
Underwood
Walter
Weigel
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Buttz
Casey
Cooper of Sargent
Hardt

Messrs.—

Meiklejohn
Mooney
Sowle
Stevens of Burleigh

Messrs.—

Streeter
Tallackson
White

Absent and not voting:

Messrs.—

Clendening
Dahl
Eggen
Fried
Goulet

Messrs.—

Lemieux
Lyons
McLain
Phelan
Ryan

Messrs.—

Truemner
Vernon
Watson
Weio

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Dickey, moved

That the vote by which House Bill No. 125 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 69; nays, 6; absent and not voting, 25.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Braaten
Brown
Burgum
Burness
Casey
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Davis
Dickinson
Duncan
Ellison
Flados
Gibbens
Glasgow
Goulet
Hardt
Heglie

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Martin
McCrea
McKechnie
Meidinger
Meiklejohn
Mooney
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Rice
Robillard
Rogers
Rose
Rue
Scheer
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Thompson
Thoreson
Treat
Underwood
Walter
Weigel
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Briden	Ganssle	Nelson
Dahlen	Gilbert	Swendseid

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Lyon	Schlenker
Baeverstad	McClure	Simpson
Blank	McLain	Tallackson
Buttz	Midgarden	Tofsrud
Clendening	Mitchell	Truemner
Dahl	Moore	Vernon
Eggen	Richmond	Watson
Fried	Ryan	Welo
Lemieux		

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. Lillie moved

That the vote by which House Bill No. 117 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 252.

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 65; nays, 6; absent and not voting, 29.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Purdon
Belden	Jennings	Rice
Blank	Johnson of Richland	Rogers
Briden	Johnson of Ward	Rose
Brown	Juzeler	Scheer
Burgum	Kyle	Sowle
Burtness	Lemieux	Spangberg
Buttz	Lillie	Stavens
Casey	Martin	Stevens of Burleigh
Chapman	McCrea	Stevens of Dickey
Chevalier	Meidinger	Streeter
Cooper of Stutsman	Midgarden	Sunderland
Davis	Mitchell	Sweet
Dickinson	Mooney	Swendseid
Ellison	Morgan	Thompson
Ganssle	Nelson	Treat

Messrs.—

Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie

Messrs.—

Nicholson
Ovind
Palfrey
Palmer
Phelan
Piper

Messrs.—

Underwood
Walter
Weigel
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Blake
Cooper of Sargent

Messrs.—

Flados
Meiklejohn

Messrs.—

Robillard
Tofsrud

•Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Braaten
Clendenning
Dahl
Dahlen
Duncan
Eggen
Fried

Messrs.—

Lyon
McClure
McKechnie
McLain
Moore
Oveson
Peterson
Richmond
Rue
Ryan

Messrs.—

Schlenker
Sheils
Simpson
Tallackson
Thoreson
Truemner
Vernon
Watson
Welo

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 252 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 253,

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 62; nays, 10; absent and not voting, 28.

Those who voted in the affirmative were:

Messrs.—

Adams
Blake
Braaten
Briden
Brown
Burgum
Burness
Chapman
Chevalier
Cooper of Stutsman

Messrs.—

Hemmingson
Jennings
Johnson of Ward
Juzeler
Kyle
Lillie
McCrea
Meidinger
Meiklejohn
Midgarden

Messrs.—

Robillard
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Spangberg
Stavens
Stevens of Burleigh

Messrs.—

Davis
Dickinson
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie

Messrs.—

Mitchell
Morgan
Nelson
Nicholson
Oveson
Ovind
Palmer
Peterson
Piper
Purdon
Rice

Messrs.—

Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Treat
Walter

Those who voted in the negative were:

Messrs.—

Allen
Arnold
Blank
Cooper of Sargent

Messrs.—

Duncan
Lemieux
Martin

Messrs.—

Phelan
Richmond
Weigel

Absent and not voting:

Messrs.—

Baeverstad
Belden
Buttz
Casey
Clendening
Dahl
Dahlen
Eggen
Fried
Johnson of Richland

Messrs.—

Lyon
McClure
McKechie
McLain
Mooney
Moore
Palfrey
Ryan
Simpson

Messrs.—

Sowle
Tallackson
Truemner
Underwood
Vernon
Watson
Welo
White
Mr. Speaker

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. Tofsrud moved

That the vote by which House Bill No. 253 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Also,

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the

appointment of deputies and for penalties for malfeasance in office.

Also,

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 71,

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Also,

Senate Bill No. 212,

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Also,

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 65; nays, 6; absent and not voting, 29.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Burgum
Burtness
Chapman
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Ellison
Flados

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Lillie
McClure
McCrea
McKechnie
Meldinger
Meiklejohn
Mitchell
Moore
Morgan
Nelson
Nicholson
Palmer

Messrs.—

Rogers
Rue
Rose
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tofsrud
Treat
Underwood

Messrs.—
 Gilbert
 Glasgow
 Goulet
 Hardt

Messrs.—
 Peterson
 Piper
 Purdon
 Robillard

Messrs.—
 Walter
 Weigel
 Mr. Speaker

Those who voted in the negative were:

Messrs.—
 Kyle
 Lemieux

Messrs.—
 Oveson
 Ovind

Messrs.—
 Phelan
 Thompson

Absent and not voting:

Messrs.—
 Baeverstad
 Brown
 Buttz
 Casey
 Chevalier
 Clendenning
 Dahl
 Duncan
 Eggen
 Fried

Messrs.—
 Ganssle
 Gibbens
 Lyon
 Martin
 McLain
 Midgarden
 Mooney
 Palfrey
 Rice
 Richmond

Messrs.—
 Stavens
 Sunderland
 Tallackson
 Thoreson
 Truemner
 Vernon
 Watson
 Welo
 White

Messrs. Fried, McLain and Truemner, being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Ward, moved

That the vote by which House Bill No. 86 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 84,

A bill for an act to define and regulate the sale of matches and to provide a penalty for the violation of this act.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 35; nays, 39; absent and not voting, 26.

Those who voted in the affirmative were:

Messrs.—
 Adams
 Blank
 Braaten
 Burgum
 Chapman
 Dahlen
 Davis
 Duncan
 Gilbert
 Glasgow
 Hardt
 McCrea

Messrs.—
 Moore
 Morgan
 Oveson
 • Palmer
 Phelan
 Piper
 Richmond
 Robillard
 Rogers
 Rue
 Scheer
 Shiels

Messrs.—
 Simpson
 Stavens
 Stevens of Burleigh
 Streeter
 Sweet
 Thompson
 Thoreson
 Tofsrud
 Treat
 White
 Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Palfrey
Arnold	Hemmingson	Peterson
Belden	Jennings	Purdon
Blake	Johnson of Richland	Rice
Brown	Kyle	Ryan
Burtness	Lemieux	Schlenker
Buttz	Martin	Sowle
Casey	McKechnie	Spangberg
Cooper of Sargent	Meidinger	Stevens of Dickey
Flados	Mitchell	Sunderland
Ganssle	Nelson	Swendseld
Gibbens	Nicholson	Tallackson
Goulet	Ovind	Underwood

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Fried	Mooney
Briden	Johnson of Ward	Rose
Chevalier	Juzeler	Truemner
Clendening	Lillie	Vernon
Cooper of Stutsman	Lyon	Walter
Dahl	McClure	Watson
Dickinson	McLain	Weigel
Eggen	Meiklejohn	Welo
Ellison	Midgarden	

Messrs. Fried, McLain and Truemner, being excused.

So the bill was lost.

Mr. Phalen moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself in a committee of the whole.

The speaker called Mr. Underwood to the chair.

The speaker in the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

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

Also,

House Bill No. 197,

A bill for an act providing for the salaries of sheriffs, under sheriffs and deputy sheriffs; providing for the appoint-

ment of under sheriffs and deputy sheriffs, prescribing the duties of said officers, and prescribing the penalties for the violation of said duties.

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

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

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

Also,

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Have had the same under consideration and recommend that the same do pass as amended by the committee.

FRED UNDERWOOD,

Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Was delivered to the governor for his approval at the hour of 4:30 o'clock p. m., February, 1905.

W. A. McCLURE,

Chairman.

The house returned to the 9th order of business.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Morgan introduced

House Bill No. 279,

A bill for an act to amend and re-enact section 2888 of the revised codes of North Dakota of 1899, relating to the manner of voting shares of stock corporations.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Stevens of Burleigh introduced

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns, villages of the state, through their corporate authorities, to become members of water users associations and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Which was read the first and second times, and

Referred to the committee on irrigation.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 24, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 180,

A bill for an act creating park districts, and for the gov-

ernment thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

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

Also,

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Which the senate has passed unchanged.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Which the senate has amended as follows:

By changing the word "term" in the title of said bill to the word "terms" and by striking out all of said bill after the enacting clause and inserting the following:

"Section 1. Two terms of the district court shall be held in the county of Billings at the county seat thereof, commencing on the third Tuesday in April, and the first Tuesday in October of each year."

"Section 2. All acts and parts of acts inconsistent with this act are hereby repealed."

"Section 3. An emergency exists in that there is no law fixing terms of court in Billings county, therefore an emergency exists and this act shall be in force from and after its passage and approval."

And passed as amended.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Which the house has passed unchanged.

Also,

House Bill No. 27, •

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Which the senate has amended by inserting after section 13 the following:

"Section 14. All goods coming into this state after July first, 1905, shall be subject to the provisions of this act, while those goods within the state prior to that date shall be considered as exempt until January 1, 1906."

And passed as amended.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The speaker announced the appointment as a steering committee Messrs. Chapman, chairman; Davis, Richmond, Stevens of Burleigh, McCrea, Johnson of Ward, Adams, Ryan, Treat, Baeverstad, Clendening, Buttz, McClure, Rose and Streeter.

Mr. Phelan moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The house took a recess.

M. A. LILES,

Acting Chief Clerk.

FIFTY-THIRD DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1905.

The house assembled at 10 a. m., pursuant to recess taken.

THIRD READING OF HOUSE BILLS.

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 65, nays none, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahlen
Dickinson
Duncan
Ellison

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
McClure
McKechnie
Meidinger
Meiklejohn
Midgarden
Mooney
Morgan
Nicholson
Oveson
Ovind
Palfrey

Messrs.—

Rice
Rogers
Rose
Rue
Scheer
Schlenker
Shells
Simpson
Sowle
Stavens
Stevens of Dickey
Streeter
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Walter

Messrs.—
Ganssle
Gibbens
Goulet
Heglie

Messrs.—
Palmer
Peterson
Phelan
Purdon

Messrs.—
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—
Baeverstad
Briden
Buttz
Casey
Clendenning
Dahl
Davis
Eggen
Flados
Fried
Gilbert
Glasgow

Messrs.—
Hardt
Lillie
Lyon
Martin
McCrea
McLain
Mitchell
Moore
Nelson
Piper
Richmond
Robillard

Messrs.—
Ryan
Spangberg
Stevens of Burleigh
Sunderland
Sweet
Treat
Truemner
Underwood
Vernon
Watson
Welo

Messrs. Fried, McLean and Truemner being excused.

So the bill passed and the title was agreed to.

House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 67, nays none, absent and not voting 33.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Chapman
Chevalier
Cooper of Sargent
Dahlen
Davis
Duncan

Messrs.—
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
McClure
McKechnie
Meidinger
Meiklejohn
Midgarden
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind

Messrs.—
Rice
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Thompson

Messrs.—	Messrs.—	Messrs.—
Ellison	Palfrey	Thoreson
Ganssle	Palmer	Underwood
Gibbens	Peterson	Walter
Goulet	Phelan	Weigel
Heglie	Piper	White
Hemmingson	Purdon	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Gilbert	Robillard
Briden	Glasgow	Ryan
Buttz	Hardt	Simpson
Casey	Lillie	Sunderland
Clendening	Lyon	Tallackson
Cooper of Stutsman	Martin	Tofsrud
Dahl	McCrea	Treat
Dickinson	McLain	Truemner
Eggen	Mitchell	Vernon
Flados	Nelson	Watson
Fried	Richmond	Welo

Messrs. Fried, McLean and Truemner being excused.

So the bill passed and the title was agreed to.

Mr. Morgan moved

That the vote by which House Bill No. 224 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 65, nays none, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Rice
Allen	Jennings	Rogers
Arnold	Johnson of Richland	Rue
Belden	Johnson of Ward	Scheer
Blake	Juzeler	Schlenker
Blank	Kyle	Shells
Braaten	Lemieux	Simpson
Brown	McClure	Sowle
Burgum	McCrea	Spangberg
Burtness	Meidinger	Stavens

Messrs.—	Messrs.—	Messrs.—
Chapman	Meiklejohn	Streeter
Chevalier	Midgarden	Sweet
Cooper of Sargent	Mooney	Swendseid
Dahlen	Moore	Tallackson
Davis	Morgan	Thompson
Duncan	Nicholson	Thoreson
Ellison	Oveson	Underwood
Flados	Ovind	Walter
Ganssle	Palmer	Weigel
Gibbens	Peterson	White
Goulet	Phelan	Mr. Speaker
Heglie	Purdon	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Hardt	Rose
Briden	Lillie	Ryan
Buttz	Lyon	Stevens of Burleigh
Casey	Martin	Stevens of Dickey
Clendening	McKechnie	Sunderland
Cooper of Stutsman	McLain	Tofsrud
Dahl	Mitchell	Treat
Dickinson	Nelson	Truemner
Eggen	Palfrey	Vernon
Fried	Piper	Watson
Gilbert	Richmond	Welo
Glasgow	Robillard	

Messrs. Fried, McLean and Truemner being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 251 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personal-ity.

Mr. Stevens, of Burleigh, moved

That House Bill No. 189 be made a special order for 3 p. m. today.

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The following concurrent resolution was laid before the house:

CONCURRENT RESOLUTION

Whereas, The studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and

Whereas, The local statutes and session laws are not readily obtainable by school district authorities, therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives concurring, That the secretary of state of the state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district having a high school or a school giving a high school course within such district, one copy of the code of 1899 and one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter issued, and one copy of the legislative manual or blue book issued in 1895 and biennially thereafter, for the use of each such high school or school teaching or giving a high school course within such district.

Mr. Thoreson moved

That the house do concur in the senate concurrent resolution relating to the studies of civics in high schools.

Mr. Phelan moved

As a substitute motion that the senate concurrent resolution be indefinitely postponed.

Which motion prevailed, and

The concurrent resolution was indefinitely postponed.

Mr. Phelan moved

That the vote by which senate concurrent resolution regarding codes was indefinitely postponed, be reconsidered.

Which motion prevailed.

Mr. Phelan moved

To strike out the words "one copy of the codes of 1899, and" in the resolution, and when so amended, that the resolution be adopted.

Which motion prevailed, and

The concurrent resolution was adopted as amended.

Mr. Martin moved

That the house do now concur in the senate amendments to House Bill No. 120.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 71, nays none, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Casey
Chevallier
Cooper of Sargent
Dahlen
Duncan
Ellison
Ganssle
Gibbens
Goulet
Heglie
Hemmingson
Jennings

Messrs.—

Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McClure
McCrea
McKechnie
Meidinger
Midgarden
Mitchell
Mooney
Moore
Nicholson
Oveson
Ovind
Palfrey
Palmer
Phelan
Piper
Purdon
Rice
Rogers

Rose
Rue
Ryan
Scheer
Schlenker
Sneils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Underwood
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Chapman
Clendenning
Cooper of Stutsman
Dahl
Davis
Dickinson
Eggen
Flados
Fried

Messrs.—

Gilbert
Glasgow
Hardt
Johnson of Richland
Lyon
Meiklejohn
McLain
Morgan
Nelson
Peterson

Messrs.—

Richmond
Robillard
Stavens
Sunderland
Thoreson
Truemner
Vernon
Watson
Welo

Messrs. Fried, McLean and Truemner being excused.

So the bill passed and the title was agreed to.

Mr. Sweet moved

That the house do now concur in the senate amendments to House Bill No. 27.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 72, nays none, absent and not voting 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Phelan
Allen	Hemmingson	Piper
Arnold	Jennings	Purdon
Belden	Johnson of Ward	Rice
Blake	Juzeler	Rue
Blank	Kyle	Scheer
Braaten	Lemieux	Schlenker
Briden	Lillie	Sheils
Brown	Martin	Simpson
Burgum	McClure	Sowle
Burtness	McCrea	Stevens of Burleigh
Buttz	McKechnie	Stevens of Dickey
Casey	Meldinger	Streeter
Chevalier	Midgarden	Sweet
Cooper of Sargent	Mitchell	Swenseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Tofsrud
Duncan	Nicholson	Treat
Ellison	Oveson	Underwood
Flados	Ovind	Walter
Ganssle	Palfrey	Weigel
Gibbens	Palmer	White
Goulet	Peterson	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Johnson of Richland	Ryan
Chapman	Lyon	Spangberg
Clendening	McLain	Stavens
Cooper of Stutsman	Meiklejohn	Sunderland
Dahl	Nelson	Thoreson
Eggen	Richmond	Truemner
Fried	Robillard	Vernon
Gilbert	Rogers	Watson
Glasgow	Rose	Welo
Hardt		

Messrs. Fried, McLean and Truemner being excused.
So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

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

Senate Bill No. 185,

A bill for an act to amend section 3574 of article III of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.

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

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Was read the first and second times, and
Referred to the committee on public health.

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to

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

Senate Bill No. 74,

A bill for an act to amend sections 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

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

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

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

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

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

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

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

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university

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

Senate Bill No. 192,

A bill for an act establishing and naming a state flower

A bill for an act establishing and naming a state flower for the state of North Dakota.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact busi-

ness within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

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

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

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

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

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

Senate Bill No. 71,

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

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

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

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

Senate Bill No. 212,

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

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

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

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

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

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

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

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

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

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

Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

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

The house returned to the 7th order of business.

MOTIONS AND RESOLUTIONS.

Mr. Buttz asked unanimous consent to refer Senate Bill No. 121 to the committee on judiciary.

There being no objection.

Mr. Buttz moved

That the vote by which Senate Bill No. 121 was indefinitely postponed, be reconsidered.

And that the bill be referred to the committee on judiciary.

Which motion prevailed, and
The bill was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
February 25, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Also,

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house returned to the 9th order of business.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Ryan introduced

House Bill No. 281,

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

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

Mr. Rice introduced
House Bill No. 282,

A bill for an act defining the practice in county courts having increased jurisdiction; fixing the terms of court, compensation of judges and clerks and their duties; and amending sections 6588, 6589, 6591, 6595, 6596, 6597, 6603, 6604, 6609, 6610, 6611, 6615 of the revised codes.

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

The acting chief clerk announced that the speaker was about to sign

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

And the speaker signed the same in the presence of the house.

The house proceeded to the 14th order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the investment of school funds.

Was read the third time.

Mr. White asked unanimous consent to amend the bill.

There being no objection.

Mr. White moved

That the bill be amended by striking out line 1 to 7 inclusive of the printed bill and insert in lieu thereof the following:

That the following amendment to the constitution of the state of North Dakota, adopted by the eighth legislative assembly of the state of North Dakota, and by it referred to the ninth legislative assembly of said state for approval, or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill, as amended

The roll was called and there were ayes 59, nays none, absent and not voting 41.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Rue
Allen	Johnson of Ward	Ryan
Belden	Juzeler	Scheer
Blake	Kyle	Sheils
Blank	Lemieux	Simpson
Braaten	Lillie	Sowle
Burgum	Martin	Spangberg
Burtness	McCrea	Stavens
Chapman	Meidinger	Stevens of Burleigh
Cooper of Sargent	Mooney	Streeter
Cooper of Stutsman	Moore	Sweet
Dahlen	Nicholson	Swendseid
Davis	Ovind	Tallackson
Duncan	Palfrey	Thompson
Ellison	Peterson	Thoreson
Ganssle	Phelan	Underwood
Gibbens	Piper	Weigel
Goulet	Purdon	White
Hemmingson	Rice	Mr. Speaker
Jennings	Rogers	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Glasgow	Richmond
Baeverstad	Hardt	Robillard
Briden	Heglie	Rose
Brown	Lyon	Schlenker
Buttz	McClure	Stevens of Dickey
Casey	McKechnie	Sunderland
Chevallier	McLain	Tofsrud
Clendenning	Meiklejohn	Treat
Dahl	Midgarden	Truemner
Dickinson	Mitchell	Vernon
Eggen	Morgan	Walter
Flados	Nelson	Watson
Fried	Oveson	Welo
Gilbert	Palmer	

Messrs. Fried, McLean and Truemner being excused.

So the bill passed and the title was agreed to.

Mr. Phelan moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

M. A. LILES,
Acting Chief Clerk.

FIFTY-FOURTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

On page 26, line 39, before the word "chief" add the word "acting."

On page 34 after the word "recess" strike out the name "Otto Saugstad" and add in lieu thereof "M. A. Liles" and before the words "chief clerk" add the word "acting."

And when so amended recommend that the same be approved.

SAMUEL ADAMS,
Acting Chairman.

Mr. McCrea moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Also,

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

And find the same correctly engrossed.

C. V. BROWN,

Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was re-referred House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

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

In the title in line one after the word "section" change "3" to "4."

In line 3, of printed bill, change the figure "3" to "4."

That line 1, of the printed bill, after the word "section" change from "3" to "4."

And when so amended, recommend that the same do pass.

E. L. RICHMOND,

Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

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

C. D. RICE,

Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

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

D. LEMIEUX,
Chairman.

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

Your committee on education to whom was referred
House Bill No. 269,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

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

Also,
House Bill No. 275,

A bill for an act to provide for the erection and removal of school houses in certain cases by a majority vote of electors.

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

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report of the committee be adopted,

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:
Mr. Speaker:

Your committee on railroads to whom was referred
Senate Bill No. 140,

A bill for an act amending section 1313 of the revised railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

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

GEO. W. H. DAVIS,
Chairman.

The committee on school and public land made the following report:

Mr. Speaker:

Your committee on school and public land to whom was referred

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

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

JOHN S. PALFREY,
Chairman.

Mr. Palfrey moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Phalen moved

That House Bill No. 189 be made a special order for Tuesday at 4 o'clock p. m.

Which motion prevailed,

Mr. Chevalier offered the following resolution and moved its adoption.

Whereas, Clerk W. H. Crawford has not been paid according to the services rendered,

Resolved, That the speaker of the house be authorized to direct payment at the rate of \$5.00 per day from January 23rd, 1905.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK. NORTH DAKOTA.
February 25, 1905.

Mr. Speaker:

I have the honor to inform you that the senate respectfully requests the return of

Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

Respectfully,
L. M. McGLASHAN,
Secretary.

Mr. Stevens of Burleigh moved

That the request be granted and Senate Bill No. 3 be returned to the senate.

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 276,

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

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

Also,

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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

Also,

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Have had the same under consideration, and recommend that the same be amended by striking out all after the enactment clause, and substitute therefor the following:

Section 1. Every railroad corporation operating in this state shall provide at all stations, where a station agent is kept for the purpose of selling and disposing of tickets to passengers, a suitable waiting room for the

accommodation of passengers, which shall be properly lighted and heated, and kept open to the public not less than one hour before the schedule time for the arrival of all passenger trains scheduled to stop at such station.

Section 2. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment to whom was referred

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

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

E. F. GILBERT,
Acting Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

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

C. W. BUTTZ,
Chairman.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at

Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

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

Amend by striking out all after line 32 on page 2 down to and including line 37 on page 3 of the printed bill and insert in lieu thereof the following: "That of the amount herein appropriated the sum of nine thousand nine hundred dollars (\$9,900) shall be taken from this appropriation and charged to the fund now in the treasury and known as the 'interest and income fund' realized from the lands belonging to the said soldiers' home. Provided, that said nine thousand nine hundred dollars (\$9,900) to be taken from said interest and income fund be expended for the support and maintenance of said home."

And when so amended recommend that the same do pass.

W. D. SWEET,
Chairman.

Mr. Sweet moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

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

In line 21 of the printed bill strike out the word "twelve" and insert in lieu thereof the word "six."

And when so amended recommend that the same do pass.

W. D. SWEET,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

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

In place of the words "For purchasing site \$5,000, for the erection of a building \$30,000, for furnishing and equipping said building \$10,000, for maintenance \$5,000, total \$50,000."

Insert the words "For purchasing site, erection, furnishing and equipping building and maintenance, the sum of \$15,000."

And when so amended recommend that the same do pass.

W. D. SWEET,

Chairman.

Mr. Sweet moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred
House Bill No. 165,

A bill for an act making an appropriation for a bridge across Des Lac Lake, in Ward county, North Dakota.

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

Also,

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

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

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

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

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

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

Also,

Senate Concurrent Resolution,

Relating to publication of primary election measures.

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

Also,

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

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

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

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

Also,

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer

school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

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

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the

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

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

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

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

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

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the cur-

rent and contingent expenses of the state hospital for the insane at Jamestown.

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

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

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

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

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

Also,

Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

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

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

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

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the

duties of the State Historical Society of North Dakota, and making an appropriation therefor.

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

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

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

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

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

Also,

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

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

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

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

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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

Also,

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

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

Also,

Senate Bill No. 37,

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

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

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

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

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

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

Also,

Senate Bill No. 104,

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

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

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

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

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

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

By striking out the words "eight thousand two hundred and fifty" in line three of section one of the original bill and inserting in lieu thereof the words "nine thousand three hundred and forty-five."

And when so amended recommend that the same do pass.

W. D. SWEET,

Chairman.

Mr. Sweet moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

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

By striking out the figures "2,660" in line seven of section one of the original bill and inserting in lieu thereof the figures "660" and by striking out the figures "42,257" in line 14 of section 1 of the original bill and inserting in lieu thereof the figures "40,257."

And when so amended recommend that the same do pass.
W. D. SWEET,
Chairman.

Mr. Sweet moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.
Mr. Stevens of Burleigh moved
That Senate Bill No. 1 be taken up first.
Which motion prevailed.
Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over

ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 65, nays none, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jennings	Robillard
Arnold	Johnson of Richland	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Briden	Lemieux	Ryan
Burgum	Lillie	Scheer
Burtness	McCrea	Schlenker
Buttz	McKechnie	Sheils
Casey	Meldinger	Sowle
Chapman	Meiklejohn	Spangberg
Chevalier	Mitchell	Stevens of Burleigh
Clendenen	Mooney	Stevens of Dickey
Cooper of Sargent	Morgan	Sweet
Cooper of Stutsman	Nelson	Swendseid
Davis	Ovind	Tallackson
Dickinson	Palfrey	Underwood
Duncan	Palmer	Walter
Ellison	Peterson	Watson
Ganssle	Phelan	Weigel
Gilbert	Piper	White
Goulet	Purdon	Mr. Speaker
Hemmingson	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Simpson
Baeverstad	Heglie	Stavens
Blank	Johnson of Ward	Streeter
Braaten	Lyon	Sunderland
Brown	Martin	Thompson
Dahl	McClure	Thoreson
Dahlen	McLain	Tofsrud
Eggen	Midgarden	Treat
Flados	Moore	Truemner
Fried	Nicholson	Vernon
Gibbens	Oveson	Welo
Glasgow	Richmond	

Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh moved

That the vote by which Senate Bill No. 1 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 71, nays none, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Blake
Braaten
Briden
Brown
Burgum
Burtness
Casey
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Ellison
Ganssle
Gibbens
Goulet
Hemmingson
Jennings

Messrs.—

Johnson of Richland
Juzeler
Kyle
Lemieux
Lillie
McCrea
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Rice
Robillard
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Underwood
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Belgen
Blank
Buttz
Chapman
Dahl
Eggen
Flados
Fried
Gilbert

Messrs.—

Glasgow
Hardt
Heglie
Johnson of Ward
Lyon
Martin
McClure
McLain
Richmond
Ryan

Messrs.—

Simpson
Stavens
Streeter
Sunderland
Tofsrud
Treat
Truemner
Vernon
Welo

Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which Senate Bill No. 10 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays two, absent and not voting 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Phelan
Baeverstad	Jennings	Piper
Belden	Johnson of Ward	Purdon
Blake	Juzeler	Robillard
Braaten	Kyle	Rogers
Briden	Lemieux	Scheer
Brown	Lillie	Schlenker
Burgum	Martin	Shells
Burness	McCrea	Simpson
Casey	McKechnie	Sowle
Chapman	Meidinger	Spangberg
Chevalier	Meiklejohn	Stevens of Burleigh
Clendening	Midgarden	Stevens of Dickey
Cooper of Sargent	Mitchell	Streeter
Cooper of Stutsman	Mooney	Sweet
Dahlen	Moore	Swenaseid
Davis	Nelson	Tallackson
Dickinson	Nicholson	Thoreson
Duncan	Oveson	Underwood
Flados	Ovind	Walter
Ganssle	Palfrey	Weigel
Gibbens	Palmer	White
Gilbert	Peterson	Mr. Speaker
Goulet		

Those who voted in the negative were:

Messrs.—	Messrs.—
Thompson	Watson

Absent and not voting:

Messrs.—

Adams
Arnold
Blank
Buttz
Dahl
Eggen
Ellison
Fried
Glasgow
Hardt

Messrs.—

Heglie
Johnson of Richland
Lyon
McClure
McLain
Morgan
Rice
Richmond
Rose

Messrs.—

Rue
Ryan
Stavens
Sunderland
Tofsrud
Treat
Truemner
Vernon
Welo

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays none, absent and not voting 30.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Burgum
Burtness
Buttz
Casey
Chevallier
Mendeney
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert

Messrs.—

Goulet
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lamieus
Lillie
Martin
McCrea
McKechnie
Meidinger
Meiklejohn
Midgarden
Mooney
Moore
Nelson
Nicholson
Ovind
Palfrey
Palmer
Peterson

Messrs.—

Piper
Purdon
Rice
Robillard
Rogers
Rue
Scheer
Sheils
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Underwood
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Blank
Brown
Chapman
Dahl
Eggen
Fried
Glasgow
Hardt
Heglie

Messrs.—

Lyon
McClure
McLain
Mitchell
Morgan
Oveson
Phelan
Richmond
Rose
Ryan

Messrs.—

Schlenker
Simpson
Sowle
Streeter
Sunderland
Tofsrud
Treat
Truemner
Vernon
Welo

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Mr. Phelan moved

That House Bill No. 94 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 65, nays none, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Burgum
Burness
Buttz
Casey
Chevaller
Clendening
Cooper of Stutsman

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Martin
McCrea
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney

Messrs.—

Rice
Robillard
Rogers
Rose
Rue
Ryan
Scheer
Simpson
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet

Messrs.—

Duncan
Ellison
Flados
Ganssle
Gibbens
Goulet
Heglie
Hemmingson

Messrs.—

Morgan
Nelson
Nicholson
Ovind
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Swendseid
Tallackson
Thompson
Thoreson
Walter
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Blank
Brown
Chapman
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Eggen
Fried
Gilbert

Messrs.—

Glasgow
Hardt
Lemieux
Lyon
McClure
McLain
Moore
Oveson
Piper
Purdon
Richmond
Schlenker

Messrs.—

Sheils
Sowle
Sunderland
Tofsrud
Treat
Truemner
Underwood
Vernon
Watson
Weigel
Welo

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 72.

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 64, nays 2, absent and not voting 34.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Briden
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier

Messrs.—

Jennings
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McCrea
McKechnie
Meidenger
Meiklejohn
Midgarden

Messrs.—

Rice
Robillard
Rogers
Rose
Rue
Ryan
Scheer
Sheils
Simpson
Stavens
Stevens of Burleigh
Stevens of Dickey

Messrs.—

Clendening
Cooper of Sargent
Cooper of Stutsman
Davis
Duncan
Ganssle
Gibbens
Goulet
Heglie
Hemmingson

Messrs.—

Mitchell
Mooney
Morgan
Nelson
Nicholson
Ovind
Palfrey
Peterson
Phelan

Messrs.—

Streeter
Swendseid
Tallackson
Thoreson
Walter
Watson
Weigel
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Braaten

Messrs.—

Thompson

Messrs.—

Absent and not voting:

Messrs.—

Adams
Blank
Brown
Dahl
Dahlen
Dickinson
Eggen
Ellison
Flados
Fried
Gilbert
Glasgow

Messrs.—

Hardt
Johnson of Richland
Lyon
McClure
McLain
Moore
Oveson
Palmer
Piper
Purdon
Richmond

Messrs.—

Schlenker
Sowle
Spangberg
Sunderland
Sweet
Tofsrud
Treat
Truemner
Underwood
Vernon
Welo

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 71, nays none, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad

Messrs.—

Juzeler
Kyle
Lemieux

Messrs.—

Rogers
Rue
Ryan

Messrs.—

Belden
Blake
Braaten
Briden
Burtness
Casey
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Goulet
Hemmingson
Jennings

Messrs.—

Lillie
McCrea
McKechnie
Meldenger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice
Robillard

Messrs.—

Scheer
Schlenker
Sheils
Simpson
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Underwood
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Blank
Brown
Burgum
Buttz
Chapman
Dahl
Dickinson
Eggen
Fried

Messrs.—

Glasgow
Hardt
Heglie
Johnson of Richland
Johnson of Ward
Lyon
Martin
McClure
McLain
Moore

Messrs.—

Richmond
Rose
Sowle
Sunderland
Tofsrud
Treat
Truemner
Vernon
Welo

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 70, nays none, absent and not voting 30.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Burgum
Burtness
Buttz
Chevalier
Clendenen
Cooper of Sargent
Cooper of Stutsman
Davis
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Goulet
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Phelan
Purdon

Messrs.—

Rice
Robillard
Rue
Scheer
Schlenker
Sheils
Simpson
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Underwood
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Blank
Brown
Casey
Chapman
Dahl
Dahlen
Dickinson
Eggen
Fried

Messrs.—

Glasgow
Hardt
Lyon
McClure
McCrea
McLain
Moore
Peterson
Piper
Richmond

Messrs.—

Rogers
Rose
Ryan
Sowle
Sunderland
Tofsrud
Treat
Truemner
Vernon
Welo

Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays none, absent and not voting 40.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Rogers
Allen	Hemmingson	Rose
Arnold	Jennings	Rue
Belden	Johnson of Richland	Scheer
Blake	Juzeler	Schlenker
Braaten	Kyle	Sheils
Briden	Lemieux	Spangberg
Burtness	McKechnie	Stavens
Buttz	Meidinger	Stevens of Burleigh
Casey	Midgarden	Streeter
Chevallier	Mitchell	Sweet
Clendening	Mooney	Swendseid
Cooper of Stutsman	Morgan	Tallackson
Davis	Oveson	Thompson
Duncan	Ovind	Thoreson
Ellison	Palmer	Underwood
Flados	Peterson	Walter
Ganssle	Phelan	Watson
Gibbens	Purdon	White
Goulet	Rice	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Johnson of Ward	Richmond
Blank	Lillie	Robillard
Brown	Lyon	Ryan
Burgum	Martin	Simpson
Chapman	McClure	Sowle
Cooper of Sargent	McCrea	Stevens of Dickey
Dahl	McLain	Sunderland
Dahlen	Meiklejohn	Tofsrud
Dickinson	Moore	Treat
Eggen	Nelson	Truemner
Fried	Nicholson	Vernon
Gilbert	Palfrey	Weigel
Glasgow	Piper	Welo
Hardt		

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Mr. Stevens of Burleigh, moved

That Senate Bill No. 46 be laid over for further consideration on the next legislative day.

Which motion prevailed.

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the

revised codes of North Dakota for the year 1899, relating to appearance in county courts.

Mr. Underwood moved.

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Mr. Buttz moved

That Senate Bill No. 160 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The acting chief clerk announced that the speaker was about to sign

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Also,

Senate Bill No. 175,

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

Senate Bill No. 208,

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Also,

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

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

Also,

House Bill No. 222,

A bill for an act for the organization and government of special assessments heretofore made.

Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,

Secretary.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 25, 1905.

To the House of Representatives:

Mr. Speaker:

I have the honor to inform you that I have approved and filed with the secretary of state:

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

I have the honor to be,

E. Y. SARLES,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh moved

That the house appropriation bills that have been reported back be made a special order for Monday at 2:30 o'clock p. m..

Which motion prevailed.

The house returned to the 11th order of business.

THIRD READING OF HOUSE BILLS.

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 63, nays 1, absent and not voting 36.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dickinson
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Goulet
Heglie

Messrs.—

Jennings
Johnson of Richland
Hemmingson
Juzeler
Kyle
Lemieux
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Nelson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Rogers
Rose
Scheer
Schlenker
Sheils
Simpson
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Underwood
Walter
Watson
Weigel
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Blank
Braaten
Briden
Brown
Casey
Clendening
Dahl
Dahlen
Davis
Eggen
Fried

Messrs.—

Glasgow
Hardt
Johnson of Ward
Lillie
Lyon
Martin
McClure
McCrea
McLain
Moore
Nicholson
Oveson

Messrs.—

Palfrey
Richmond
Robillard
Rue
Ryan
Sowle
Sunderland
Tofsrud
Treat
Truemner
Vernon
Welo

Mr. White voting in the negative.

Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which House Bill No. 260 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 64, nays none, absent and not voting 36.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Burtness
Buttz
Casey
Chevalier
Clendening
Cooper of Stutsman
Davis
Dickinson

Messrs.—

Jennings
Johnson of Richland
Juzeler
Kyle
Lemieux
Lillie
Martin
Meidinger
Meiklejohn
Mooney
Morgan
Nelson
Oveson
Ovind

Messrs.—

Rogers
Rue
Scheer
Schlenker
Sheils
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson

Messrs.—

Duncan
 Ellison
 Flados
 Ganssle
 Gibbens
 Gilbert
 Heglie
 Hemmingson

Messrs.—

Palfrey
 Palmer
 Peterson
 Phelan
 Piper
 Purdon
 Rice

Messrs.—

Thoreson
 Underwood
 Walter
 Watson
 Weigel
 White
 Mr. Speaker

Absent and not voting:

Messrs.—

Adams
 Blank
 Briden
 Brown
 Burgum
 Chapman
 Cooper & Sargent
 Dahl
 Dahlen
 Eggen
 Fried
 Glasgow

Messrs.—

Goulet
 Hardt
 Johnson of Ward
 Lyon
 McClure
 McCrea
 McKechnie
 McLain
 Midgarden
 Mitchell
 Moore
 Nicholson

Messrs.—

Richmond
 Robillard
 Rose
 Ryan
 Simpson
 Sowle
 Sunderland
 Tofsrud
 Treat
 Truemner
 Vernon
 Welo

Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Underwood moved

That the vote by which House Bill No. 96 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Was read the third time.

Mr. Flados asked unanimous consent to amend the bill.

There being no objection.

Mr. Flados moved

That the bill be amended by striking out in section 16, line 3, figures "10" and inserting in lieu thereof the figure "5." Also in line 4 of section 16, strike out the figures "50" and insert in lieu thereof the figures "15."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill.

The roll was called and there were ayes 61, nays none, absent and not voting 39.

Those who voted in the affirmative were:

Messrs.—

Arnold
Baeverstad
Belden
Blake
Burgum
Burtness
Buttz
Casey
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Davis
Duncan
Ellison
Flados
Ganssle
Gibbens
Gilbert
Goulet

Messrs.—

Heglie
Hemmingson
Johnson of Richland
Juzeler
Kyle
Lemieux
Lillie
Martin
McKechnie
Meidenger
Meiklejohn
Midgarden
Mooney
Morgan
Nelson
Nicholson
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Piper
Purdon
Rice
Rose
Rue
Schlenker
Shells
Simpson
Spangberg
Stevens of Burleigh
Streeter
Swendseid
Tallackson
Thoreson
Underwood
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Allen
Blank
Braaten
Briden
Brown
Dahl
Dahlen
Dickinson
Eggen
Fried
Glasgow
Hardt

Messrs.—

Jennings
Johnson of Ward
Lyon
McClure
McCrea
McLain
Mitchell
Moore
Oveson
Ovind
Richmond
Robillard
Rogers

Messrs.—

Ryan
Scheer
Sowle
Stavens
Stevens of Dickey
Sunderland
Sweet
Thompson
Tofsrud
Treat
Truemner
Vernon
Welo

Messrs. Blank, Dahl, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Weigel moved

That the vote by which House Bill No. 158 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Which the senate has amended as follows:

By striking out the word "conclusive" in line 4 of the engrossed bill, and inserting the words "prima facie" in lieu thereof,

And passed as amended.

Also,

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Which the senate has amended as follows:

By striking out all of lines 29, 30 and 31 of the printed bill and substituting the following in lieu thereof: "District No. 8 shall consist of all that part of the sixth judicial district lying east of the Missouri river and lying south of the south line of township 143, and the county of Logan," and by adding after line 37 of the printed bill the following: "District No. 12 shall consist of all that part of the sixth judicial district lying east of the Missouri river and lying north of the south line of township 143,"

and in line 5 strike out the word "eleven" and insert the word "twelve" in lieu thereof, and by adding after the word "state" in line 14 of section 1 of the printed bill the words "provided, that if there is no veterinary residing in the district, then any competent veterinary may be appointed," and by striking out in lines 17 and 18 of the engrossed bill the words "who shall be a graduate of a reputable veterinary college."

And passed as amended.

Also,

Senate Bill No. 174,

A bill for an act to amend section 277, and section 280, of chapter 4, of article 6, of the revised codes, relating to the practice of medicine, surgery and obstetrics.

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

Very respectfully,

L. M. McGLASHAN,

Secretary.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Phelan moved

That the senate amendment to House Bill No. 99 be concurred in.

Which motion prevailed.

Mr. Phelan moved

That House Bill No. 99 be placed on its third reading and final passage.

Which motion prevailed.

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays none, absent and not voting 40.

Those who voted in the affirmative were:

Messrs.—

Allen
Belden
Blake
Braaten
Briden
Burtness
Buttz
Casey
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Duncan
Ellison
Flados
Ganssle
Goulet
Gibbens
Heglie

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lillie
McKechnie
Meidinger
Midgarden
Mitchell
Mooney
Nicholson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice
Rose

Messrs.—

Rue
Scheer
Schlenker
Sheils
Simpson
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Underwood
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Baeverstad
Blank
Brown
Burgum
Dahl
Dahlen
Davis
Dickinson
Eggen
Fried
Gilbert
Glasgow

Messrs.—

Hardt
Johnson of Ward
Lemieux
Lyon
Martin
McClure
McCrea
McLain
Meiklejohn
Moore
Morgan
Nelson
Oveson

Messrs.—

Palfrey
Richmond
Robillard
Rogers
Ryan
Sowle
Streeter
Sunderland
Tofsrud
Truemner
Treat
Vernon
Welo

Messrs. Blank, Dahl, Dickinson, Eggen, Fried, Glasgow, Hardt, McLain, Richmond, Sunderland, Tofsrud, Treat, Truemner, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

The house returned to the 5th order of business.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent

personal taxes, and amending chapter 134 of the session laws of 1903.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Were delivered to the governor for his approval at the hour of 3:15 o'clock p. m., February 25, 1905.

W. A. McCLURE,

Chairman.

FIRST AND SECOND READING OF HOUSE BILLS

Mr. Mooney introduced

House Bill No. 283,

A bill for an act to amend section 7569 of the revised codes of North Dakota, relating to malicious injury to freehold.

Which was read the first and second times and

Referred to the committee on forestry.

Mr. Cooper of Stutsman, introduced

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Mitchell introduced

House Bill No. 285,

A bill for an act making it unlawful to shoot or kill any deer until after the 10th day of November, 1910.

Which was read the first and second times and

Referred to the committee on Game and Fish.

GENERAL ORDERS.

Mr. Phelan moved.

That the house resolve itself into a committee of the whole.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Belden to the chair.

The speaker in the chair.

When the committee arose the following report was submitted:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

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

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

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

Also,

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

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

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

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

Also,

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised

codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

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

Also,

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

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

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

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

By striking out in line 3 of the title in the printed bill, after the word "minded," the words "the school for the deaf and dumb and to the blind asylum."

And when so amended recommend that the same do pass.

W. L. BELDEN,

Chairman.

Mr. Stevens of Burleigh, moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Stevens of Burleigh moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

M. A. LILES,
Acting Chief Clerk.

FIFTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1905.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

HOUSE CONCURRENT RESOLUTION.

Whereas, Under the present system of testing and grading wheat and other grains by the Minnesota inspectors and concerns purchasing and buying grain in Minnesota and North Dakota, the grade is determined by weight of the uncleaned grain per bushel measure, including the dockage of chaff, straw and other stuffs intermingled therewith; and

Whereas, Such chaff and other stuffs are lighter than grain and take up considerable space without corresponding weight, the grade of the grain is hereby unjustly lowered to the detriment of the farmers; and

Whereas, the grading and inspection of North Dakota grain is largely if not wholly governed and regulated by the system prevailing in the state of Minnesota, now, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of the

state of Minnesota, to enact such a law as will require the grading of the wheat and other grains at its weight per bushel measure after the docking is taken out; be it further,

Resolved, That a copy of this resolution be sent to the speaker of the house and the president of the senate at St. Paul, Minnesota, with the request that action along these lines be taken at the present session of the legislature.

Which the senate has concurred in.

Also,

Senate Bill No. 151.

A bill for an act to amend sections 7594 and 7596 of the revised codes of North Dakota, 1899, as amended by chapter 82 of the session laws of 1903, relating to the method of obtaining druggists' permits to sell liquor, regulating sales of liquor under such permit and regulating life of same.

Which the senate has passed and your favorable consideration thereof is requested.

Also,

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Pursuant to your request of the fifty-fourth day.

Very respectfully,

L. M. McGLASHAN,

Secretary.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal of the fifty-fourth day, have carefully examined the same and recommend that the same be corrected as follows:

On page 35, line 17, change word "house" to "senate."

On same page line 22, change word "house" to "senate."

On page 47 between lines 12 and 13 insert, "which the senate has passed unchanged."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,

Chairman.

Mr. McLain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Have had the same under consideration and recomemnd that the same do pass.

Also,

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflict-ped into this state shall be inspected and repealing conflict-ing laws.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

Have had the same under consideration and recommend that the same be amended as indicated on and attached to the printed bill herewith returned and made a part of this report as follows:

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, of chapter 30, article 19, entitled "Townsites located on public lands," as published in the revised codes of 1895, and providing who

can sue and maintain action against corporate authorities acting as trustees under the townsite laws.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That section 2516 be amended so as to read as follows:

Sec. 2516. Unclaimed Lots or Parcels of Land.] That before any of the unclaimed lots or parcels of land are sold or disposed of, it shall be the duty of the corporate authorities of such city, town or village, by a vote of the city council of said city, town or village, as the case may be, to lay out and set aside if it has not been done a reasonable portion of the unclaimed lots or parcels of land into public squares and to reserve for future public use of such city, town or village, such lots and parcels of land as they deem advisable for the immediate or future use of such city, town or village.

Sec. 2. That section 2517 be amended so as to read as follows:

Sec. 2517. Unclaimed Lands to be Appraised.] The corporate authorities or county judge aforesaid shall appoint three competent and suitable freeholders of such city, town or village a board of appraisers whose duty it shall be to make a careful inspection and examination of all the unclaimed lots or parcels of land aforesaid, and upon each of such lots or parcels of land they shall affix a reasonable and just valuation, and upon the completion of their appraisement they shall make and return a full and complete report of their proceedings and appraisement to the corporate authorities or county judge, which said report shall contain a full schedule of each and every lot or parcel of land remaining unclaimed, giving an exact description of said lots by their numbers and the number of the block, and all parcels of land not so numbered shall be described by metes and bounds, and upon each lot or parcel of land separately they shall designate the valuation thereof as fixed by their appraisement; said appraisement and report shall be subscribed and sworn to by at least two of said appraisers.

Sec. 3. That section 2518 be amended so as to read as follows:

Sec. 2518. Public Sale of Unclaimed Lands.] The corporate authorities or county judge shall within thirty days

after the receipt of the aforesaid report of said board of appraisers give public notice that all such unclaimed lots or parcels of land, or so much thereof as may be considered for the best interest of such city, town or village, will be sold at public auction to the highest bidder for cash; said notice to be given by publication in not less than three newspapers of general circulation in the state and for a period of not less than thirty days immediately prior to such sale, specifying the time and place when said unclaimed lots or parcels of land will be sold, together with a description of the same as returned by the board of appraisers.

Sec. 4. That section 2519 be amended so as to read as follows:

Sec. 2519. Bids. Private Sale.] At the time and place appointed in such notice the corporate authorities or county judge shall offer for sale at public auction subject to competitive bids all lots and parcels of land or so much thereof as may be considered for the best interest of the city, town or village, returned by the report of said board of appraisers as unclaimed; without reference to the appraisement before mentioned, and such sale shall continue open from day to day until all such lots or parcels of land, or so much thereof as may be considered for the best interest of the city, town or village, shall have been offered for sale. Any lots or parcels of land remaining unsold at the close of such sale for want of bids may be sold as follows: Provided, that all lots or parcels of land remaining unsold, and not reserved or unclaimed, may, after ten years from the date of the entry of the townsite, be sold by the city council of such city or by the board of trustees of any town or village, at either public or private sale, without reference to the appraisement before mentioned, and on such notice as they may deem advisable. Provided further, that no person not a beneficiary under the townsite laws of the United States and this state at the time of the entry of the townsite shall be permitted to sue or maintain any action in the courts of this state against the corporate authorities or their grantees, nor shall any city, town or village attorney be authorized to institute or maintain any action against the corporate authorities or their grantees without first having been authorized so to do by

a majority vote of the city council or board of trustees of such city, town or village, as the case may be, nor shall any law of this state regulating the sale of trust property be held to apply to sales by the corporate authorities made under the provisions of this act.

Sec. 5. That section 2520 be amended so as to read as follows: Sec. 2520. Purchaser Shall Pay for Deed.) Any purchaser at such sale, in addition to the amount of purchase money paid for any lot, lots or parcel of land, shall pay to the corporate authorities or county judge the sum of two dollars as a fee for making, executing and acknowledging a deed of conveyance therefor, and all such lots or parcels of land purchased by any one person may be conveyed to such purchaser in one deed, which fee shall be in full for all charges for conducting sale, giving notice, appointing appraisers, and other services. Provided, further, that when any city, town or village holding property in trust for the use and benefits of the occupants under any law of the United States or this state, has sold any or a part of such trust property and the deed of conveyance thereof, for any cause, has not been executed and delivered to the purchaser or purchasers by the proper officer or officers of such city, town or village, the purchaser or purchasers having deposited with the treasurer of such city, town or village, the purchase price therefor, the successors in office of such officers may at any time within five years from the date of sale execute to such purchaser or purchasers of such property, a deed of such property in the name of such city, town or village, or the purchaser or purchasers of such property is empowered to get from the proper officer of such city, town or village, an exemplified copy of the record of the sale of such property and to file the same with the register of deeds of the county in which such city, town or village is located and such recorded record of the proceedings of sale shall be considered by all courts of this state as sufficient evidence of the sale and transfer of such trust property to the purchaser or purchasers.

Sec. 6. That section 2521 be amended so as to read as follows:

Sec. 2521. Proceeds of Sale, How Applied.) The proceeds derived from the sale of such lots or parcels

of unclaimed land, after first paying the expenses of advertising, printing and a per diem of not more than three dollars per day to each member of the board of appraisers for the time actually and necessarily employed by them in making such appraisal and report as aforesaid, and other expenses actually and necessarily incurred in the proper conduct and management of such sale, shall be immediately turned over at the close of said sale by the corporate authorities of such city, town or village, or county judge to the treasurer of the city, town or village, and by said treasurer placed to the credit of the general fund of such city, town or village.

Sec. 7. That section 2522 be amended so as to read as follows:

Sec. 2522. Surplus, How Disposed Of.) In case there should be found any surplus on hand over and above receipts for fees and awards for expenses arising from the conveyances of lots as provided in section 2514, then such surplus shall as soon as ascertained by the corporate authorities of such city, town or village, or county judge be accounted for and turned over to the treasurer of such city, town or village to be by such treasurer placed to the credit of the general fund of such city, town or village, then to be disbursed and applied as follows: To aid school districts within their incorporate limits, to construct, repair and furnish school houses, to erect and repair public buildings within their incorporate limits, to construct and repair roads, to lay down and repair sidewalks and crossings, to construct sewerage and irrigation canals within their incorporate limits, to purchase other lots or parcels of land either within or without their incorporate limits, or any other general purposes that will conduce to the interest of the community; provided, however, that no part of this fund shall ever be appropriated for salaries of any city, town or village officer.

Sec. 8. Emergency.) An emergency exists in this that the supreme court of Colorado in the case of the city of Denver vs. Kent et. al. decided that an act of the legislative assembly by which unclaimed lots under the United States townsite laws, were granted to the city of Denver for the use of common schools, was repugnant to the acts of congress relating thereto and therefore void, and it

the courts of this state should follow such decision, section 2516 of the revised codes of this state and other sections of the code carrying out the provisions of section 2516 would be likewise void; therefore, that the statutes may be made clear, this act shall take effect and be in force from and after its passage and approval.

Referred to the committee on judiciary February 27, 1905.

And when so amended, recommend that the same do pass.

C. W. BUTTZ,

Chairman.

Mr. Buttz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was re-referred House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Have had the same under consideration and recommend that the same be amended as follows:

By changing the word "ten" to "five" in line 5 of section 2095 of the engrossed bill.

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Acting Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Have had the same under consideration and recommend that the same be amended as follows:

By adding the following after "\$500,000.00" in line 3 of section 118: "which bond shall be paid for by the state."

And when so amended recommend that the same do pass.

GEO. W. H. DAVIS,
Acting Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 240,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Have had the same under consideration and recommend that the same be indefinitely postponed.

GEO. W. H. DAVIS,
Acting Chairman.

Mr. Davis moved

That the report of the committee be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

Senate Bill No. 212,

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 74,

A bill for an act to amend sections 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. L. MARTIN,
Chairman.

Mr. Martin moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on public printing, made the followning report:

Mr. Speaker:

Your committee on public printing to whom was referred

House Bill No. 268,

A bill for an act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

Between the word "type" and the word "and" in line 9 of the original bill, insert the words, "or its equivalent."

And when so amended recommend that the same do pass.

W. S. MITCHELL,

Chairman.

Mr. Mitchell moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Have had the same under consideration and recommend that the same do pass.

Also.

House Bill No. 15,

A bill for an act to encourage elementary education.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Have had the same under consideration and recommend that the same do pass.

W. D. SWEET,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Also,

House Bill No. 48;

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Also

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 165,

A bill for an act making an appropriation for a bridge across Des Lac Lake, in Ward county, North Dakota.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 269,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

Also,

House Bill No. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Also,

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Also,

House Bill No. 276,

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

Also,

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

And find the same correctly engrossed, and delivered to the steering committee.

C. V. BROWN,

Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently abeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 99,

A bill for an act to amend sections 2595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 222,

A bill for an act for the organization and government of special assessments heretofore made.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

REPORT OF STEERING COMMITTEE.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Also,

House Bill No. 165,

A bill for an act making an appropriation for a bridge across Des Lac Lake, in Ward county, North Dakota.

Also,

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Also,

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Also,

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns, villages of the state, through their corporate authorities, to become members of water users associations and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over

state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Have had the same under consideration and respectfully report the same back with recommendation that they be put on their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

REPORT OF COMMITTEE ON RULES.

The committee on rules made the following report:

Mr. Speaker:

Your committee on rules recommend that rule thirty-seven be abrogated.

R. N. STEVENS,
Acting Chairman.

Mr. Stevens of Burleigh, moved

That the recommendation of the committee be adopted and rule thirty-seven abrogated.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

And the speaker signed the same in the presence of the house.

MOTIONS AND RESOLUTIONS.

Mr. Clendening offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Whereas, Under the present laws of Minnesota the Governor of Minnesota appoints prior to August 1st, six members of the Grain Board of Appeals, three in Duluth and three in Minneapolis, and

Whereas, To them are referred all questions of grades of grain, when the shippers and receivers are unable to agree upon the grade of such grain, now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the Honorable Governor of the state of Minnesota to use due caution and judgment in appointing said Grain Board of Appeals, and see that the interests of the Northwestern Grain Growers are carefully represented on this board, as well as the Minneapolis and Duluth chambers of commerce.

Inasmuch as the state of North Dakota is one of the largest shippers of grain to these terminal points and markets,

Resolved, That a copy of this resolution be sent to the Honorable Governor of the state of Minnesota and his careful consideration asked for same.

Which motion prevailed, and

The concurrent resolution was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Steele introduced

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Which was read the first and second times and
Referred to the committee on judiciary.

Mr. Chapman introduced

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Which was read the first and second times and

Referred to the committee on county and county boundaries.

Mr. Rose introduced

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Referred to the committee on judiciary.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Also,

Senate Bill No. 191,

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

Also,

Senate Bill No. 222,

A bill for an act to amend section 1, of chapter 123, session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 229,

A bill for an act to amend chapter 88, of the session laws of 1901, relating to desecration of the flag.

Which the senate has passed and your favorable consideration thereof is requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 27, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have approved and filed with the secretary of state:

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

E. Y. SARLES,

Governor.

THIRD READING OF HOUSE BILLS.

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Was read the third time.

Mr. Phelan asked unanimous consent to amend the bill.
There being no objection

Mr. Phelan moved

That the section 5 of the bill be amended so as to read

Section 5. Appropriation.] There is hereby appropriated out of any moneys in the state treasury the sum of twenty-five hundred dollars (\$2,500) and so much money as remain from the appropriation authorized under chapter 34, session laws of 1903.

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 80, nays 0, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burtness
Buttz
Casey
Chapman
Chevalier
Clendening
Cooper of Sargent
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Goulet
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
Martin
McClure
McCrea
McLain
Meidinger
Midgarden
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon

Messrs.—

Rice
Robillard
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sweet
Swenseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Burgum
Cooper of Stutsman
Dahl

Messrs.—

McKechnie
Meiklejohn
Mitchell
Oveson

Messrs.—

Stevens of Burleigh
Sunderland
Underwood
Vernon

Messrs.—
Dickinson
Hardt
Lillie

Messrs.—
Piper
Richmond
Ryan

Messrs.—
Watson
Welo

Messrs Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which house bill No. 245 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 85, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burtness
Buttz
Casey
Chapman
Chevallier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow
Goulet

Messrs.—
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper

Messrs.—
Purdon
Rice
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stevens of Dickey
Streeter
Sweet
Swendseld
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Lemieux	Ryan
Burgum	Lillie	Stavens
Dahl	Meiklejohn	Stevens of Burleigh
Gilbert	Richmond	Sunderland
Hardt	Robillard	Vernon

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 3, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Rice
Allen	Johnson of Richland	Robillard
Baeverstad	Johnson of Ward	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Blank	Lemieux	Schlenker
Braaten	Lyon	Sheils
Burtness	Martin	Simpson
Casey	McClure	Sowle
Chapman	McCrea	Spangberg
Chevaller	McKechnie	Stevens of Dickey
Clendening	McLain	Streeter
Cooper of Stutsman	Meldenger	Sweet
Dahlen	Midgarden	Swendseid
Davis	Mitchell	Tallackson
Dickinson	Mooney	Thompson
Duncan	Moore	Thoreson
Eggen	Morgan	Tofsrud
Ellison	Nelson	Treat
Flados	Nicholson	Truemner
Ganssle	Oveson	Walter
Gibbens	Ovind	Watson
Gilbert	Palmer	Weigel
Glasgow	Peterson	Welo
Heglie	Piper	White
Hemmingson	Purdon	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Brown	Scheer

Absent and not voting :

Messrs.—

Briden
Burgum
Buttz
Cooper of Sargent
Dahl
Fried
Goulet

Messrs.—

Hardt
Lillie
Palfrey
Meiklejohn
Phelan
Richmond

Messrs.—

Ryan
Stavens
Stevens of Burleigh
Sunderland
Underwood
Vernon

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland, Vernon being excused.

So the bill passed and the title was agreed to.

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 72, nays 10, absent and not voting 18.

Those who voted in the affirmative were :

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Burtness
Buttz
Chapman
Chevallier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried

Messrs.—

Ganssle
Glasgow
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Lemieux
Lyon
Martin
McClure
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Palfrey
Palmer

Messrs.—

Phelan
Piper
Purdon
Robillard
Rogers
Rose
Rue
Schlenker
Shells
Simpson
Sowle
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Treat
Truemner
Underwood
Walter
Weigel
Welo
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Brown
Gibbens
Goulet
Heglie

Messrs.—

Kyle
Scheer
Spangberg

Stavens
Thompson
Watson

Absent and not voting:

Messrs.—

Briden
Burgum
Casey
Gilbert
Hardt
Lillie

Messrs.—

McCrea
Meiklejohn
Oveson
Peterson
Rice
Richmond

Messrs.—

Ryan
Stevens of Burleigh
Sunderland
Thoreson
Tofsrud
Vernon

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Suderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Ward moved

That the vote by which house bill No. 192 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed,

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays none, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Lemieux
Martin
McClure
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan

Messrs.—

Rogers
Rose
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swenaseid
Tallackson

Messrs.—	Messrs.—	Messrs.—
Davis	Nelson	Thompson
Dickinson	Nicholson	Tofsrud
Duncan	Ovind	Treat
Eggen	Palfrey	Truemner
Flados	Palmer	Walter
Fried	Peterson	Watson
Ganssle	Piper	Weigel
Gibbens	Purdon	Welc
Glasgow	Rice	White
Goulet	Robillard	Mr. Speaker
Heglie		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Phelan
Arnold	Hemmingson	Richmond
Briden	Kyle	Rue
Burgum	Lillie	Ryan
Casey	Lyon	Sunderland
Dahlen	McCrea	Thoreson
Ellison	Meiklejohn	Underwood
Gilbert	Oveson	Vernon

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Chapman moved

That the vote by which house bill No. 1 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 165,

A bill for an act making an appropriation for a bridge across Des Lac Lake, in Ward county, North Dakota.

Was read the third time.

Mr. Davis moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Was read the third time.

Mr. Streeter moved

That the further consideration of House Bill No. 87 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 47, nays 33, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Flados	Phelan
Allen	Ganssle	Purdon
Arnold	Gibbens	Rice
Baeverstad	Gilbert	Robillard
Blake	Glasgow	Rogers
Braaten	Jennings	Rose
Burtness	Johnson of Richland	Simpson
Buttz	Johnson of Ward	Stevens of Burleigh
Chapman	Lemieux	Stevens of Dickey
Chevallier	Lyon	Sweet
Clendening	McKechnie	Treat
Cooper of Sargent	McLain	Walter
Dahlen	Mitchell	Watson
Davis	Nelson	White
Dickinson	Nicholson	Mr. Speaker
Duncan	Palmer	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Kyle	Schlenker
Blank	Meldinger	Shells
Brown	Midgarden	Spangberg
Dahl	Mooney	Stavens
Eggen	Moore	Streeter
Ellison	Morgan	Swendseld
Fried	Oveson	Tallackson
Goulet	Ovind	Thompson
Heglie	Piper	Thoreson
Hemmingson	Rue	Truemner
Juzeler	Scheer	Weigel

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	McClure	Sowle
Burgum	McCrea	Sunderland
Casey	Meiklejohn	Tofsrud
Cooper of Stutsman	Palfrey	Underwood
Hardt	Peterson	Vernon
Lillie	Richmond	Welo
Martin	Ryan	

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill was lost.

Mr. Streeter moved

That the vote by which House Bill No. 87 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Was read the third time.

Mr. Sweet asked unanimous consent to amend the bill.

There being no objection.

Mr. Sweet moved

That the bill be amended by substituting for the words "one hundred" in section 2 line 10 of the printed bill the word "fifty."

Which motion prevailed, and

The bill was so amended.

The question being upon the final passage of the bill.

The roll was called and there were ayes 76, nays 3, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Brown
Burtness
Clendening
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados

Messrs.—

Glasgow
Goulet
Heglie
Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lyon
McClure
McKechnie
McLain
Meidinger
Midgarden
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Palmer
Peterson

Messrs.—

Rice
Robillard
Rogers
Rose
Rue
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thoreson
Treat
Truemner
Walter
Weigel

Messrs.—
Fried
Ganssle
Gibbens
Gilbert

Messrs.—
Phelan
Piper
Purdon

Messrs.—
Welo
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—
Lemieux

Messrs.—
Stavens

Messrs.—
Thompson

Absent and not voting:

Messrs.—
Blank
Briden
Burgum
Buttz
Casey
Hardt
Johnson of Ward

Messrs.—
Lillie
Martin
McCrea
Meiklejohn
Mitchell
Oveson
Palfrey

Messrs.—
Richmond
Ryan
Sunderland
Tofsrud
Underwood
Vernon
Watson

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Cooper of Stutsman moved

That the vote by which house bill No. 48 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 0, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burtness
Buttz
Chapman
Chevalier

Messrs.—
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
McClure
McKechnie
McLain

Messrs.—
Robillard
Rogers
Rose
Rue
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter

Messrs.—	Messrs.—	Messrs.—
Clendening	Meidenger	Sweet
Cooper of Stutsman	Midgarden	Swendseid
Dahl	Mooney	Tallackson
Dahlen	Moore	Thompson
Davis	Morgan	Thoreson
Dickinson	Nelson	Tofsrud
Eggen	Nicholson	Treat
Ellison	Ovind	Truemner
Flados	Palfrey	Walter
Fried	Peterson	Watson
Ganssle	Phelan	Weigel
Gibbens	Piper	Weio
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Lillie	Richmond
Briden	Martin	Ryan
Burgum	McCrea	Scheer
Casey	Meiklejohn	Stevens of Burleigh
Cooper of Sargent	Mitchell	Sunderland
Duncan	Oveson	Underwood
Hardt	Palmer	Vernon

Messrs. Bergum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Robillard moved

That the vote by which house bill No. 185 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 272;

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 73, nays 1, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Piper
Allen	Hemmingson	Purdon
Arnold	Jennings	Robillard
Baeverstad	Johnson of Richland	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Schlenker
Blank	Lemieux	Sheils
Braaten	Lyon	Sowle

Messrs.—	Messrs.—	Messrs.—
Brown	Martin	Spangberg
Burtness	McClure	Stavens
Buttz	McKechnie	Stevens of Dickey
Chapman	McLain	Streeter
Chevalier	Meidinger	Sweet
Clendening	Mooney	Swendseid
Cooper of Stutsman	Moore	Thompson
Dahl	Morgan	Thoreson
Davis	Nelson	Tofsrud
Dickinson	Nicholson	Treat
Duncan	Oveson	Truemner
Eggen	Ovind	Walter
Ellison	Palfrey	Watson
Ganssle	Palmer	Welo
Gibbens	Peterson	White
Gilbert	Phelan	Mr. Speaker
Glasgow		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Lillie	Scheer
Burgum	McCrea	Simpson
Casey	Meiklejohn	Stevens of Burleigh
Cooper of Sargent	Midgarden	Sunderland
Flados	Mitchell	Tallackson
Fried	Rice	Underwood
Goulet	Richmond	Vernon
Hardt	Rue	Weigel
Johnson of Ward	Ryan	

Mr. Dahlen voting in the negative.

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Dickinson moved

That the vote by which house bill No. 272 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burtness
Buttz
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Gilbert
Glasgow
Goulet
Heglie
Hemmingson
Jennings
Johnson of Richland
Juzeler
Kyle
Lemieux
Lyon
Martin
McClure
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Oveson
Ovind
Palfrey
Palmer

Peterson
Phelan
Piper
Purdon
Rice
Robillard
Rogers
Rose
Scheer
Schlenker
Snells
Spangberg
Stavens
Stevens of Dickey
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Truemner
Walter
Watson
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Burgum
Casey
Chapman
Hardt
Johnson of Ward
Lillie
McCrea

Messrs.—

Meiklejohn
Nicholson
Richmond
Rue
Ryan
Simpson
Sowle

Messrs.—

Stevens of Burleigh
Streeter
Sunderland
Treat
Underwood
Vernon
Weigel

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Lyon moved

That the vote by which House Bill No. 274 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays none, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Phelan
Allen	Heglie	Purdon
Arnold	Hemmingson	Rice
Belden	Jennings	Robillard
Blake	Johnson of Richland	Rogers
Blank	Johnson of Ward	Rose
Braaten	Juzeler	Rue
Brown	Kyle	Scheer
Burtness	Lemieux	Schlenker
Buttz	Martin	Sheils
Chapman	McClure	Sowle
Chevalier	McKechnie	Spangberg
Clendenning	Meidinger	Stavens
Cooper of Stutsman	Midgarden	Streeter
Dahl	Mitchell	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Eggen	Nelson	Thoreson
Ellison	Nicholson	Tofsrud
Flados	Oveson	Treat
Fried	Ovind	Truemner
Ganssle	Palfrey	Walter
Gibbens	Palmer	White
Goulet	Peterson	Mr. Speaker
Glasgow		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Lyon	Stevens of Burleigh
Briden	McCrea	Stevens of Dickey
Burgum	McLain	Sunderland
Casey	Meiklejohn	Sweet
Cooper of Sargent	Morgan	Underwood
Dickinson	Piper	Vernon
Duncan	Richmond	Watson
Hardt	Ryan	Weigel
Lillie	Simpson	Welo

Messrs. Burgum, Hardt, Lillie, Meiklejohn, Richmond, Ryan, Sunderland and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the vote by which House Bill No. 68 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Stevens of Burleigh, moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself in a committee of the whole.

The speaker called Mr. Purdon to the chair.

The speaker in the chair.

When the committee arose, the following report was submitted:

The committee of the whole made the following report:

Mr. Speaker:

Your committee of the whole to whom was referred

House Bill No. 268,

A bill for an act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

WM. R. PURDON,
Chairman.

Mr. Purdon moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The house returned to the 5th order of business.

REPORT OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to deposi-

Also,

House Bill No. 268,

A bill for an act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

And find the same correctly engrossed and delivered to steering committee.

C. V. BROWN,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

And find the same correctly re-engrossed.

C. V. BROWN,
Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 222,

A bill for an act for the organization and government of cities.

Were delivered to the governor for his approval at the hour of 3:15 o'clock p. m., February 27, 1905.

W. A. McCLURE,

Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.

February 27, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Also,

Senate Bill No. 227,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Which the senate has passed and your favorable consideration thereof is requested.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Which the senate has passed unchanged.

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3

of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Which the senate has amended by inserting the clause "when such assignments have been approved by the board of university and school lands" in line 13 of the engrossed bill, after the word "contracts" in said line,

And passed as amended.

Also,

House Bill No. 129,

Establishing a state board of embalmers.

Which the senate has passed unchanged.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Which the senate has amended as follows:

In line 14, section 1, of the printed bill, after the word "counties," insert the words "or parts of counties."

In line 17, of the printed bill, after the word "commissioners" insert the following: "under the provisions of section 1082 of the political code of 1899 as amended by section 2 of chapter 162 of the session laws of 1903."

Also strike out line 17 of the printed bill, after the word "commissioners."

Strike out all of line 18 and line 19 and the first five letters "ships" in line 20.

Strike out, after the word "1901" the rest of line 25 and all of lines 26 and 27 of the printed bill.

In section 2 of the printed bill, in line 1, strike out the words "2 and."

And passed as amended.

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Which the senate has amended by striking out section 5, the emergency clause,

And passed as amended.

Also,

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Which the senate has passed unchanged.

Very respectfully.

L. M. McGLASHAN,

Secretary.

REPORTS OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Have had the same under consideration and recommend that the same do pass.

F. B. CHAPMAN,

Chairman.

CONSIDERATION OF MESSAGE FROM THE SENATE.

The following concurrent resolution was laid before the house:

CONCURRENT RESOLUTION.

Resolved, By the Senate, the House concurring, That the secretary of state shall cause to be published in each newspaper in the state, that has been established and regularly published for at least one year, the primary election measure that has passed the legislature, if it becomes a

law, said publication to be for one time only and paid for at same rates as provided in the publication of amendments to the constitution.

Mr. Stevens of Burleigh moved

That the concurrent resolution be referred to the steering committee.

Which motion prevailed.

The house returned to the 7th order of business.

MOTIONS AND RESOLUTIONS.

Mr. Martin moved

That the vote by which Senate Bill No. 74 was indefinitely postponed be reconsidered.

Which motion prevailed.

Mr. Morgan moved

That the vote by which House Bill No. 87 was lost be reconsidered.

Which motion prevailed.

Mr. Palfrey moved

That the vote by which Senate Bill No. 183 was indefinitely postponed be reconsidered.

Which motion prevailed.

Mr. Phelan moved

That Senate Bill No. 183 be recalled from the senate.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That the committees report all bills tomorrow to the steering committee.

Which motion prevailed.

Mr. Stevens of Burleigh, moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The house took a recess until 10 a. m. tomorrow.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-SIXTH DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

The house assembled at 10 o'clock a. m. pursuant to recess taken.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Also,

House Bill No. 129,

Establishing a state board of embalmers.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both in-

clusive, of the revised codes of 1899, relating to municipal courts.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Also,

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 129,

Establishing a state board of embalmers.

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mu-

tual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of

And the speaker signed the same in the presence of the house.

The house proceeded to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 222,

A bill for an act to amend section 1, of chapter 123, session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Was read the first and second times,

Mr. Phelan moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Jennings moved

That the vote by which Senate Bill No. 222 was indefinitely postponed, be reconsidered.

Mr. Rose moved

That the motion to reconsider Senate Bill No. 222 be laid on the table.

Which motion prevailed

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Was read the first and second times.

Mr. Phelan moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 174,

A bill for an act to amend section 277, and section 280, of chapter 4, of article 6, of the revised codes, relating to the practice of medicine, surgery and obstetrics.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 175,

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county,

providing for its management and making an appropriation therefor.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 227,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 191,

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

Was read the first and second times, and
Referred to steering committee.

Also.

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 229,

A bill for an act to amend chapter 88, of the session laws of 1901, relating to desecration of the flag.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to

amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Was read the first and second times, and
Referred to steering committee.

Also,
Senate Bill No. 208,

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Was read the first and second times, and
Referred to steering committee.

Also,
Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Was read the first and second times, and
Referred to steering committee.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Which the senate has indefinitely postponed.

Very respectfully,

L. M. McGLASHAN,
Secretary.

Mr. Stevens of Burleigh moved

That rule 25 be abrogated.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 281,

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 237,

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 257,

A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.

Have had the same under consideration and recommend that the same do pass.

C. W. BUTTZ,
Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Have had the same under consideration and recommend that the same do pass.

D. LEMIEUX,
Chairman.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ANTON FRIED,
Chairman.

Mr. Fried moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ANTON FREID,
Chairman.

Mr. Fried moved

That the report of the committee be adopted

Which motion prevailed, and

And the further consideration of the bill was indefinitely postponed.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns, villages of the state, through their corporate authorities, to become members of water users associations and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for

Also,

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Also,

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Also,

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Also,

House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Have had the same under consideration and respectfully report the same back with recommendations they be put on their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh, moved

That the vote by which Senate Bill No. 122 was indefinitely postponed be reconsidered.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Was read the third time.

Mr. White moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 66; nays, 13; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Purdon
Allen	Jernings	Rice
Arnold	Johnson of Richland	Robillard
Belden	Johnson of Ward	Rogers
Blake	Juzeler	Rose
Blank	Lillie	Rue
Brown	Lyon	Schlenker
Burtness	McClure	Sheils
Chapman	McCrea	Sowle
Chevalier	McKechnie	Spangberg
Clendenning	McLain	Stavens
Cooper of Sargent	Meidinger	Stevens of Burleigh
Cooper of Stutsman	Meiklejohn	Streeter
Davis	Mitchell	Sunderland
Flados	Mooney	Sweet
Fried	Morgan	Swendseid
Ganssle	Nicholson	Thoreson
Gibbens	Ovind	Treat
Gilbert	Palfrey	Walter
Glasgow	Palmer	Watson
Hardt	Peterson	Weigel
Heglie	Phelan	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Ellison	Richmond
Braaten	Kyle	Tallackson
Dahlen	Moore	Thompson
Duncan	Oveson	White
Eggen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Lemieux	Simpson
Burgum	Martin	Stevens of Dickey
Buttz	Midgarden	Tofsrud
Casey	Nelson	Truemner
Dickinson	Piper	Underwood
Dahl	Ryan	Vernon
Goulet	Scheer	Welo

Messrs. Burgum, Ryan, Vernon and Welo, being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 205 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 72; nays, 0; absent and not voting, 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Rogers
Allen	Juzeler	Rose
Arnold	Kyle	Rue
Baeverstad	Lemieux	Scheer
Blake	Lillie	Schlenker
Blank	Lyon	Sheils
Braaten	McClure	Simpson
Brown	McKeehnie	Sowle
Burness	McLain	Spangberg
Chevalier	Meidinger	Stavens
Clendenning	Meiklejohn	Stevens of Burleigh
Cooper of Stutsman	Midgarden	Stevens of Dickey
Davis	Mitchell	Streeter
Duncan	Mooney	Sunderland
Eggen	Moore	Sweet
Ellison	Morgan	Swendseid
Flados	Ovind	Tallackson
Fried	Palfrey	Thompson
Ganssle	Palmer	Thoreson
Gilbert	Peterson	Walter
Glasgow	Phelan	Watson
Heglie	Piper	Weigel
Hemmingson	Purdon	White
Jennings	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	Gibbens	Rice
Briden	Goulet	Richmond
Burgum	Hardt	Ryan
Buttz	Johnson of Ward	Tofsrud
Casey	Martin	Treat
Chapman	McCrea	Truemner
Cooper of Sargent	Nelson	Underwood
Dahl	Nicholson	Vernon
Dahlen	Oveson	Welo
Dickinson		

Messrs. Burgum, Ryan, Vernon and Welo, being excused.

So the bill passed and the title was agreed to.

Mr. McClure moved

That the vote by which House Bill No. 97 was passed, be

reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Was read the third time.

Mr. Lyon moved

That the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 7, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Rice
Arnold	Heglie	Richmond
Baeverstad	Hemmingson	Robillard
Belden	Johnson of Richland	Rogers
Blake	Johnson of Ward	Rose
Blank	Juzeler	Rue
Braaten	Kyle	Scheer
Briden	Lemieux	Sheils
Brown	Lillie	Simpson
Buttz	McClure	Spangberg
Chevalier	McCrea	Stevens of Burleigh
Clendening	McKechnie	Stevens of Dickey
Cooper of Sargent	McLain	Streeter
Cooper of Stutsman	Meidinger	Sunderland
Dahl	Meiklejohn	Sweet
Dahlen	Midgarden	Swendseid
Davis	Mitchell	Tallackson
Duncan	Morgan	Thompson
Eggen	Nicholson	Thoreson
Ellison	Palmer	Treat
Flados	Peterson	Walter
Fried	Phelan	Watson
Ganssle	Piper	Weigel
Gilbert	Purdon	Mr. Speaker
Glasgow		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Mooney	Sowle
Burntress	Ovind	Stavens
Lyon		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Burgum	Martin	Tofsrud
Casey	Moore	Truemner
Chapman	Nelson	Underwood

Messrs.—

Dickinson
Gibbens
Goulet
Jennings

Messrs.—

Oveson
Palfrey
Ryan
Schlenker

Messrs.—

Vernon
Welo
White

Messrs. Burgum, Ryan, Vernon and Welo, being excused.
So the bill passed and the title was agreed to.

Mr. Adams moved

That the vote by which House Bill No. 255 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 280.

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 7, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent
Dahl
Davis
Duncan
Eggen
Ellison
Flados
Ganssle

Messrs.—

Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
McClure
McCrea
McKechnie
McLain
Meidenger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nicholson
Ovind

Messrs.—

Phelan
Piper
Purdon
Rice
Rogers
Rose
Schlenker
Simpson
Sowle
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Thompson
Thoreson
Treat
Walter
Weigel

Messrs.—
Glasgow
Hardt

Messrs.—
Palmer
Peterson

Messrs.—
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—
Cooper of Stutsman
Fried
Gilbert

Messrs.—
Spangberg
Swendseid

Messrs.—
Tallackson
Watson

Absent and not voting:

Messrs.—
Goulet
Baeverstad
Brown
Burgum
Casey
Clendening
Dahlen
Dickinson
Gibbens

Messrs.—
Hemmingson
Lillie
Martin
Midgarden
Nelson
Oveson
Palfrey
Richmond
Robillard

Messrs.—
Rue
Ryan
Scheer
Sheils
Tofsrud
Truømner
Underwood
Vernon
Welo

Messrs. Burgum, Richmond, Ryan, Vernon and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Schlenker moved

That the vote by which House Bill No. 280 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Lillie moved

That House Bill No. 87 be put on its third reading and final passage.

Which motion prevailed.

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 61, nays 14, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Arnold

Messrs.—
Glasgow
Hardt
Jennings

Messrs.—
Phelan
Piper
Purdon

Messrs.—

Baeverstad
Belden
Blake
Blank
Briden
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Davis
Duncan
Eggen
Flados
Fried
Gibbens
Gilbert

Messrs.—

Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKeehnier
McLain
Meiklejohn
Mitchell
Mooney
Moore
Nicholson
Palfrey
Peterson

Rice
Richmond
Robillard
Rogers
Rose
Simpson
Sowle
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Thoreson
Treat
Watson
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Dahl
Heglie
Juzeler
Meidenger
Morgan

Messrs.—

Oveson
Ovind
Rue
Scheer
Schlenker

Messrs.—

Stavens
Swendseid
Tallackson
Thompson

Absent and not voting:

Messrs.—

Braaten
Brown
Burgum
Casey
Clendenning
Dahlen
Dickinson
Ellison
Ganssle

Messrs.—

Goulet
Hemmingson
Martin
Midgarden
Nelson
Palmer
Ryan
Sheils

Messrs.—

Spangberg
Tofsrud
Truømner
Underwood
Vernon
Walter
Weigel
Welo

Messrs. Burgum, Vernon, Richmond and Welo being excused.

So the bill passed and the title was agreed to.

Mr. Streeter explained his vote.

Mr. Lemieux moved

That the vote by which House Bill No. 87 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The house returned to the 9th order order of business.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. McClure introduced

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Which was read the first and second times and

Referred to steering committee.

The house returned to the 5th order of business.

REPORT OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House Bill No. 266,

A bill for an act to amend and re-enact chapter 146, of the laws of 1903, being section 30711 of the revised codes of North Dakota for 1899, relating to the maximum coal rate.

Have had the same under consideration and recommend that the same do pass.

GEO. W. H. DAVIS,
Chairman.

Mr. Buttz moved

That the house do now take a recess for 20 minutes for the purpose of listening to an address by Dr. Coe of Portland, Oregon.

Which motion prevailed, and

The house took a recess.

AFTER RECESS.

Mr. Phelan moved

That a vote of thanks be extended to Dr. Coe for his able address.

Which motion prevailed.

Mr. Stevens, of Burleigh, moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Casey, Underwood and Vernon, who were excused.

The courtesies of the floor were extended to Gunder Olson of Grafton, North Dakota.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal of the 56th day, have carefully examined the same and recommend that the same be corrected as follows:

Page 32 change name "Watson" as "absent and not voting" to "voting in affirmative" on house bill No. 68.

Page 38 after line 23 insert "Mr. Lyon moved that the vote by which house bill No. 165 was indefinitely postponed be reconsidered. Which motion prevailed."

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Also,

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house

Also,

House Bill No. 281.

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

Also,

House Bill No. 257,

A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Also,

House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

Also,

House Bill No. 15,

A bill for an act to encourage elementary education.

Also,

House Bill No. 237,

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota.

Have had the same under consideration and respectfully report the same back with recommendation they be put on

their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "sixth" in line 2 of section 6 of the original bill as passed by the senate and inserting in lieu thereof the word "eighth."

And inserting after the word "to" in line 2 of section 3 the following, "locate a temporary county seat and."

And when so amended recommend that the same do pass.

F. B. CHAPMAN,
Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 15,

A bill for an act to encourage elementary education.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and schools lands for irrigation flumes, ditches and

canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

And find the same correctly engrossed and delivered to the steering committee.

C. V. BROWN,
Chairman

The committee on fish and game made the following report:

Mr. Speaker:

Your committee on fish and game to whom was referred House Bill No. 210,

A bill for an act to prohibit the use of dogs in hunting prairie chicken, grouse, and partridges.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. MEIKLEJOHN,
Chairman.

Mr. Meiklejohn moved

That the report of the committee be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Phelan moved

That the vote by which House Bill No. 210 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on fish and game made the following report:

Mr. Speaker:

Your committee on fish and game to whom was referred House Bill No. 285,

A bill for an act making it unlawful to shoot or kill any deer until after the 10th day of November, 1910.

Have had the same under consideration and recommend that the same do pass.

Also,

House Bill No. 267,

A bill for an act to amend chapter 103, of the session laws of 1903.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the printed bill after the word "the" strike out the word "governor" and insert the words "county commissioners," and in line 7 after the word "the" strike out the word "governor" and insert the words "county commissioners in each county," and wherever in the printed bill the words "state game warden" appears insert in lieu thereof "county game warden."

And when so amended recommend that the same do pass.

R. MEIKLEJOHN,
Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh, moved

That the vote by which Senate Bill No. 67 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Which the senate has returned pursuant to your request of today.

Also,

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Which the senate has passed and your favorable consideration thereof is requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositions. Was read the third time.

Mr. Arnold moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill;

The roll was called and there were ayes 88, nays 6, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow
Goulet
Hardt

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechie
McLain
Meldinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper

Messrs.—

Purdon
Rice
Richmond
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
Welo
Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Gilbert	Sweet
Blake	Hemmingson	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Robillard	Underwood
Heglie	Thoreson	Vernon

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Cooper of Stutsman moved

That the vote by which House Bill No. 284 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 94, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Purdon
Allen	Hemmingson	Rice
Arnold	Jennings	Richmond
Baeverstad	Johnson of Richland	Rogers
Belden	Johnson of Ward	Rose
Blake	Juzeler	Rue
Blank	Kyle	Ryan
Braaten	Lemieux	Scheer
Briden	Lille	Schlenker
Brown	Lyon	Sheils
Burgum	Martin	Simpson
Burtness	McClure	Sowle
Buttz	McCrea	Spangberg
Chapman	McKechnie	Stavens
Chevalier	McLain	Stevens of Dickey
Clendenning	Meldinger	Streeter
Cooper of Sargent	Meiklejohn	Sunderland
Cooper of Stutsman	Midgarden	Sweet
Dahl	Mitchell	Swenseld
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Nelson	Tofsrud
Eggen	Nicholson	Treat
Ellison	Oveson	Truemner
Flados	Ovind	Walter
Fried	Palfrey	Watson
Ganssle	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Phelan	White
Glasgow	Piper	Mr. Speaker
Goulet		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Robillard	Underwood
Heglie	Stevens of Burleigh	Vernon

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which House Bill No. 288 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 65, nays 19, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	
Adams	Heglie	Phelan
Allen	Hemmingson	Purdon
Arnold	Jennings	Richmond
Baeverstad	Johnson of Richland	Rose
Belden	Johnson of Ward	Rue
Blake	Juzeler	Ryan
Blank	Kyle	Scheer
Braaten	Lemieux	Schlenker
Brown	Lillie	Stavens
Burgum	Martin	Stevens of Burleigh
Burtness	McCrea	Stevens of Dickey
Chapman	McKechnie	Streeter
Clendenning	Meidinger	Sunderland
Dahl	Midgarden	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thompson
Dickinson	Morgan	Thoreson
Duncan	Nicholson	Tofsrud

Messrs.—

Eggen
Flados
Glasgow
Hardt

Messrs.—

Oveson
Palfrey
Palmer
Peterson

Truemner
Walter
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Briden
Chevalier
Cooper of Sargent
Cooper of Stutsman
Fried
Ganssle
Gibbens

Messrs.—

Gilbert
Lyon
McLain
Meiklejohn
Ovind
Rice

Messrs.—

Sheils
Sowle
Sweet
Watson
Welo
White

Absent and not voting:

Messrs.—

Buttz
Casey
Ellison
Goulet
McClure
Mitchell

Messrs.—

Nelson
Piner
Robillard
Rogers
Simpson

Messrs.—

Spangberg
Treat
Underwood
Vernon
Weigel

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which House Bill No. 286 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 93, nays none, absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum

Messrs.—

Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon

Messrs.—

Piper
Purdon
Rice
Richmond
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils

Messrs.—	Messrs.—	Messrs.—
Burtness	Martin	Simpson
Chapman	McClure	Sowle
Chevalier	McCrea	Spangberg
Clendenning	McKechnie	Stavens
Cooper of Sargent	McLain	Stevens of Dickey
Cooper of Stutsman	Meidinger	Streeter
Dahl	Meiklejohn	Sunderland
Dahlen	Midgarden	Sweet
Davis	Mitchell	Swendseid
Dickinson	Mooney	Tallackson
Duncan	Moore	Thompson
Eggen	Morgan	Tofsrud
Ellison	Nelson	Treat
Flados	Nicholson	Truemner
Fried	Oveson	Walter
Ganssle	Ovind	Watson
Gibbens	Palfrey	Weigel
Gilbert	Palmer	Welo
Glasgow	Peterson	White
Goulet	Phelan	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Buttz	Stevens of Burleigh	Underwood
Casey	Thoreson	Vernon
Robillard		

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. McClure moved

That the vote by which House Bill No. 289 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 91, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Richmond
Allen	Johnson of Richland	Robillard
Arnold	Johnson of Ward	Rogers
Baeverstad	Juzeler	Rose
Belden	Kyle	Rue

Messrs.—

Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert
Glasgow
Hardt
Heglie
Hemmingson

Messrs.—

Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Ryan
Scheer
Schlenker
Shells
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Buttz
Casey
Dickinson

Messrs.—

Gibbens
Goulet
Stevens of Burleigh

Messrs.—

Underwood
Vernon

Mr. Rice voting in the negative.

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which House Bill No. 287 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION

Whereas, The exhibit of clays and the pottery exhibited at the St. Louis exposition during the year 1904, was manufactured and perfected from clays found in the state of North Dakota, under the direction of the state university and school of mines, and shows the result of the work of such institution, therefore,

Be it Resolved by the Senate, the House of Representatives concurring, That such exhibit, together with the cases used for displaying the same, shall become the property of the state university and the school of mines, to be by that institution placed in its museum and held permanently, subject at all times, however, to being placed on exhibition at such fairs and expositions as the governor may direct.

Also the following:

CONCURRENT RESOLUTION

Be It Resolved, By the senate of the Ninth Legislative Assembly of the state of North Dakota, the House of Representatives concurring, that the secretary of state be, and is hereby, instructed to codify and publish one thousand copies of the laws of the state of North Dakota, affecting townships and township government, and to send one copy to the clerk of each township in the state of North Dakota; and that the remaining copies be sold at such price as is reasonable and will in the opinion of the secretary of state compensate the state for the expense of the publication thereof.

Both of which the senate has adopted and your concurrence therein is requested.

Very respectfully,
L. M. McGLASHAN,
Secretary.

SPECIAL ORDER.

Mr. Richmond moved

That the house do now proceed to the consideration of Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

REPORT OF STANDING COMMITTEES.

The following report of the steering committee was read.

Mr. Speaker:

Your steering committee to whom was referred Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1 of the title of the printed bill strike out the word "the"; in the same line add the letter "s" to the word "fair" and in the same line strike out the word "it" and insert in lieu thereof the word "them." In the first line of the title of the printed bill after the words "Grand Forks" insert the words "and Fargo."

Strike out all after the enacting clause and insert in lieu thereof the following:

"Section 1. For the purpose of promoting and improving the condition of agriculture, horticulture, mechanical, manufacturing and household arts, a state fair or exposition shall be held biennially at or near the city of Grand Forks, in the state of North Dakota, during each odd numbered year, and biennially at or near the city of Fargo, in the state of North Dakota, during each even numbered year, subject to the conditions hereinafter named, and the location of the state fairs as herein provided is hereby declared to be permanent.

Sec. 2. If an organization to be known and designated as the North Dakota State Fair Association for Grand Forks, or by some similar name, shall be, during the year 1905, created and organized under and pursuant to the general laws of this state, in relation to corporations, with a paid up capital stock of not less than \$20,000, such association shall become entitled to receive the appropriations hereinafter named, upon the conditions set forth in this act. The said association may acquire the title to not less than seventy (70) nor more than one hundred and sixty (160) acres of ground at or near the city of Grand Forks, in said state, and such association may, and is hereby empowered and authorized to convey the title to the land so acquired by it, unto the state of North Dakota, which property, when so conveyed, shall be held by the state of North Dakota forever for the following purposes, and none other: For the purpose of exhibiting thereon under the management of such association, or its successors, biennially, during each odd numbered year the agricultural, stock breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state of North Dakota, including proper exhibits of the arts, sciences and all other public displays pertinent to and dependent upon exhibitions and expositions of human art, industry and skill. The said association may use so much of its paid up capital stock as may be necessary for the acquisition of title to the land so to be pur-

chased by it for use as fair grounds, and the balance thereof shall be and constitute a fund toward the construction of buildings and other permanent improvements thereon.

Sec. 3. If an organization, to be known and designated as the North Dakota State Fair Association for Fargo, or by some similar name, shall be, during the year 1905, created and organized under and pursuant to the general laws of this state, in relation to corporations, with a paid up capital stock of not less than \$20,000, such association shall become entitled to receive the appropriations hereinafter named upon the conditions set forth in this act. The said association may acquire the title to not less than seventy (70) nor more than one hundred and sixty (160) acres of ground at or near the city of Fargo, in this state, and such association may, and it is hereby empowered and authorized to convey the title to the land so acquired by it, unto the state of North Dakota, which property when so conveyed shall be held by the state of North Dakota forever, for the following purposes and none other: For the purpose of exhibiting thereon under the management of such association, or its successors, biennially, during each even numbered year, the agricultural, stock breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state of North Dakota, including proper exhibits of the arts, sciences and all other public displays pertinent to and dependent upon exhibitions and expositions of human art, industry and skill. The said association may use so much of its paid up capital stock as may be necessary for the acquisition of title to the land so to be purchased by it for use as fair grounds, and the balance thereof shall be and constitute a fund toward the construction of buildings and other permanent improvements thereon.

Sec. 4. The custody and control of the premises upon which said fair at Grand Forks is located shall be vested in said North Dakota State Fair Association for Grand Forks, and the general offices thereof shall be located and maintained either upon the premises so acquired or at some suitable place in the city of Grand Forks, and said association is hereby authorized, required and empowered to maintain its said offices as aforesaid, wherein shall be contained the property and records of said association and the entire care, custody, management and control of said premises, and the structure thereon, shall be vested in said association.

Sec. 5. The custody and control of the premises upon which said fair at Fargo is locaetd shall be vested in said North Dakota State Fair Association for Fargo, and the general offices thereof shall be located and maintained either upon the premises so acquired or at some suitable place in the city of Fargo, and said association is hereby authorized, required and empowered to maintain its said offices as aforesaid, wherein shall be contained the property and records of said association, and the entire care, custody, management and control of said premises, and the structures thereon, shall be vested in said association.

Sec. 6. When the state of North Dakota accepts the title to the land so acquired by either of said associations, which acceptance shall be made by the governor and attorney general, thereupon and not before such time, shall the deed of conveyance of said property to the state be accepted and recorded. Should the state of North Dakota cease to appropriate the sum of at least five thousand (\$5,000) dollars annually to be awarded as premiums in connection with said fair then the title of said premiums shall revert to and become the property of the association that transferred the same to the state; provided, further, that the state shall never become liable for any of the debts and liabilities of said associations, save as appropoiations shall be made therefor from time to time by the legislature.

This act shall not become binding upon the state as to either fair association until the stockholders of such association shall adopt and file with the secretary of state an irrepalable by-law, consenting and providing that its board of directors shall consist of fifteen persons; that the governor, commissioner of agriculture and labor and the state auditor shall, ex-officio, constitute three of such directors; that five of the directors of such association shall be residents of the judicial district in which said fair is to be held, and that one director shall be selected from each other judicial district of this state, and shall be a resident of the same.

Sec. 7. The board of directors of each association shall appoint an executive committee which shall keep an accurate account of the expenditures of all moneys appropriated to it by the state, and of all other receipts and expenditures, and shall collect, arrange and collate all the information in their power in relation to the nature and pre-

paration of soils, the cultivation and growth of crops, the breeding and management of stock, the application and character of manure and fertilizers, the introduction of new cereals and other grains and other agricultural subjects, and report the same together with a statement of their doings, and such account of their expenditures, to the governor on or prior to the first day of January each year following the holding of a state fair; such report to be audited by the governor, commissioner of agriculture and labor and the auditor, and by the governor laid before the legislative assembly. All moneys hereby appropriated shall be paid over to the treasurer of the association entitled to the same on the order of the president attested by the secretary.

Sec. 8. For the purpose of enabling said associations to suitably enclose their grounds and to aid them in the erection thereon of proper buildings, structures and other improvements suitable for the purposes of giving expositions or fairs the sum of ten thousand dollars is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, one-half of which amount shall go to each association, provided, nevertheless, that no part of said appropriation shall be payable until after a deed of conveyance of the premises upon which the fair is to be held, has been made and accepted by the state as hereinbefore provided, and provided, further, that this appropriation shall lapse and shall only be available to the association whose conveyance is made and accepted by the state on or prior to June 1, 1906.

Sec. 9. There is hereby appropriated out of any funds in the treasury of the state of North Dakota not otherwise appropriated, the sum of \$10,000, annually, to be expended by the directors of said associations as follows: Not more than \$5,000 thereof in any one year for the erection of buildings and making of other permanent improvements upon the fair grounds; not less than \$5,000 in any one year as premiums to the exhibitors at said fair; such appropriation to be paid to the North Dakota State Fair Association for Grand Forks in odd numbered years and to the North Dakota State Fair Association for Fargo in even numbered years.

Sec. 10. This act shall not become binding or effective upon the state as to either of such associations until the

stockholders of such association shall adopt a by-law expressly accepting and agreeing to all of the conditions hereof, and file a certified copy of said by-law with the secretary of state.

Sec. 11. In the event of the failure of either of such associations to comply with the provisions of this act then the other association shall be entitled to hold a state fair upon its grounds during each year and receive the appropriation herein made for the association failing thus to comply with this act, and such failure on the part of either association shall operate to permanently establish the state fair grounds of the other association.

Sec. 12. Provided, that nothing in this act contained shall be construed to prohibit the fair association leasing said grounds and buildings for the purpose of holding stock and agricultural exhibits when they deem advisable.

Sec. 13. All acts and parts of acts in conflict with this are hereby expressly repealed.

Sec. 14. Whereas, an emergency exists in this that there is no adequate law providing for the holding of a state fair in the state of North Dakota, and it is desirable that the needed steps be taken to the end that a state fair may be held during the year 1905, therefore, this act shall take effect and be in force from and after its approval.

And when so amended recommend that the same do pass.

F. B. CHAPMAN,
Chairman.

Mr. Richmond moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Richmond moved

That the bill be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks. and making appropriations therefor.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 79, nays 14, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Piper
Allen	Jennings	Purdon
Arnold	Johnson of Richland	Rice
Baeverstad	Johnson of Ward	Richmond
Blake	Kyle	Robillard
Braaten	Lemieux	Rogers
Briden	Lillie	Rose
Burgum	Lyon	Rue
Burtness	Martin	Ryan
Buttz	McClure	Sheils
Chapman	McCrea	Simpson
Chevalier	McKechnie	Sowle
Clendening	McLain	Spangberg
Cooper of Sargent	Meiklejohn	Stavens
Dahl	Midgarden	Stevens of Dickey
Dahlen	Mitchell	Sunderland
Davis	Mooney	Sweet
Dickinson	Moore	Swendseid
Duncan	Morgan	Thompson
Eggen	Nelson	Thoreson
Ellison	Nicholson	Treat
Flados	Oveson	Truemner
Ganssle	Ovind	Walter
Gibbens	Palfrey	watson
Gilbert	Palmer	White
Glasgow	Phelan	Mr. Speaker
Heglie		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Juzeler	Stevens of Burleigh
Blank	Meidinger	Streeter
Cooper of Stutsman	Peterson	Tofsrud
Fried	Scheer	Weigel
Hardt	Schlenker	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Tallackson	Vernon
Casey	Underwood	Welo
Goulet		

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Ryan moved

That the vote by which Senate Bill No. 82 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 217,

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Also,

Senate Bill No. 218,

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

Senate Bill No. 224.

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases, prescribing penalties therefor.

Also,

Senate Bill No. 86,

A bill for an act to amend and re-enact section 2358 of the revised codes of 1899, relating to the election of village officers, and providing for the appointment of a village marshal.

Which the senate has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

SPECIAL ORDER.

Mr. Meiklejohn moved

That the house proceed to the consideration of

House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personal-ity.

Set for a special order for today at 4 o'clock p. m.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 189,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personal-ity.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 43, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Braaten
Burtness
Buttz
Chapman
Chevaller
Dahl
Davis
Flados
Gibbens
Glasgow
Hardt

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore

Messrs.—

Morgan
Ovind
Purdon
Richmond
Robillard
Rose
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Thoreson
Truemner
Walter

Those who voted in the negative were:

Messrs.—

Adams
Baeverstad
Blank

Messrs.—

Lyon
Martin
McClure

Messrs.—

Schlenker
Sheils
Simpson

Messrs.—

Briden
Burgum
Clendening
Cooper of Sargent
Cooper of Stutsman
Dickinson
Duncan
Eggen
Fried
Gilbert
Kyle
Lillie

Messrs.—

Midgarden
Nelson
Nicholson
Palfrey
Peterson
Phelan
Piper
Rice
Rogers
Rue
Scheer

Messrs.—

Sunderland
Sweet
Swendseid
Tallackson
Thompson
Tofsrud
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Brown
Casey
Dahlen
Ellison
Ganssle

Messrs.—

Goulet
Lemieux
Oveson
Palmer
Ryan

Messrs.—

Sowle
Treat
Underwood
Vernon

Messrs. Casey, Underwood and Vernon being excused.

So the bill was lost.

Mr. Fried moved

That the vote by which House Bill No. 189 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Richmond to the chair.

House Bill No. 281,

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 65, nays 2, absent and not voting 33.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Braaten
Burgum
Burtness
Buttz
Clendening
Cooper of Sargent
Cooper of Stutsman
Davis

Messrs.—

Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyons
McClure
McCrea
McKechnie
McLain
Meidinger

Messrs.—

Purdon
Rice
Richmond
Robillard
Rogers
Rue
Simpson
Spangberg
Stavens
Stevens of Dickey
Sunderland

Messrs.—

Duncan
 Eggen
 Ellison
 Flados
 Fried
 Gibbens
 Gilbert
 Glasgow
 Heglie
 Hemmingson
 Johnson of Richland

Messrs.—

Midgarden
 Mooney
 Moore
 Morgan
 Nelson
 Nicholson
 Oveson
 Ovind
 Palmer
 Phelan
 Piper

Messrs.—

Sweet
 Swendseid
 Tallackson
 Thompson
 Tofsrud
 Truemner
 Walter
 Welo
 White
 Mr. Speaker

Those who voted in the negative were:

Messrs.—

Peterson

Messrs.—

Rose

Absent and not voting:

Messrs.—

Arnold
 Belden
 Blake
 Blank
 Briden
 Brown
 Casey
 Chapman
 Chevallier
 Dahl
 Dahlen

Messrs.—

Dickinson
 Ganssle
 Goulet
 Hardt
 Jennings
 Martin
 Meiklejohn
 Mitchell
 Palfrey
 Ryan
 Scheer

Messrs.—

Schlenker
 Sheils
 Sowle
 Stevens of Burleigh
 Streeter
 Thoreson
 Treat
 Underwood
 Vernon
 Watson
 Weigel

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 281 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 257,

A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 57, nays 1, absent and not voting 42.

Those who voted in the affirmative were:

Messrs.—

Adams
 Allen
 Burgum
 Burtness
 Chapman

Messrs.—

Kyle
 Lemieux
 McClure
 McCrea
 McLain

Messrs.—

Rogers
 Sheils
 Sowle
 Spangberg
 Stavens

Messrs.—	Messrs.—	Messrs.—
Clendening	Meldinger	Stevens of Dickey
• Cooper of Sargent	Midgarden	Streeter
Cooper of Stutsman	Moore	Sunderland
Dahlen	Morgan	Sweet
Eggen	Nicholson	Swendseid
Ellison	Oveson	Tallackson
Fried	Ovind	Thompson
Ganssle	Palfrey	Tofsrud
Gibbens	Palmer	Treat
Glasgow	Peterson	Truemner
Heglie	Phelan	Walter
Hemmingson	Purdon	Welo
Johnson of Richland	Rice	White
Johnson of Ward	Richmond	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Duncan	Piper
Baeverstad	Flados	Robillard
Belden	Gilbert	Rose
Blake	Goulet	Rue
Blank	Jennings	Ryan
Braaten	Juzeler	Scheer
Briden	Lillie	Schlenker
Brown	Lyon	Simpson
Buttz	Martin	Stevens of Burleigh
Casey	McKechnie	Thoreson
Chevalier	Meiklejohn	Underwood
Dahl	Mitchell	Vernon
Davis	Mooney	Watson
Dickinson	Nelson	Weigel

Mr. Hardt voting in the negative.

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. McClure moved

That the vote by which House Bill No. 257 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 230.

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 2, absent and not voting 43.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Lillie	Rue
Arnold	McClure	Ryan

Messrs.—

Burgum
Burtness
Dahl
Dahlen
Davis
Dickinson
Eggen
Flados
Ganssle
Gilbert
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler

Messrs.—

McCrea
McLain
Meidinger
Midgarden
Moore
Morgan
Nelson
Nicholson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice
Richmond

Messrs.—

Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Tofsrud
Treat
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Fried

Messrs.—

Kyle

Absent and not voting:

Messrs.—

Adams
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Buttz
Casey
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman

Messrs.—

Duncan
Ellison
Gibbens
Glasgow
Goulet
Lemieux
Lyon
Martin
McKechnie
Meiklejohn
Mitchell
Mooney
Oveson
Palfrey

Messrs.—

Robillard
Rogers
Rose
Scheer
Schlenker
Sweet
Thoreson
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which House Bill No. 230 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

Was read the third time.

The question being on the final passage of the bill;
The roll was called and there were ayes 65, nays none,
absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Purdon
Allen	Johnson of Richland	Rice
Arnold	Johnson of Ward	Richmond
Braaten	Juzeler	Rogers
Burgum	Kyle	Röse
Burtness	Lamieux	Rue
Buttz	Lillie	Ryan
Clendening	McClure	Schlenker
Cooper of Stutsman	McCrea	Sheils
Dahl	McLain	Sowle
Dahlen	Meidinger	Spangberg
Davis	Midgarden	Stayens
Duncan	Mooney	Streeter
Eggen	Moore	Sunderland
Flados	Morgan	Swendseid
Fried	Nelson	Thompson
Ganssle	Nicholson	Thoreson
Gilbert	Ovind	Tofsrud
Glasgow	Palfrey	Walter
Hardt	Palmer	White
Heglie	Phelan	Mr. Speaker
Hemmingson	Piper	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Gibbens	Stevens of Burleigh
Belden	Goulet	Stevens of Dickey
Blake	Lyon	Sweet
Blank	Martin	Tallackson
Briden	McKechnie	Treat
Brown	Meiklejohn	Truemner
Casey	Mitchell	Underwood
Chapman	Oveson	Vernon
Chevalier	Peterson	Watson
Cooper of Sargent	Robillard	Weigel
Dickinson	Scheer	Welo
Ellison	Simpson	

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

House Bill No. 15,

A bill for an act to encourage elementary education.

Was read the third time.

Mr. Fried moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being upon the final passage of the bill.

The roll was called and there were ayes 43, nays 25, absent and not voting 32.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Kyle	Rice
Belden	Lemieux	Richmond
Brown	Lillie	Rogers
Burgum	Lyon	Rue
Burtness	McCrea	Scheer
Buttz	McLain	Sowle
Cooper of Sargent	Mooney	Streeter
Dahl	Nelson	Sweet
Davis	Ovind	Swendseid
Eggen	Palfrey	Thompson
Flados	Palmer	Tofsrud
Gibbens	Peterson	Treat
Glasgow	Piper	White
Hemmingson	Purdon	Mr. Speaker
Johnson of Ward		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglio	Rose
Arnold	Johnson of Richland	Schlenker
Blank	Juzeler	Spangberg
Braaten	McClure	Stavens
Cooper of Stutsman	Meidinger	Stevens of Dickey
Dahlen	Morgan	Sunderland
Fried	Nicholson	Tallackson
Ganssle	Phelan	Weigel
Gilbert		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Hardt	Sheils
Blake	Jennings	Simpson
Briden	Martin	Stevens of Burleigh
Casey	McKechnie	Thoreson
Chapman	Meiklejohn	Truemner
Chevalier	Midgarden	Underwood
Clendening	Mitchell	Vernon
Dickinson	Moore	Walter
Duncan	Oveson	Watson
Ellison	Robillard	Welo
Goulet	Ryan	

Messrs. Casey, Underwood and Vernon being excused.

So the bill was lost.

Mr. Davis explained his vote.

Mr. Mooney gave notice that he would at some future time move to reconsider the vote by which House Bill. No. 15 was lost.

House Bill No. 237,

A bill for an act to amend section 6613 of the revised

codes of 1899, of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 55, nays 10, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Rice
Belden	Johnson of Ward	Richmond
Blank	Lemieux	Rogers
Braaten	Lyon	Rose
Briden	McClure	Sheils
Brown	McCrea	Sowle
Burgum	Meidinger	Spangberg
Buttz	Midgarden	Stavens
Chapman	Moore	Streeter
Cooper of Sargent	Nicholson	Sunderland
Cooper of Stutsman	Oveson	Sweet
Dahlen	Ovind	Thompson
Davis	Palfrey	Tofsrud
Duncan	Palmer	Treat
Eggen	Peterson	Weigel
Ellison	Phelan	Welo
Gibbens	Piper	White
Hardt	Purdon	Mr. Speaker
Jennings		

Those who voted in the negative were:

Messrs.—	Messrs.—	
Allen	Glasgow	Mitchell
Blake	Heglie	Stevens of Dickey
Burtness	Juzeler	Swendseid
Dahl		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Kyle	Scheer
Baeverstad	Lillie	Schlenker
Casey	Martin	Simpson
Chevalier	McKechnie	Stevens of Burleigh
Clendening	McLain	Tallackson
Dickinson	Meiklejohn	Thoreson
Flados	Mooney	Truemner
Fried	Morgan	Underwood
Ganssle	Nelson	Vernon
Gilbert	Robillard	Walter
Goulet	Rue	Watson
Hemmingson	Ryan	

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Eggen moved

That the vote by which House Bill No. 237 was passed

be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The house returned to the 12th order of business.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. McCrea moved

That the house do concur in the senate amendments to House Bill No. 25.

Which motion prevailed.

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burness
Buttz
Chapman
Chevallier
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Glasgow
Hardt
Heglie
Hemmingson
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
McClure
McCrea
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Piper
Purdon
Rice
Richmond
Rogers
Rue
Scheer
Sheils
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Glendening
Cooper of Sargent
Gilbert
Goulet
Jennings
Lemieux

Messrs.—

Martin
McKechnie
McLain
Meiklejohn
Robillard
Rose
Ryan

Messrs.—

Schlenker
Simpson
Stevens of Burleigh
Truemner
Underwood
Vernon
Watson

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

The speaker in the chair.

Mr. Davis moved

That the house do concur in the senate amendments to House Bill No. 115.

Which motion prevailed.

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 89, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Glendening
Cooper of Sargent

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden

Messrs.—

Richmond
Robillard
Rogers
Rose
Rue
Ryan
Schlenker
Sheils
Simpson
Sowle
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Mitchell	Swendseid
Dahl	Mooney	Tallackson
Dahlen	Moore	Thompson
Davis	Morgan	Thoreson
Dickinson	Nelson	Tofsrud
Duncan	Nicholson	Treat
Eggen	Oveson	Truemner
Ellison	Ovind	Walter
Flados	Palfrey	Watson
Ganssle	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Phelan	White
Glasgow	Purdon	Mr. Speaker
Hardt	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Spangberg
Casey	Martin	Underwood
Fried	Piper	Vernon
Goulet	Scheer	

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Purdon moved

That the house do concur in the senate amendments to House Bill No. 14.

Which motion prevailed.

House Bill No. 14,

A bill for an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Rice
Allen	Johnson of Richland	Richmond
Arnold	Johnson of Ward	Rogers
Blake	Juzeler	Rue
Blank	Kyle	Scheer
Braaten	Lillie	Schlenker
Briden	Lyon	Sheils
Brown	Martin	Sowle
Burgum	McClure	Spangberg

Messrs.—	Messrs.—	Messrs.—
Burtness	McCrea	Stavens
Buttz	McLain	Stevens of Burleigh
Chapman	Meidinger	Stevens of Dickey
Chevalier	Midgarden	Streeter
Dahl	Mitchell	Sunderland
Dahlen	Mooney	Sweet
Dickinson	Moore	Swendseid
Duncan	Morgan	Tallackson
Eggen	Nelson	Thompson
Ellison	Nicholson	Thoreson
Flados	Oveson	Tofsrud
Fried	Ovind	Treat
Ganssle	Palfrey	Walter
Gibbens	Palmer	Weigel
Glasgow	Peterson	Welo
Hardt	Phelan	White
Hemmingson	Purdon	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Rose
Belden	Heglie	Ryan
Casey	Lemieux	Simpson
Clendening	McKechnie	Truemner
Cooper of Sargent	Meiklejohn	Underwood
Cooper of Stutsman	Piper	Vernon
Davis	Robillard	Watson
Gilbert		

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Blank moved

That the house do now concur in the senate amendments to House Bill No. 77.

Which motion prevailed.

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 78, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Piper
Allen	Hemmingson	Purdon
Arnold	Jennings	Rice
Belden	Johnson of Richland	Richmond
Blake	Johnson of Ward	Rose

Messrs.—

Blank
Braaten
Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow
Hardt

Messrs.—

Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McLain
Meldinger
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Rue
Scheer
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Brown
Casey
Clendenning
Cooper of Sargent
Cooper of Stutsman
Gilbert
Goulet

Messrs.—

Lemieux
McKechnie
Meiklejohn
Midgarden
Robillard
Rogers
Ryan

Messrs.—

Schlenker
Shells
Simpson
Truemner
Underwood
Vernon
Watson

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the house do concur in the senate concurrent resolution relating to transfer of St. Louis exhibit.

Which motion prevailed.

Mr. White moved

That the house do concur in the senate concurrent resolution relative to the codifying and publishing of 1,000 copies of the laws of the state of North Dakota.

Mr. Ryan moved

As a substitute motion that the concurrent resolution be laid on the table.

Which substitute motion prevailed and concurrent resolution was laid on the table.

The house proceeded to the 14th order of business.

THIRD READING OF SENATE BILLS.

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 77, nays 1, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Dahl
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Glasgow
Hardt
Heglie
Hemmingson
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
Martin
McCrea
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Piper
Purdon
Rice
Richmond
Rogers
Rose
Ryan
Scheer
Schlenker
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Svenaseid
Thompson
Tofsrud
Treat
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Cooper of Sargent
Dahlen
Gilbert
Goulet
Jennings
Johnson of Richland

Messrs.—

Lemieux
McKechnie
Meiklejohn
Robillard
Rue
Simps n
Sweet

Messrs.—

Tallackson
Thoreson
Truemner
Underwood
Vernon
Walter
Watson

Mr. McClure voting in the negative.

Messrs. Casey, Underwood and Vernon being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Ward moved

That the vote by which Senate Bill No. 165 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The house returned to the 13th order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 217,

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 218,

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.

Was read the first and second times, and

Referred to steering committee.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refund-

ing or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 224,

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases, prescribing penalties therefor.

Was read the first and second times, and
Referred to steering committee.

Also,

Senate Bill No. 86,

A bill for an act to amend and re-enact section 2358, of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

Was read the first and second times, and
Referred to steering committee.

The chief clerk announced that the speaker was about to sign:

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Also,

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the

construction of sewers and water mains therein, connecting with such city sewers and water mains.

Also,

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Also,

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those

entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

And the speaker signed the same in the presence of the house.

Mr. Sweet moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The house took a recess until 10 a. m. tomorrow.

OTTO SOUGSTAD,

Chief Clerk.

FIFTY-SEVENTH DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

The house assembled at 10 o'clock a. m. pursuant to recess taken.

REPORTS OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Also,

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of

Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science,

located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also,

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Also,

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the

duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota,

\$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Have had the same under consideration and respectfully report the same back with the recommendation that they be put on their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 267,

A bill for an act to amend chapter 103, of the session laws of 1903.

And find the same correctly engrossed.

T. WELO,
Acting Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The house proceeded to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 81; nays, 0; absent and not voting, 19.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Burgum
Burtness

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyons
Martin
McClure
McCrea

Messrs.—

Rose
Ryan
Scheer
Schlenker
Shiels
Simpson
Sowle
Spangberg
Stavens

Messrs.—	Messrs.—	Messrs.—
Buttz	McKechnie	Stevens of Burleigh
Chapman	McLain	Stevens of Dickey
Chevalier	Meidenger	Streeter
Clendenning	Midgarden	Sunderland
Cooper of Sargent	Mitchell	Sweet
Cooper of Stutsman	Mooney	Swenseld
Dahl	Moore	Tailackson
Dahlen	Morgan	Thompson
Davis	Nicholson	Thoreson
Duncan	Oveson	Tofsrud
Eggen	Ovind	Treet
Ellison	Palfrey	Treumner
Flados	Peterson	Walter
Fried	Phelan	Watson
Ganssle	Piper	Weigel
Gibbens	Purdon	Welo
Gilbert	Robillard	White
Glassgow	Rogers	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Palmer
Briden	Hemmingson	Rice
Brown	Jennings	Richmond
Casey	Lillie	Rue
Dickinson	Meiklejohn	Underwood
Goulet	Nelson	Vernon
Hardt		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 83; nays, 1; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Richmond
Allen	Johnson of Richland	Robillard
Arnold	Johnson of Ward	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Blank	Lemieux	Ryan
Braaten	Lillie	Scheer
Burgum	Lyon	Sheils

Messrs.—	Messrs.—	Messrs.—
Burtness	Martin	Simpson
Buttz	McClure	Sowle
Chapman	McCrea	Spangberg
Chevalier	McKechnie	Stevens of Burleigh
Clendenning	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Streeter
Cooper of Stutsman	Midgarden	Sunderland
Dahl	Mitchell	Swendseid
Dahlen	Mooney	Tallackson
Davis	Moore	Thoreson
Duncan	Morgan	Tofsrud
Eggen	Nicholson	Treat
Ellison	Oveson	Truemner
Flados	Ovind	Walter
Fried	Palfrey	Watson
Ganssle	Peterson	Weigel
Gibbens	Phelan	Welo
Gilbert	Piper	White
Glasgow	Purdon	Mr. Speaker
Hardt	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Schlenker
Briden	Jennings	Sweet
Brown	Meiklejohn	Thompson
Casey	Nelson	Underwood
Dickinson	Palmer	Vernon
Goulet		

Mr. Stavens voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 85; nays, 1; absent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Richmond
Allen	Jennings	Robillard
Arnold	Johnson of Richland	Rogers
Belden	Johnson of Ward	Rose
Blake	Juzeler	Ryan
Blank	Kyle	Scheer

Messrs.—

Braaten
Briden
Burgum
Burtness
Buttz
Chapman
Chevallier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Hardt

Messrs.—

Lemieux
Lillie
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nicholson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Brown
Casey
Dickinson
Goulet

Messrs.—

Heglie
Lyon
Midgarden
Nelson
Oveson

Messrs.—

Rue
Thompson
Underwood
Vernon

Mr. Welo voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 65; nays, 8; absent and not voting, 27.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank

Messrs.—

Fried
Ganssle
Gibbens
Gilbert
Glasgow
Jennings

Messrs.—

Purdon
Richmond
Robillard
Rogers
Rose
Ryan

Messrs.—	Messrs.—	Messrs.—
Braaten	Johnson of Richland	Scheer
Briden	Lemieux	Sheils
Burgum	Lyon	Simpson
Burtness	Martin	Sowle
Chapman	McClure	Spangberg
Chevalier	McCrea	Stevens of Burleigh
Clendening	McKechnie	Streeter
Cooper of Sargent	McLain	Sweet
Cooper of Stutsman	Midgarden	Treat
Dahl	Mitchell	Truemner
Dahlen	Mooney	Walter
Davis	Nicholson	Watson
Duncan	Ovind	Weigel
Eggen	Palmer	White
Ellison	Phelan	Mr. Speaker
Flados	Piper	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hardt	Rice	Thoreson
Hemmingson	Rue	Welo
Meidinger	Schlenker	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Kyle	Stavens
Brown	Lillie	Stevens of Dickey
Buttz	Meiklejohn	Sunderland
Casey	Moore	Swendseid
Dickinson	Morgan	Tallackson
Goulet	Nelson	Thompson
Heglie	Oveson	Tofsrud
Johnson of Ward	Palfrey	Underwood
Juzeler	Peterson	Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 87; nays, 0; absent and not voting, 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Robillard
Arnold	Johnson of Richland	Rogers
Allen	Johnson of Ward	Rose
Belden	Juzeler	Ryan
Blank	Kyle	Scheer

Messrs.—	Messrs.—	Messrs.—
Braaten	Lemieux	Schlenker
Briden	Lillie	Sheils
Burgum	Lyon	Simpson
Burtness	Martin	Sowle
Buttz	McClure	Spangberg
Chapman	McCrea	Stavens
Chevalier	McKechnie	Stevens of Burleigh
Clendening	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Streeter
Cooper of Stutsman	Midgarden	Sunderland
Dahl	Mitchell	Sweet
Dahlen	Mooney	Swendseid
Davis	Moore	Tallackson
Duncan	Morgan	Thompson
Eggen	Nicholson	Thoreson
Ellison	Oveson	Tofsrud
Flados	Ovind	Treat
Fried	Palfrey	Truemner
Ganssle	Palmer	Walter
Gibbens	Peterson	Watson
Gilbert	Phelan	Weigel
Glasgow	Piper	Welo
Hardt	Purdon	White
Hemmingson	Richmond	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Rice
Blake	Heglie	Rue
Brown	Meiklejohn	Underwood
Casey	Nelson	Vernon
Dickinson		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 16,

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 75; nays, 7; absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Rogers
Allen	Hemmingson	Rose
Arnold	Jennings	Ryan
Belden	Johnson of Richland	Scheer
Blake	Johnson of Ward	Schlenker
Blank	Lemieux	Sheils
Braaten	Lyon	Simpson
Briden	Martin	Sowle

Messrs.—

Burgum
Burtness
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert

Messrs.—

McClure
McCrea
McKechnie
McLain
Mitchell
Mooney
Moore
Morgan
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Richmond
Robillard

Messrs.—

Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thoreson
Tofsrud
Treat
Truemner
Walter
Watsou
Weigel
Welo
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Hardt
Juzeler
Meidinger

Messrs.—

Rice
Rue

Messrs.—

Stavens
Thompson

Absent and not voting:

Messrs.—

Baeverstad
Brown
Buttz
Casey
Clendening
Gibbens

Messrs.—

Goulet
Heglie
Kyle
Lillie
Meiklejohn
Midgarden

Messrs.—

Nelson
Nicholson
Oveson
Tallackson
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 76; nays, 5; absent and not voting, 19.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward

Messrs.—

Purdon
Rice
Richmond
Robillard

Messrs.—

Blake
Blank
Braaten
Briden
Burgum
Burtness
Chapman
Chevallier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Flados
Ganssle
Gilbert
Glasgow
Hardt
Heglie

Messrs.—

Juzeler
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Ovind
Palmer
Peterson
Phelan
Piper

Messrs.—

Rogers
Rose
Scheer
Schlenker
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Treat
Truemner
Walter
Watson
Weigel
White
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Rue
Ryan

Messrs.—

Stavens
Thompson

Messrs.—

Welo

Absent and not voting:

Messrs.—

Baeverstad
Brown
Buttz
Casey
Clendening
Ellison
Fried

Messrs.—

Gibbens
Goulet
Kyle
Meiklejohn
Nelson
Oveson

Messrs.—

Palfrey
Sheils
Thoreson
Tofsrud
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 87; nays, none; absent and not voting, 13.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold

Messrs.—

Glasgow
Hardt
Heglie

Messrs.—

Piper
Purdon
Rice

Messrs.—

Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevallier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palmer
Peterson
Phelan

Messrs.—

Richmond
Robillard
Rogers
Rose
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Goulet
Meiklejohn
Nelson

Messrs.—

Palfrey
Rue
Schlenker
Stavens

Messrs.—

Tallackson
Thoreson
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No, 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 85; nays, 0; absent and not voting, 15.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden

Messrs.—

Jennings
Johnson of Richland
Juzeler
Kyle

Messrs.—

Robillard
Rogers
Rose
Rue

Messrs.—

Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Glasgow
Hardt
Heglie

Messrs.—

Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidenger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper
Purdon
Rice
Richmond

Messrs.—

Ryan
Scheer
Schlenker
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Dahl
Gibbens
Gilbert

Messrs.—

Goulet
Hemmingson
Johnson of Ward
Meiklejohn
Nelson

Messrs.—

Phelan
Sheils
Stavens
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 81; nays, 0; absent and not voting, 19.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake

Messrs.—

Heglie
Hemmingson
Jeannings
Johnson of Richland
Johnson of Ward

Messrs.—

Rogers
Rose
Rue
Ryan
Scheer

Messrs.—

Blank
Braaten
Briden
Brown
Burgum
Burtness
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert
Glasgow

Messrs.—

Juzeler
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidenger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palmer
Piper
Purdon
Richmond
Robillard

Messrs.—

Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
Weio
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Buttz
Casey
Dickinson
Gibbens
Goulet
Hardt

Messrs.—

Kyle
Martin
Meiklejohn
Nelson
Palfrey
Peterson

Messrs.—

Phelan
Rice
Schlenker
Stavens
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 89; nays, 0; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle

Messrs.—

Richmond
Robillard
Rogers
Rose
Ryan
Scheer
Schlenker

Messrs.—

Briden
Brown
Eurgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Hardt

Messrs.—

Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Shells
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swenseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeversstad
Casey
Dickinson
Goulet

Messrs.—

Meiklejohn
Nelson
Rice
Rue

Messrs.—

Stavens
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 76; nays, 1; absent and not voting, 23.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness

Messrs.—

Hemmingson
Jennings
Johnson of Ward
Juzeler
Lyon
McClure
McKechnie
McLain
Meidinger
Meiklejohn

Messrs.—

Rose
Ryan
Scheer
Shells
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey

Messrs.—	Messrs.—	Messrs.—
Chapman	Midgarden	Streeter
Chevalier	Mitchell	Sunderland
Cooper of Sargent	Mooney	Sweet
Cooper of Stutsman	Moore	Swendseid
Dahlen	Morgan	Tallackson
Davis	Nicholson	Thompson
Duncan	Ovind	Thoreson
Eggen	Palfrey	Tofsrud
Ellison	Palmer	Treat
Flados	Peterson	Truemner
Fried	Phelan	Walter
Ganssle	Piper	Watson
Gilbert	Purdon	Welo
Glasgow	Robillard	White
Hardt	Rogers	Mr. Speaker
Heglie		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Oveson
Baeverstad	Johnson of Richland	Rice
Buttz	Kyle	Richmond
Casey	Lemieux	Schlenker
Clendening	Lillie	Underwood
Dahl	Martin	Vernon
Dickinson	McCrea	Weigel
Gibbens	Nelson	

Mr. Rue voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 79; nays, 5; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Robillard
Allen	Heglie	Rogers
Arnold	Hemmingson	Rose
Belden	Jennings	Ryan
Braaten	Johnson of Richland	Scheer
Briden	Johnson of Ward	Schlenker
Brown	Kyle	Sheils
Burgum	Lemieux	Simpson
Burtness	Lillie	Sowle

Messrs.—	Messrs.—	Messrs.—
Buttz	Lyon	Spangberg
Chapman	Martin	Stavens
Chevalier	McClure	Stevens of Burleigh
Clendening	McCrea	Stevens of Dickey
Cooper of Sargent	McKechie	Streeter
Cooper of Stutsman	McLain	Sunderland
Dahl	Meiklejohn	Sweet
Dahlen	Mooney	Swendseid
Davis	Moore	Tallackson
Duncan	Morgan	Thoreson
Eggen	Ovind	Tofsrud
Ellison	Palmer	Treat
Flados	Peterson	Truemner
Fried	Phelan	Walter
Ganssle	Piper	Watson
Gibbens	Purdon	White
Gilbert	Richmond	Mr. Speaker
Glasgow		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Meidinger	Welo
Juzeler	Weigel	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeeverstad	Mitchell	Rice
Blake	Nelson	Rue
Casey	Nicholson	Thompson
Dickinson	Oveson	Underwood
Goulet	Palfrey	Vernon
Midgarden		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 53; nays, 17; absent and not voting, 30.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	McClure	Ryan
Allen	McCrea	Scheer
Belden	McKechie	Shells
Blank	McLain	Simpson
Braaten	Mitchell	Spangberg
Briden	Mooney	Stevens of Burleigh

Messrs.—	Messrs.—	Messrs.—
Brown	Moore	Stevens of Dickey
Burtness	Nicholson	Streeter
Chevalier	Palfrey	Sweet
Cooper of Sargent	Palmer	Swendseld
Davis	Peterson	Tofsrud
Fried	Phelan	Treat
Ganssle	Piper	Truemner
Gilbert	Purdon	Walter
Glasgow	Richmond	Watson
Jennings	Robillard	White
Johnson of Ward	Rogers	Mr. Speaker
Lyon	Rose	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Johnson of Richland	Ovind
Blake	Juzeler	Rue
Duncan	Lemieux	Schlenker
Hardt	Meidinger	Stavens
Heglie	Morgan	Thompson
Hemmingson	Oveson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Eggen	Nelson
Burgum	Ellison	Rice
Buttz	Flados	Sowle
Casey	Gibbens	Sunderland
Chapman	Goulet	Tallackson
Clendening	Kyle	Thoreson
Cooper of Stutsman	Lillie	Underwood
Dahl	Martin	Vernon
Dahlen	Meiklejohn	Weigel
Dickinson	Midgarden	Welo

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 54; nays, 18; absent and not voting, 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Fried	Rose
Allen	Ganssle	Ryan

Messrs.—	Messrs.—	Messrs.—
Arnold	Gilbert	Scheer
Belden	Glasgow	Sheils
Blake	Johnson of Richland	Simpson
Braaten	Martin	Spangberg
Briden	McCrea	Stevens of Burleigh
Brown	McLain	Stevens of Dickey
Burgum	Mooney	Streeter
Burtness	Morgan	Sweet
Chevallier	Palfrey	Swendseid
Cooper of Sargent	Palmer	Thoreson
Cooper of Stutsman	Peterson	Treat
Davis	Phelan	Truemner
Duncan	Piper	Walter
Eggen	Purdon	Weigel
Ellison	Richmond	White
Flados	Rogers	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hardt	Meiklejohn	Stavens
Heglie	Midgarden	Sunderland
Hemmingson	Oveson	Tallackson
Juzeler	Ovind	Thompson
McKechnie	Rue	Watson
Meidinger	Schlenker	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Moore
Blank	Jennings	Nelson
Buttz	Johnson of Ward	Nicholson
Casey	Kyle	Rice
Chapman	Lemieux	Robillard
Clendening	Lillie	Sowle
Dahl	Lyon	Tofsrud
Dahlen	McClure	Underwood
Dickinson	Mitchell	Vernon
Gibbens		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Mr. Hardt explained his vote.

Mr. Phelan explained his vote.

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 45; nays, 28; absent and not voting, 27.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	
Adams	Glasgow	Richmond
Allen	Johnson of Richland	Rogers
Blake	Johnson of Ward	Rose
Braaten	Lyon	Ryan
Brown	Martin	Scheer
Burgum	McClure	Simpson
Burtness	McLain	Sowle
Buttz	Mitchell	Stevens of Burleigh
Chapman	Mooney	Stevens of Dickey
Chevalier	Moore	Sweet
Clendenning	Nicholson	Swendseid
Davis	Ovind	Treat
Dickinson	Palmer	Truemner
Eggen	Piper	White
Gilbert	Purdon	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	McCrea	Sneils
Blank	McKechnie	Stavens
Briden	Meidinger	Sunderland
Flados	Oveson	Thompson
Ganssle	Peterson	Tofsrud
Hardt	Phelan	Walter
Heglie	Rice	Watson
Hemmingson	Rue	weigle
Jennings	Schlenker	Welo
Juzeler		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Fried	Nelson
Baeverstad	Gibbens	Palfrey
Casey	Goulet	Robillard
Cooper of Sargent	Kyle	Spangberg
Cooper of Stutsman	Lemieux	Streeter
Dahl	Lillie	Tallackson
Dahlen	Meiklejohn	Thoreson
Duncan	Midgarden	Underwood
Ellison	Morgan	Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill was lost.

Mr. Johnson of Richland, explained his vote.

Mr. Ryan gave notice that he would at some future time move to reconsider the vote by which Senate Bill No. 153 was lost.

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 45; nays, 39; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Eggen	Richmond
Allen	Gilbert	Rogers
Arnold	Glasgow	Rose
Blake	Johnson of Ward	Ryan
Braaten	Lillie	Scheer
Brown	Martin	Simpson
Burgum	McClure	Sowle
Burtness	McLain	Stevens of Burleigh
Buttz	Mitchell	Stevens of Dickey
Chapman	Mooney	Sweet
Chevalier	Moore	Thoreson
Clendening	Morgan	Treat
Dahlen	Palmer	Truemner
Davis	Piper	White
Dickinson	Purdon	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Kyle	Sheils
Blank	Lemieux	Spangberg
Briden	McKechnie	Stavens
Dahl	Meidinger	Streeter
Ellison	Meiklejohn	Sunderland
Flados	Oveson	Swendseid
Ganssle	Ovind	Tallackson
Gibbens	Peterson	Thompson
Hardt	Phelan	Tofsrud
Heglie	Rice	Walter
Hemmingson	Robillard	Watson
Jennings	Rue	Weigel
Juzeler	Schlenker	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Nelson
Casey	Johnson of Richland	Nicholson
Cooper of Sargent	Lyon	Palfrey
Cooper of Stutsman	McCrea	Underwood
Duncan	Midgarden	Vernon
Fried		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill was lost.

Mr. Sweet gave notice that he would at some future time move to reconsider the vote by which Senate Bill No. 157 was lost.

Senate Bill No. 168,

A bill for an act making an appropriation for purchas-

ing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 66; nays, 13; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Richmond
Allen	Heglie	Robillard
Arnold	Hemmingson	Rogers
Blake	Jennings	Rose
Blank	Johnson of Ward	Ryan
Braaten	Lemieux	Scheer
Briden	Lillie	Sheils
Brown	Lyon	Simpson
Burgum	McClure	Sowle
Burtness	McCrea	Spangberg
Chapman	McKechnie	Stevens of Burleigh
Chevalier	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Sunderland
Cooper of Stutsman	Midgarden	Sweet
Dahlen	Mooney	Thoreson
Davis	Moore	Treat
Dickinson	Morgan	Truemner
Eggen	Ovind	Walter
Flados	Palmer	Watson
Fried	Peterson	Weigel
Gilbert	Piper	White
Glasgow	Purdon	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Phelan	Swendseid
Duncan	Rice	Tallackson
Gibbens	Rue	Thompson
Martin	Stavens	Welo
Mitchell		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Oveson
Buttz	Johnson of Richland	Palfrey
Casey	Juzeler	Schlenker
Clendening	Kyle	Streeter
Dahl	Meiklejohn	Tofsrud
Ellison	Nelson	Underwood
Ganssle	Nicholson	Vernon

Messrs. Casey, Underwood and Vernon, being excused.
So the bill passed and the title was agreed to.
Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Was read the third time.

Mr. Ryan moved

That the further consideration of Senate Bill No. 169 be indefinitely postponed.

Mr. Phelan moved

As a substitute motion that the bill be put on the third reading and final passage.

Roll call demanded.

The roll was called and there were: Ayes, 67; nays, 15; absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Purdon
Allen	Hardt	Rice
Arnold	Heglie	Richmond
Blake	Jennings	Robillard
Blank	Johnson of Richland	Rogers
Braaten	Johnson of Ward	Rose
Briden	Lemieux	Scheer
Brown	Lillie	Shiels
Burgum	Lyon	Simpson
Buttz	Martin	Spangberg
Chapman	McClure	Streeter
Chevalier	McCrea	Sunderland
Clendenning	McLain	Sweet
Cooper of Sargent	Meidenger	Thompson
Cooper of Stutsman	Meiklejohn	Thoreson
Davis	Midgarden	Treet
Dickinson	Mitchell	Treumner
Duncan	Moore	Walter
Eggen	Morgan	Watson
Ellison	Palfrey	Weigel
Fried	Palmer	White
Ganssle	Phelan	Mr. Speaker
Gibbens		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Juzeler	Ryan
Burtness	Kyle	Sowle
Flados	Mooney	Stavens
Glassgow	Ovind	Swenseid
Hemmingson	Rue	Welo

Absent and not voting:

Messrs.—

Baeverstad
Casey
Dahl
Dahlen
Goulet
McKechnie

Messrs.—

Nelson
Nicholson
Oveson
Peterson
Piper
Schlenker

Messrs.—

Stevens of Burleigh
Stevens of Dickey
Tallackson
Tofsrud
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.
So the substitute motion prevailed.

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 83; nays, 1; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Gilbert
Glasgow
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Martin
McClure
McCrea
McKechnie
McLain
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper

Messrs.—

Purdon
Rice
Rogers
Rose
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Treat
Truemner
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Goulet
Juzeler
Lyon
Meidinger

Messrs.—

Nelson
Nicholson
Oveson
Richmond
Robillard

Messrs.—

Rue
Tallackson
Tofsrud
Underwood
Vernon

Mr. Stavens voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 86; nays, 3; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle

Messrs.—

Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Ovind
Palfrey
Palmer
Peterson

Messrs.—

Rice
Richmond
Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thoreson
Treat
Truemner
Walter
Watson
Weigel

Messrs.—
Gibbens
Gilbert
Glasgow

Messrs.—
Phelan
Piper
Purdon

Messrs.—
Welo
Mr. Speaker

Those who voted in the negative were:

Messrs.—
Lyon

Messrs.—
Stavens

Messrs.—
White

Absent and not voting:

Messrs.—
Baeverstad
Casey
Clendening
Goulet

Messrs.—
Nelson
Nicholson
Oveson
Thompson

Messrs.—
Tofsrud
Underwood
Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 87; nays, 0; absent and not voting, 13.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison

Messrs.—
Glasgow
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Ovind

Messrs.—
Rice
Richmond
Robillard
Rogers
Rose
Ryan
Scheer
Schlenker
Sheils
Simpson
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter

Messrs.—	Messrs.—	Messrs.—
Flados	Palfrey	Watson
Fried	Palmer	Weigel
Ganssle	Peterson	Welo
Gibbens	Phelan	White
Gilbert	Purdon	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Nicholson	Sowle
Casey	Oveson	Stavens
Goulet	Piper	Underwood
Moore	Rue	Vernon
Nelson		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 70; nays, 5; absent and not voting, 25.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Rice
Allen	Glasgow	Richmond
Arnold	Hardt	Robillard
Belden	Heglie	Rogers
Blake	Jennings	Rose
Blank	Johnson of Richland	Ryan
Braaten	Johnson of Ward	Schlenker
Burgum	Juzeler	Shells
Burtness	Lillie	Simpson
Buttz	Martin	Stevens of Burleigh
Chapman	McClure	Stevens of Dickey
Chevalier	McCrea	Streeter
Clendenen	McKechnie	Sunderland
Cooper of Sargent	McLain	Swendseid
Cooper of Stutsman	Meidinger	Thoreson
Davis	Mitchell	Treat
Dickinson	Mooney	Truemner
Duncan	Morgan	Walter
Eggen	Ovind	Watson
Ellison	Palfrey	Weigel
Flados	Palmer	White
Fried	Peterson	Mr. Speaker
Ganssle	Phelan	
Gibbens	Purdon	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kyle	Tallackson
Hemmingson	Stavens	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Midgarden	Sowle
Briden	Moore	Spangberg
Casey	Nelson	Sweet
Dahl	Nicholson	Thompson
Dahlen	Oveson	Tofsrud
Goulet	Piper	Underwood
Lemieux	Rue	Vernon
Lyon	Scheer	Welo
Meiklejohn		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Arnold to the chair.

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 54; nays, 19; absent and not voting, 27.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Robillard
Allen	Johnson of Richland	Rogers
Arnold	Johnson of Ward	Rose
Blake	Juzeler	Ryan
Briden	Lemieux	Simpson
Burtness	Lillie	Sowle
Buttz	McClure	Stevens of Burleigh
Chapman	McCrea	Stevens of Dickey
Chevalier	McLain	Streeter
Clendening	Mitchell	Sweet
Cooper of Stutsman	Mooney	Swendseid
Davis	Morgan	Thoreson
Dickinson	Palfrey	Treat
Duncan	Palmer	Truemner
Flados	Phelan	Watson
Ganssle	Piper	Weigel
Glasgow	Purdon	White
Hardt	Richmond	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Midgarden	Sheils
Brown	Ovind	Spangberg
Hemmingson	Peterson	Stavens
Jennings	Rice	Thompson
McKechnie	Rue	Tallackson
Meidinger	Scheer	Welo
Meiklejohn		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Ellison	Nelson
Belden	Fried	Nicholson
Braaten	Gibbens	Oveson
Burgum	Gilbert	Schlenker
Casey	Goulet	Sunderland
Cooper of Sargent	Kyle	Tofsrud
Dahl	Lyon	Underwood
Dahlen	Martin	Vernon
Eggen	Moore	Walter

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

The speaker in the chair.

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 65; nays, 14; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Purdon
Allen	Glasgow	Richmond
Arnold	Hardt	Robillard
Belden	Heglie	Rogers
Blake	Johnson of Richland	Rose
Blank	Johnson of Ward	Ryan
Braaten	Juzeler	Schlenker
Briden	Lemieux	Simpson
Burgum	Lillie	Sowle
Burtness	Martin	Spangberg
Buttz	McClure	Stevens of Burleigh
Chapman	McCrea	Streeter
Chevallier	McKechnie	Sweet
Clendenning	McLain	Swendseid
Cooper of Sargent	Meidenger	Thoreson
Davis	Meiklejohn	Treet

Messrs.—	Messrs.—	Messrs.—
Dickinson	Mitchell	Treumner
Duncan	Mooney	Watson
Eggen	Morgan	Weigel
Ellison	Palmer	White
Ganssle	Phelan	Mr. Speaker
Gibbens	Piper	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Midgarden	Shiels
Cooper of Stutsman	Ovind	Stavens
Dahl	Peterson	Tallackson
Fried	Rue	Thompson
Hemmingson	Scheer	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Lyon	Stevens of Dickey
Casey	Moore	Sunderland
Dahlen	Nelson	Tofsrud
Flados	Nicholson	Underwood
Goulet	Oveson	Vernon
Jennings	Palfrey	Walter
Kyle	Rice	Welo

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 93; nays, 0; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Richmond
Allen	Hemmingson	Robillard
Arnold	Jennings	Rogers
Belden	Johnson of Richland	Rose
Blake	Johnson of Ward	Rue
Blank	Juzeler	Ryan
Braaten	Kyle	Scheer
Briden	Lemieux	Schlenker
Brown	Lillie	Shells
Burgum	Lyon	Simpson
Burtness	Martin	Sowle
Buttz	McClure	Spangberg
Chapman	McCrea	Stavens
Chevalier	McKechnie	Stevens of Burleigh

Messrs.—	Messrs.—	Messrs.—
Clendening	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Streeter
Cooper of Stutsman	Meiklejohn	Sunderland
Dahl	Midgarden	Sweet
Dahlen	Mitchell	Swendseid
Davis	Moore	Tallackson
Dickinson	Morgan	Thompson
Duncan	Mooney	Thoresen
Eggen	Oveson	Tofsrud
Ellison	Ovind	Treat
Flados	Palfrey	Truemner
Fried	Palmer	Walter
Ganssle	Peterson	Watson
Gibbens	Phelan	Weigel
Gilbert	Piper	Welo
Glasgow	Purdon	White
Hardt	Rice	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Nelson	Underwood
Casey	Nicholson	Vernon
Goulet		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 87; nays, 1; absent and not voting, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Purdon
Allen	Heglie	Rice
Arnold	Hemmingson	Richmond
Belden	Jennings	Robillard
Blake	Johnson of Richland	Rogers
Blank	Johnson of Ward	Rose
Braaten	Juzeler	Rue
Briden	Kyle	Ryan
Brown	Lemieux	Scheer
Burgum	Lillie	Schlenker
Burtness	Lyon	Sheils
Buttz	Martin	Simpson
Chapman	McClure	Sowle
Chevalier	McCrea	Stavens
Clendening	McKechnie	Stevens of Burleigh
Cooper of Sargent	McLain	Stevens of Dickey
Cooper of Stutsman	Meidinger	Streeter

Messrs.—

Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert

Messrs.—

Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper

Messrs.—

Sunderland
Sweet
Thompson
Thoreson
Treat
Truemner
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Goulet
Hardt

Messrs.—

Nelson
Nicholson
Spangberg
Swendseid

Messrs.—

Tallackson
Tofsrud
Underwood
Vernon

Mr. Phelan voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 82; nays, 6; absent and not voting, 12.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Stutsman
Cooper of Sargent

Messrs.—

Glasgow
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McClure
McKechnie
McLain
Meidinger
Meiklejohn

Messrs.—

Purdon
Rice
Richmond
Robillard
Rogers
Rose
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid

Messrs.—	Messrs.—	Messrs.—
Dahl	Midgarden	Thoreson
Dahlen	Mitchell	Tofsiud
Davis	Mooney	Treat
Dickinson	Morgan	Truemner
Duncan	Ovind	Walter
Eggen	Palfrey	Watson
Ellison	Palmer	Weigel
Fried	Peterson	Welo
Ganssle	Phelan	White
Gibbens	Piper	Mr. Speaker
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Flados	Juzeler	Schlenker
Hardt	Rue	Stavens

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Nelson	Tallackson
Casey	Nicholson	Thompson
Goulet	Oveson	Underwood
Moore	Stevens of Dickey	Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 78, nays 4, absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Robillard
Allen	Glasgow	Rogers
Arnold	Heglie	Rose
Belden	Hemmingson.	Ryan
Blake	Jennings	Scheer
Blank	Johnson of Richland	Schlenker
Braaten	Johnson of Ward	Sneils
Briden	Kyle	Simpson
Brown	Lemieux	Sowle
Burgum	Lillie	Spangberg
Burtness	Lyon	Stevens of Burleigh
Buttz	Martin	Streeter

Messrs.—	Messrs.—	Messrs.—
Chapman	McClure	Sunderland
Chevalier	McCrea	Sweet
Clendening	McKechnie	Swendseid
Cooper of Sargent	McLain	Thompson
Cooper of Stutsman	Midgarden	Thoreson
Dahl	Mooney	Tofsrud
Dahlen	Ovind	Treat
Davis	Palfrey	Truemner
Dickinson	Peterson	Walter
Duncan	Phelan	Watson
Ellison	Piper	Weigel
Flados	Purdon	Welo
Fried	Rice	White
Gibbens	Richmond	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hardt	Meidinger	Rue
Juzeler		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Mitchell	Palmer
Casey	Moore	Stavens
Eggen	Morgan	Stevens of Dickey
Ganssle	Nicholson	Tallackson
Goulet	Nelson	Underwood
Meiklejohn	Oveson	Vernon

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 83; nays, 2; absent and not voting, 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Purdon
Allen	Glasgow	Rice
Arnold	Hardt	Richmond
Belden	Heglie	Robillard
Blake	Hemmingson	Rogers
Blank	Jennings	Rose
Braaten	Johnson of Richland	Ryan
Briden	Johnson of Ward	Schlenker

Messrs.—

Brown
Burgum
Burtness
Buttz
Chapman
Chevallier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mooney
Morgan
Ovind
Palfrey
Palmer
Phelan
Piper

Messrs.—

Sheils
Simpson
Sowle
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
White
Mr. Speaker

Those voting in the negative were:

Messrs.—

Rue

Messrs.—

Thompson

Absent and not voting:

Messrs.—

Baeverstad
Casey
Goulet
Mitchell
Moore

Messrs.—

Nelson
Nicholson
Oveson
Peterson
Scheer

Messrs.—

Spangberg
Stavens
Underwood
Vernon
Welo

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 90; nays, 1; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake

Messrs.—

Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland

Messrs.—

Rice
Richmond
Robillard
Rogers
Rose

Messrs.—	Messrs.—	Messrs.—
Blank	Johnson of Ward	Rue
Braaten	Juzeler	Ryan
Briden	Kyle	Scheer
Brown	Lemieux	Schlenker
Burgum	Lillie	Shells
Burtness	Lyon	Simpson
Buttz	Martin	Sowle
Chapman	McClure	Spangberg
Chevalier	McCrea	Stevens of Burleigh
Clendenning	McKechnie	Stevens of Dickey
Cooper of Sargent	McLain	Streeter
Cooper of Stutsman	Meidinger	Sunderland
Dahl	Meiklejohn	Sweet
Davis	Midgarden	Swendseid
Dahlen	Mitchell	Thompson
Dickinson	Mooney	Thoreson
Duncan	Moore	Tofsrud
Eggen	Morgan	Treat
Ellison	Oveson	Truemner
Flados	Palmer	Walter
Fried	Palfrey	Watson
Ganssle	Peterson	Weigel
Gibbens	Phelan	Welo
Gilbert	Piper	White
Glasgow	Purdon	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Nelson	Tallackson
Casey	Nicholson	Underwood
Goulet	Ovind	Vernon

Mr. Stavens voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 86; nays, 0; absent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Purdon
Allen	Hardt	Rice
Arnold	Heglie	Richmond
Belden	Hemmingson	Robillard
Blake	Jennings	Rogers
Blank	Johnson of Richland	Rose

Messrs.—	Messrs.—	Messrs.—
Braaten	Johnson of Ward	Rue
Briden	Juzeler	Ryan
Brown	Kyle	Schlenker
Burgum	Lemieux	Sheils
Burtness	Lillie	Simpson
Buttz	Lyon	Sowle
Chapman	Martin	Stavens
Chevalier	McClure	Stevens of Burleigh
Clendening	McCrea	Stevens of Dickey
Cooper of Sargent	McKechnie	Streeter
Cooper of Stutsman	McLain	Sunderland
Dahl	Meidinger	Sweet
Dahlen	Meiklejohn	Swendseid
Davis	Midgarden	Thompson
Dickinson	Mitchell	Thoreson
Duncan	Mooney	Treat
Eggen	Morgan	Truemner
Ellison	Ovind	Walter
Flados	Palfrey	Weigel
Fried	Palmer	Welo
Ganssle	Peterson	White
Gibbens	Phelan	Mr. Speaker
Gilbert	Piper	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Nicholson	Tofsrud
Casey	Oveson	Underwood
Goulet	Scheer	Vernon
Moore	Spangberg	Watson
Nelson	Tallackson	

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 67; nays, 1; absent and not voting, 32.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Robillard
Arnold	Hemmingson	Rogers
Belden	Johnson of Richland	Rose
Blake	Johnson of Ward	Rue
Blank	Juzeler	Ryan
Braaten	Lemieux	Schlenker

Messrs.—

Briden
Burgum
Burtness
Buttz
Chapman
Clendenning
Cooper of Sargent
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Flados
Ganssle
Gilbert
Glasgow

Messrs.—

Lillie
Lyon
Martin
McClure
McKechnie
McLain
Meldinger
Meiklejohn
Mooney
Morgan
Ovind
Palmer
Phelan
Piper
Purdon
Richmond

Messrs.—

Sheils
Simpson
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Treat
Truemner
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Baeverstad
Brown
Casey
Chevalier
Cooper of Stutsman
Ellison
Fried
Gibbens
Goulet
Hardt

Messrs.—

Jennings
Kyle
McCrea
Midgarden
Mitchell
Moore
Nelson
Nicholson
Oveson
Palfrey
Peterson

Messrs.—

Scheer
Sowle
Spangberg
Stevens of Dickey
Tallackson
Tofsrud
Underwood
Vernon
Watson
Welo

Mr. Rice voting in the negative.

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 84; nays, 0; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden

Messrs.—

Gilbert
Glasgow
Heglie
Hemmingson

Messrs.—

Richmond
Robillard
Rogers
Rose

Messrs.—	Messrs.—	Messrs.—
Blake	Jennings	Rue
Blank	Johnson of Richland	Ryan
Braaten	Johnson of Ward	Scheer
Briden	Juzeler	Schlenker
Brown	Kyle	Sheils
Burgum	Lemieux	Simpson
Burness	Lillie	Sowle
Buttz	Lyon	Stavens
Chapman	Martin	Stevens of Burleigh
Chevalier	McCrea	Stevens of Dickey
Clendening	McClure	Streeter
Cooper of Stutsman	McKechnie	Sunderland
Cooper of Sargent	McLain	Sweet
Dahl	Meidinger	Swenseid
Dahlen	Meiklejohn	Thompson
Davis	Midgarden	Thoreson
Dickinson	Mitchell	Treat
Duncan	Mooney	Truemner
Eggen	Ovind	Walter
Ellison	Palfrey	Watson
Flados	Palmer	Weigel
Fried	Phelan	Welo
Ganssle	Piper	White
Gibbens	Purdon	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Nelson	Spangberg
Casey	Nicholson	Tallackson
Goulet	Oveson	Tofsrud
Hardt	Peterson	Underwood
Moore	Rice	Vernon
Morgan		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 82; nays, 0; absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Rice
Arnold	Hemmingson	Richmond
Blake	Jennings	Robillard
Blank	Johnson of Richland	Rogers

Messrs.—

Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mitchell
Mooney
Morgan
Oveson
Ovind
Palfrey
Palmer
Phelan
Piper
Purdon

Messrs.—

Rose
Rue
Ryan
Sheus
Simpson
Sowle
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseld
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Baeverstad
Belden
Casey
Goulet
Hardt

Messrs.—

Meiklejohn
Moore
Nelson
Nicholson
Peterson
Scheer

Messrs.—

Schlenker
Spangberg
Sunderland
Underwood
Vernon
Welo

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the house do now adjourn,

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Mr. Mooney moved
that the roll call be dispensed with,
Which motion prevailed.

The house took a recess for 10 minutes.

AFTER RECESS.

The chief clerk announced that the speaker was about to sign

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

House Bill No. 25,

A bill for an act, to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by con-

tract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

And the speaker signed the same in the presence of the house.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the Journal of the fifty-sixth day, have carefully examined the same and recommend that the same be corrected as follows:

Page 17, line 41, change name "Steele" to "Streeter."

Also,

Your committee on revision and correction of the Journal of the fifty-sixth (after recess) day, have carefully examined the same and recommend that the same be corrected as follows:

In the correction of journal of the fifty-sixth day, change name "Watson" from voting in the affirmative on House bill No. 68, to voting "nay."

Also,

Your committee on revision and correction of the Journal of the fifty-sixth (after recess) day, have carefully examined the same, and recommend that the same be corrected as follows:

Page 12, change name "Buttz as absent and not voting, to voting in affirmative on House bill No. 97.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have approved and filed with the secretary of state:

House Bill No. 222,

A bill for an act for the organization and government of cities.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

E. Y. SARLES,
Governor.

The speaker called Mr. Streeter to the chair.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

House Bill No. 25,

A bill for an act to provide for the cancellation of judg-

ments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Were delivered to the governor for his approval at the hour of 3:30 p. m., March 1, 1905.

W. A. McCLURE,
Chairman.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Have had the same under consideration and recommend that the same be amended as follows:

By inserting after the word "shall" where it appears on line 77 of page 4 of the printed bill the following, "be required to alter the grade or change the location of its road or."

And when so amended recommend that the same do pass.

F. B. CHAPMAN,
Chairman.

Mr. Chapman moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Davis moved

That House Bill No. 277 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were: Ayes, 83; nays, 0; absent and not voting, 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Rice
Allen	Jennings	Richmond
Arnold	Johnson of Richland	Robillard
Belden	Johnson of Ward	Rogers
Blake	Juzeler	Rose
Blank	Kyle	Scheer
Briden	Lemieux	Schlenker
Brown	Lillie	Simpson
Burgum	Lyon	Spangberg
Burness	McClure	Stavens
Buttz	McCrea	Stevens of Burleigh
Chapman	McKechnie	Stevens of Dickey
Chevalier	McLain	Streeter
Clendening	Meidinger	Sunderland
Cooper of Sargent	Meiklejohn	Sweet
Cooper of Stutsman	Midgarden	Swendseid
Dahl	Mooney	Thompson
Dahlen	Moore	Thoreson
Davis	Morgan	Tofsrud
Dickinson	Nelson	Treat
Duncan	Oveson	Truemner
Eggen	Ovind	Vernon
Flados	Palfrey	Walter
Fried	Peterson	Watson
Ganssle	Palmer	Weigel
Gibbens	Phelan	White
Glasgow	Piper	Mr. Speaker
Hardt	Purdon	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Heglie	Sheils
Braaten	Martin	Sowle
Casey	Mitchell	Tallackson
Ellison	Nicholson	Underwood
Gilbert	Rue	Welo
Goulet	Ryan	

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Mr. Lillie moved

That the vote by which House Bill No. 277 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

REPORT OF STANDING COMMITTEE.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of section 1 of the engrossed copy, strike out the words "state auditor" and insert the words "attorney general."

In line 4 of article 8 of section 5, strike out the word "deposit" and insert the words "capital stock."

In line 3 of article 1 of section 8, strike out the words "fifty per cent of its capital stock," and insert the following: "twenty-five per cent of the capital stock of banks having a capital of over ten thousand dollars."

In line 6 of article 4 of section 8, strike out the word "ten" and insert the word "five."

In line 5 of section 7, strike out the word "twenty" and insert the word "ten."

In line 7 of section 7, strike out the word "twenty-five" and insert the word "twenty."

In line 4 of section 15, strike out the word "ten" and insert the word "five."

In line 7 of section 23, strike out the word "seventy-five" and insert the word "fifteen."

In line 8 of section 23, after the word "in" insert the following: "Provided, no stockholder shall become principal surety for any loan or loans made by such bank for a sum greater than the capital stock held by him."

In line 11 of section 23, after the word "or" insert the word "actually."

In line 11 of section 30, strike out the word "twenty" where it first appears, and insert the word "ten."

In line 12 of section 30, strike out the word "twenty" and insert the word "ten."

In line 14 of section 32, after the word "officers" add the following: "Provided, such bonds shall be in such sums for the several persons bonded as such board shall prescribe, taking into consideration the positions held by such bonded person, such bonds to be surety bonds of some reputable company."

In line 9 of section 39, strike out the word "deem" and insert the word "declare."

In section 42, strike out the words "chapter twenty of the revised codes of North Dakota, of 1899, being sections 3226 to 3258 both inclusive, and."

In line 4 of section 42, after the word "laws" insert the following: "Repugnant to and."

And when so amended recommend that the same do pass.

F. B. CHAPMAN,
Chairman.

Mr. Chapman moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

Mr. White moved
That Senate Bill No. 161 be indefinitely postponed.
Which motion was lost.

Mr. Richmond moved
That Senate Bill No. 161 be placed upon its third reading
and final passage.
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Was read the third time.

Mr. Phelan asked unanimous consent to amend the bill.
Which was objected to.

Mr. Peterson asked unanimous consent to amend the bill.
Which was objected to.

Mr. Arnold asked unanimous consent to amend the bill.
There being no objection.

Mr. Arnold moved

That the bill be amended by striking out the word "ten" in section 15, line 6, of the printed bill and insert in lieu thereof the word "five."

Which motion prevailed, and
The bill was so amended.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 81, nays none, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gibbens	Piper
Allen	Gilbert	Rice
Arnold	Glasgow	Richmond
Baeverstad	Hardt	Rogers
Belden	Heglie	Rose
Blake	Jennings	Rue
Blank	Johnson of Richland	Ryan
Braaten	Johnson of Ward	Schlenker
Briden	Juzeler	Sheils
Burgum	Kyle	Simpson
Burtness	Lyon	Sowle
Buttz	McClure	Stavens
Chapman	McCrea	Stevens of Dickey
Chevalier	McKechnie	Streeter
Clendening	McLain	Sunderland
Cooper of Sargent	Meidinger	Sweet
Cooper of Stutsman	Meiklejohn	Swendseid
Dahl	Midgarden	Thompson
Dahlen	Mooney	Tofsrud
Davis	Moore	Treat
Dickinson	Morgan	Truemner
Duncan	Nelson	Vernon
Eggen	Oveson	Walter
Ellison	Ovind	Weigel
Flados	Palfrey	Welo
Fried	Palmer	White
Ganssle	Phelan	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Mitchell	Spangberg
Casey	Nicholson	Stevens of Burleigh
Goulet	Peterson	Tallackson
Hemmingson	Purdon	Thoreson
Lemieux	Robillard	Underwood
Lillie	Scheer	Watson
Martin		

Messrs. Casey, Underwood and Vernon, being excused.

So the bill passed and the title was agreed to.

Mr. Richmond moved

That the vote by which Senate Bill No. 161 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Mooney moved

That the vote by which House Bill No. 15 was lost be reconsidered.

Which motion prevailed.

Mr. Davis moved

That the house take up all house bills for which notice for reconsideration was given.

Which motion prevailed.

Mr. Davis moved

That House Bill No. 15 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 15,

A bill for an act to encourage elementary education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 65, nays 15, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blake
Blank
Brown
Burgum
Burtness
Buttz
Chapman
Cooper of Sargent
Dahl
Davis
Dickinson
Eggen
Ellison
Flados
Gibbens
Gilbert
Glasgow
Heglie

Messrs.—

Hemmingson
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Lyon
Martin
McCrea
McKechnie
McLain
Meiklejohn
Mooney
Moore
Morgan
Nelson
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper

Messrs.—

Purdon
Richmond
Robillard
Ryan
Scheer
Simpson
Sowle
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Thompson
Tofsrud
Treat
Truemner
Watson
Weigel
Welo
White
Mr. Speaker

Those voting in the negative were:

Messrs.—

Arnold
Cooper of Stutsman
Dahlen
Fried
Ganssle

Messrs.—

Hardt
Jennings
Juzeler
Meidenger
Midgarden

Messrs.—

Mitchell
Rogers
Schlenker
Stavens
Vernon

Absent and not voting:

Messrs.—

Braaten
Briden
Casey
Chevalier
Clendenning
Duncan
Goulet

Messrs.—

McClure
Nicholson
Phelan
Rice
Rose
Rue
Shiels

Messrs.—

Spangberg
Sunderland
Tallackson
Thoreson
Underwood
Walter

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Dickey, explained his vote.

Mr. McLain moved

That the vote by which House Bill No. 15 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Also,

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

Also,

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

Which the senate has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

CONCURRENT RESOLUTION.

Resolved, By the Senate, the House of Representatives concurring, That there be published with the session laws of this session of the legislative assembly, the following:

The Magna Charta,
The Declaration of Independence,
The Articles of Confederation,
The Ordinance of 1787 Providing Government for the Territory of the United States Northwest of the River Ohio.
The Constitution of the United States,
The Enabling Act,
The Constitution of North Dakota, and
The Reclamation Act.

Also,

The following:

CONCURRENT RESOLUTION.

Be It Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That the samples and articles of pottery manufactured from the clays found in the vicinity of Dickinson, North Dakota, and now located in the state capitol at Bismarck, be, under the direction of the governor, subject to such rules for their safeguarding as he may prescribe, exhibited at the Minnesota state fair during the year 1905, and, during the same year, that they may be also exhibited at the state fair to be held in North Dakota at the place in said state where said fair may be held pursuant to the laws of this state.

Which the senate has adopted, and your concurrence therein is requested.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

Senate Bill No. 2,

A bill for an act concerning land titles.

Also,

Senate Bill No. 231,

A bill for an act to amend section 3023 of the revised codes of 1899, and chapter 13 of the session laws of 1903,

relating to long and short hauls upon railroads and common carriers.

Which the senate has passed and your favorable consideration thereof is requested.

Also;

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

Also,

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

Which the senate has indefinitely postponed.

Very respectfully,

L. M. McGLASHAN.

Secretary.

Mr. Lyon moved

That the vote by which House Bill No. 165 was lost, be reconsidered.

Which motion prevailed.

Mr. Lillie moved

That the bill be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 165,

A bill for an act making an appropriation for a bridge across Des Lac Lake, in Ward county, North Dakota.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 34; nays, 34; absent and not voting, 32.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Burgum
Burness
Buttz

Messrs.—

Glassgow
Johnson of Ward
Lillie
Lyon
Martin
McKechnie

Messrs.—

Rogers
Rose
Ryan
Simpson
Sowle
Stevens of Burleigh

Messrs.—	Messrs.—	Messrs.—
Clendenning	McLain	Sweet
Cooper of Sargent	Mitchell	Treet
Davis	Mooney	Watson
Dickinson	Purdon	White
Eggen	Robillard	Mr. Speaker
Gilbert		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Belden	Juzeler	Peterson
Blake	Kyle	Scheer
Blank	Lemieux	Schlenker
Brown	Meidenger	Spangberg
Cooper of Stutsman	Meiklejohn	Stavens
Ellison	Midgarden	Swenseid
Ganssle	Morgan	Thompson
Gibbens	Nelson	Thoreson
Hardt	Oveson	Treumner
Heglie	Ovind	Vernon
Hemmingson	Palmer	Weigel
Johnson of Richland		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Goulet	Rue
Braaten	Jennings	Shiels
Briden	McClure	Stevens of Dickey
Casey	McCrea	Streeter
Chapman	Moore	Sunderland
Chevalier	Nicholson	Tallackson
Dahl	Palfrey	Tofsrud
Dahlen	Phelan	Underwood
Duncan	Piper	Walter
Flados	Rice	Welo
Fried	Richmond	

Messrs. Casey and Underwood, being excused.

So the bill was lost.

Mr. Sweet moved

That the vote by which Senate Bill No. 157 was lost, be reconsidered.

Which motion prevailed.

Mr. Davis moved

That the bill be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium build-

ing for the North Dakota agricultural college and experiment station at Fargo.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 66; nays, 10; absent and not voting, 24.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blake
Blank
Brown
Burgum
Burness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle

Messrs.—

Gibbens
Gilbert
Glassgow
Johnson of Richland
Johnson of Ward
Lillie
Lyon
Martin
McClure
McKechnie
McLain
Mitchell
Mooney
Moore
Morgan
Nelson
Ovind
Palfrey
Phelan
Piper
Purdon
Rice

Messrs.—

Robillard
Rogers
Rose
Ryan
Simpson
Sowle
Stevens of Burleigh
Stevens of Dickey
Sunderland
Sweet
Swenseid
Thompson
Thoreson
Treet
Treumner
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Those voting in the negative were:

Messrs.—

Hardt
Hegle
Hemmingson
Jennings

Messrs.—

Juzeler
Meidenger
Meiklejohn

Messrs.—

Peterson
Rue
Schlenker

Absent and not voting:

Messrs.—

Arnold
Braaten
Briden
Casey
Cooper of Stutsman
Dahl
Dahlen
Goulet

Messrs.—

Kyle
Lemieux
McCrea
Midgarden
Nicholson
Oveson
Palmer
Richmond

Messrs.—

Scheer
Shiels
Spangberg
Stavens
Streeter
Tallackson
Tofsrud
Underwood

Messrs. Casey and Underwood being excused.

So the bill passed and the title was agreed to.

Mr. Johnson explained his vote.

Mr. Phelan explained his vote.

Mr. Ryan moved

That the vote by which Senate Bill No. 153 was lost, be reconsidered.

Which motion prevailed.

Mr. Davis moved

That Senate Bill No. 153 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 67, nays 8, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blake
Blank
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenen
Cooper of Sargent
Cooper of Stutsman
Davis
Dickinson
Eggen
Ellison
Flados
Fried
Ganssle

Messrs.—

Gibbens
Gilbert
Glasgow
Johnson of Richland
Johnson of Ward
Lillie
Lyon
Martin
McKechnie
McLain
Meidinger
Mitchell
Mooney
Moore
Morgan
Nelson
Ovind
Palfrey
Phelan
Piper
Purdon
Rice

Messrs.—

Richmond
Robillard
Rogers
Rose
Ryan
Scheer
Simpson
Sowle
Stevens of Burleigh
Stevens of Dickey
Sweet
Swenseld
Thoreson
Treat
Truemner
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Those voting in the negative were:

Messrs.—

Hardt
Heglie
Hemmingson

Messrs.—

Jennings
Juzeler
Peterson

Messrs.—

Rue
Schlenker

Absent and not voting:

Messrs.—

Arnold
Braaten
Casey
Dahl
Dahlen
Duncan
Goulet
Kyle
Lemieux

Messrs.—

McClure
McCrea
Meiklejohn
Midgarden
Nicholson
Oveson
Palmer
Sheils

Messrs.—

Spangberg
Stavens
Streeter
Sunderland
Tallackson
Thompson
Tofsrud
Underwood

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Mr. Ryan moved

That the vote by which all senate appropriation bills were passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That Senate Bill No. 207 be brought up for consideration.

Which motion prevailed.

Mr. Stevens of Burleigh, moved

That the amendments as recommended by the judiciary committee be adopted and that the bill as amended be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were: Ayes, 55; nays, 0; absent and not voting, 45.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Belden
Blank
Burtness
Buttz

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Lillie
Lyon

Messrs.—

Rogers
Rue
Scheer
Sheils
Simpson
Stavens

Messrs.—

Chapman
Chevalier
Clendenen
Cooper of Stutsman
Dahl
Davis
Dickinson
Duncan
Flados
Gibbens
Gilbert
Glasgow
Hardt

Messrs.—

Martin
McClure
McCrea
McKechnie
McLain
Meldinger
Moore
Nelson
Ovind
Palmer
Phelan
Robillard

Messrs.—

Stevens of Burleigh
Streeter
Sweet
Swendseid
Tofsrud
Treat
Truemner
Vernon
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Baeverstad
Blake
Braaten
Briden
Brown
Burgum
Casey
Cooper of Sargent
Dahlen
Eggen
Ellison
Fried
Ganssle
Goulet

Messrs.—

Heglie
Hemmingson
Kyle
Lemieux
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Nicholson
Oveson
Palfrey
Peterson
Piper
Purdon

Messrs.—

Rice
Richmond
Rose
Ryan
Schlenker
Sowle
Spangberg
Stevens of Dickey
Sunderland
Tallackson
Thompson
Thoreson
Underwood
Watson
Welo

Messrs. Casey and Underwood being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

March 1, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 286,

A bill for an act defining criminal libel and conspiracy
to libel, and providing punishment therefor.

Which the senate has amended by striking out in line 3 of
the printed bill the words "provoke him to wrath or," and
passed as amended.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house returned to the seventh order of business.

Mr. Belden introduced the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be It Resolved, By the House of Representatives of the state of North Dakota, the Senate concurring, That the Roosevelt cabin and such others of the exhibits and displays of the state at the St. Louis exposition, be, and the same are hereby, given into the custody of the State Historical society, to be preserved at the capitol as historical relics and as displays showing the resources and advantages of the state of North Dakota and as the nucleus for a collection of historical materials and materials tending to set forth the advantages of the state and the nature of its industries.

Which motion prevailed, and

The concurrent resolution was adopted.

The house proceeded to the tenth order of business:

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Meiklejohn introduced

House Bill No. 290,

A bill for an act to prevent hunting, killing or destroying of game during the closed season as provided by law, and providing a penalty therefor.

Was read the first and second times, and

Referred to steering committee.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Which the senate has amended by striking out in lines three and four of the printed bill, the words, "and county superintendent."

And passed as amended.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Which the senate has amended by striking out the words "the second year of" in line 13, page 2, of the printed bill.

And passed as amended.

Also,

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Which the senate has passed unchanged.

Also,

I have the honor to transmit herewith

The following:

CONCURRENT RESOLUTION.

Be It Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That no bills be placed upon their third reading and final passage after 3 p. m., Friday, March 3d, 1905.

Which the senate has adopted and your concurrence therein is requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Also,

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Also,

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Have had the same under consideration and respectfully report the same back with recommendation that they

be put on their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

The house proceeded to the twelfth order of business.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Stevens of Burleigh moved

That the house do concur in the senate amendments to House Bill No. 286.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That House Bill No. 286, as amended, be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Was read the third time.

The question being on the final passage of the bill, as amended.

The roll was called and there were: Ayes, 63; nays, 12; absent and not voting, 25.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Burtness
Buttz
Chapman
Chevaller
Clendening
Davis
Dickinson
Duncan
Fried
Glasgow
Hemmingson
Jennings

Messrs.—

Lyon
Martin
McClure
McCrea
McKechnie
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nelson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Simpson
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Swendseid
Tofsrud
Treat
Treumner
Vernon
Walter
Weigel

Messrs.—
Juzeler
Lillie

Messrs.—
Rice
Richmond

Messrs.—
Welo
Mr. Speaker

Those voting in the negative were:

Messrs.—
Cooper of Sargent
Dahl
Eggen
Flados

Messrs.—
Gibbens
Hardt
Johnson of Richland
McLain

Messrs.—
Sheils
Sowle
Sweet
White

Absent and not voting:

Messrs.—
Baeverstad
Briden
Brown
Burgum
Casey
Cooper of Stutsman
Dahlen
Ellison
Ganssle

Messrs.—
Gilbert
Goulet
Heglie
Johnson of Ward
Kyle
Lemieux
Midgarden
Nicholson

Messrs.—
Purdon
Spangberg
Sunderland
Tallackson
Thompson
Thoreson
Underwood
Watson

Messrs. Casey and Underwood being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh, moved

That the vote by which House Bill No. 286 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

Mr. Speaker:

I have the honor to inform you that the senate refuses to concur in the house amendments of

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

And has appointed as a senate conference committee on said amendments Messrs. Simpson, Sharpe and Voss; and requests the appointment of a like committee on the part of the house.

Also,

I have the honor to inform the house that the senate has refused to concur in the house amendments of Senate Bill No. 161.

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And has appointed as a senate conference committee on said house amendments: Messrs. Pierce, Cashel, Regan, Sharpe and Little; and requests the appointment of a like committee on the part of the house.

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. McCrea moved

That the house do concur in the senate amendments to House Bill No. 34.

Which motion prevailed.

Mr. McCrea moved

That House Bill No. 34, as amended, be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 89; nays, 1; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Briden
Brown
Burgum
Burtness
Buttz

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure

Messrs.—

Robillard
Rogers
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh

Messrs.—

Chapman
Chevallier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Hardt

Messrs.—

McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Richmond

Messrs.—

Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Tofsrud
Treat
Truemner
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Braaten
Casey
Dahl
Goulet

Messrs.—

Nicholson
Piper
Purdon

Messrs.—

Rice
Tallackson
Underwood

Mr. Rose voting in the negative.

Messrs. Casey and Underwood being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 34 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Streeter moved

That the house do concur in the senate amendments to House Bill No. 23.

Which motion prevailed.

Mr. Streeter moved

That House Bill No. 23, as amended, be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 92, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Robillard
Allen	Hemmingson	Rogers
Arnold	Jennings	Rose
Belden	Johnson of Richland	Rue
Blake	Johnson of Ward	Ryan
Blank	Juzeler	Scheer
Braaten	Kyle	Schlenker
Briden	Lillie	Shiels
Brown	Lyon	Simpson
Burgum	McClure	Sowle
Burtness	McCrea	Stavens
Buttz	McKechnie	Stevens of Burleigh
Chapman	McLain	Stevens of Dickey
Chevalier	Meidinger	Streeter
Clendenning	Meiklejohn	Sunderland
Cooper of Sargent	Midgarden	Sweet
Cooper of Stutsman	Mitchell	Swendseid
Dahl	Mooney	Tallackson
Dahlen	Moore	Thompson
Davis	Morgan	Thoreson
Dickinson	Nelson	Tofsrud
Duncan	Oveson	Treat
Eggen	Ovind	Truemner
Ellison	Palfrey	Vernon
Flados	Palmer	Walter
Fried	Peterson	Watson
Ganssle	Phelan	Weigel
Gibbens	Piper	Welo
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Hardt	Richmond	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Lemieux	Spangberg
Casey	Martin	Underwood
Goulet	Nicholson	

Messrs. Casey and Underwood being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh moved

That the house do concur in the senate concurrent resolution relating to the embodying of certain documents in the printed copies of the session laws for 1905.

Which motion prevailed, and

The concurrent resolution was concurred in.

Mr. Stavens moved

To amend the senate concurrent resolution relating to the North Dakota pottery exhibit by striking out "Minne-

sota state fair," and inserting in lieu thereof "Portland Exhibition."

Which motion prevailed, and

The amendment was adopted.

Mr. Streeter moved

That the resolution as amended be concurred in.

Which motion prevailed.

Mr. Stevens of Burleigh, moved

That the vote by which senate concurrent resolution relating to the transfer of the pottery exhibit to the state university, concurred in yesterday, be reconsidered.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That the resolution be amended to read that said exhibit should remain on exhibition at state capitol.

Which motion prevailed and

The amendment was adopted.

Mr. Stevens, of Burleigh, moved

That the house do concur in the senate concurrent resolution relating to the third reading and final passage of bills.

Which motion prevailed.

Mr. Phelan moved

That the speaker appoint conference committees on part of the house to meet with the senate committees for the consideration of Senate Bill No. 161 and Senate Bill No. 165.

Which motion prevailed.

The speaker appointed as conference committee on Senate Bill No. 161, Messrs. McCrea, Cooper of Stutsman, Johnson of Ward, Piper, and Clendening.

And,

As conference committee on Senate Bill No. 165, Messrs. Davis, Phelan, and Chapman.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

And the speaker signed the same in the presence of the house.

The house returned to the 13th order of business.

FIRST AND SECOND READING OF SENATE BILLS

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Was read the first and second times, and

Referred to steering committee.

Senate Bill No. 2.

A bill for an act concerning land titles.

Was read the first and second times, and

Referred to steering committee.

Senate Bill No. 231,

A bill for an act to amend section 3023 of the revised codes of 1899, and chapter 13 of the session laws of 1903, relating to long and short hauls upon railroads and common carriers.

Was read the first and second times, and

Referred to steering committee.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA.

March 1, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Also,

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of

this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. Stevens of Burleigh, moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The house took a recess until 10 a. m. tomorrow.

OTTO SOUGSTAD,

Chief Clerk.

FIFTY-EIGHTH DAY—AFTER RECESS.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

The house assembled at 10 o'clock a. m. pursuant to recess taken.

INTRODUCTION AND FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Stevens of Burleigh, introduced
House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Which was read the first and second times and
Referred to steering committee.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Also,

House Bill No. 285,

A bill for an act making it unlawful to shoot or kill any deer until after the 10th day of November, 1910.

Also,

House Bill No. 269,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

Have had the same under consideration and respectfully report the same back with recommendations they be put on their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

Mr. Chapman moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Also,

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Also,

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Stevens of Burleigh, offered the following concurrent resolution, and moved its adoption:

CONCURRENT RESOLUTION.

Be It Resolved, By the House of Representatives, the Senate concurring herein, That it shall be the duty of the superintendent of public instruction before the convening of the next legislative assembly, under such rules and regulations as may be prescribed by him, and with a view of getting the expression of every school child resident in the state of North Dakota as to what flower shall be adopted as the flower of the state of North Dakota.

No suggestion shall in any manner be made as to the preference of any person connected with the getting of the expression of the school children as aforesaid.

The regulations shall be so made as that every child of school age in the state of North Dakota shall cast one vote for his choice of flower uninfluenced save by his individual desire.

Whenever the vote shall have been taken as aforesaid it shall be the duty of the superintendent of public instruction to certify to the secretary of state the name of all flowers receiving one thousand or more votes, and the secretary of state shall transmit to the tenth legislative assembly such votes for their action in the same.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Treat offered the following concurrent resolution, and moved its adoption:

CONCURRENT RESOLUTION

Whereas the state of North Dakota is preparing to make a fine display of the products and resources of the state, and,

Whereas, said exhibit will not be closed until late in the year 1905, therefore, be it

Resolved by the House of Representatives the Senate concurring that the commissioners of the Lewis and Clark Exposition for this state be directed after the close of said exposition to ship said exhibit to the State Fair Association at Fargo, to be exhibited at the state fair in 1906 and thereafter to be shipped to Bismarck and stored in the state capitol building.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Streeter introduced the following resolution, and moved its adoption:

Whereas, the acoustic properties of the hall of the House of Representatives have been found by experience to be so defective as to seriously interfere with the transaction of business brought before this house. Therefore, be it

Resolved, that the capitol commission be and is hereby requested to use strenuous efforts for the curing of such defect, to the end that the trouble complained of may be improved or remedied previous to the convening of the House of Representatives of the tenth legislative session. And, be it further

Resolved, that a copy of this resolution be furnished by the clerk of this house to the members of the capitol commission.

Which motion prevailed, and
The resolution was adopted

Mr. Davis moved

That all house bills reported by the steering committee be placed upon their third reading and final passage, and after third reading of house bills, the house proceed to the third reading of senate bills as reported by the steering committee, and that the house take up no other business excepting action on messages from the senate.

Which motion prevailed.

The house proceeded to the eleventh order of business.

THIRD READING OF HOUSE BILLS.

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 81; nays, 3; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Blake
Blank
Braaten
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidenger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Oveson

Messrs.—

Rogers
Rose
Ryan
Scheer
Schlenker
Shiels
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swenseid
Tallackson
Thompson
Thoreson
Tofsrud
Treet

Messrs.—
 Ellison
 Flados
 Ganssle
 Gibbens
 Gilbert
 Glassgow
 Hardt

Messrs.—
 Ovind
 Palmer
 Peterson
 Phelan
 Piper
 Rice
 Robillard

Messrs.—
 Treumner
 Vernon
 Walter
 Watson
 Weigel
 White
 Mr. Speaker

Those who voted in the negative were:

Messrs.—
 Belden

Messrs.—
 Eggen

Messrs.—
 Juzeler

Absent and not voting:

Messrs.—
 Briden
 Casey
 Dahl
 Fried
 Goulet
 Kyle

Messrs.—
 Martin
 Nelson
 Nicholson
 Palfrey
 Purdon

Messrs.—
 Richmond
 Rue
 Stevens of Dickey
 Underwood
 Welo

Messrs. Casey and Underwood, being excused.
 So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
 House Bill No. 114,

A bill for an act to amend section 237 of the revised codes
 of 1899.

Have had the same under consideration and recommend
 that the same be amended as follows:

In line 13 of section 237 of the engrossed bill, strike out
 after the words "shall" the words, "not exceed two," and
 insert the words, "be not less than two nor more than
 three."

And when so amended recommend that the same do pass.

F. B. CHAPMAN,
 Chairman.

Mr. Phelan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes
 of 1899.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were: Ayes, 85; nays, 1; absent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glassgow	Rogers
Allen	Hardt	Rose
Arnold	Heglie	Rue
Baeverstad	Hemmingson	Ryan
Belden	Jennings	Scheer
Blake	Johnson of Ward	Shells
Blank	Juzeler	Simpson
Braaten	Lemieux	Sowle
Briden	Lillie	Spangberg
Brown	Lyon	Stavens
Burgum	Martin	Stevens of Burleigh
Burtness	McClure	Stevens of Dickey
Buttz	McCrea	Streeter
Chapman	McKechnie	Sunderland
Chevalier	McLain	Sweet
Cfendening	Meidinger	Swendseid
Cooper of Sargent	Meiklejohn	Tallackson
Dahl	Midgarden	Thompson
Dahlen	Mitchell	Thoreson
Davis	Moore	Treat
Dickinson	Morgan	Truemner
Duncan	Ovind	Vernon
Eggen	Oveson	Walter
Ellison	Palmer	Watson
Flados	Peterson	Weigel
Fried	Phelan	White
Ganssle	Piper	Mr. Speaker
Gibbens	Rice	
Gilbert	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Nelson	Schlenker
Cooper of Stutsman	Nicholson	Tofsrud
Goulet	Palfrey	Underwood
Kyle	Purdon	Welo
Mooney	Richmond	

Mr. Johnson of Richland, voting in the negative.

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred

House Bill No. 285,

A bill for an act making it unlawful to shoot or kill any deer until after the 10th day of November, 1910.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of section 2 of the printed bill after the word misdemeanor, add the following:

“And shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment.”

And when so amended recommend that the same do pass.

F. B. CHAPMAN,
Chairman.

Mr. Chapman moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Fried moved

That the further consideration of House Bill No. 285 be indefinitely postponed.

Roll call demanded.

The question being on the question to indefinitely postpone.

The roll was called and there were: Ayes, 51; nays, 31; absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Blank
Briden
Brown
Burgum
Buttz
Cooper of Sargent
Cooper of Stutsman
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Gilbert
Jennings
Kyle
Lemieux
Lyon
Mooney
Moore
Nicholson
Palfrey
Palmer
Peterson
Piper
Purdon
Rice
Richmond
Robillard
Rogers

Messrs.—

Rose
Ryan
Scheer
Shiels
Simpson
Spangberg
Stevens of Burleigh
Streeter
Sweet
Thompson
Thoreson
Tofsrud
Treet
Vernon
Walter
Welo
Mr. Speaker

Those voting in the negative were:

Messrs.—

Adams
Arnold
Belden
Braaten
Buriness
Dahl
Glassgow
Hardt
Heglie
Hemmingson
Johnson of Richland

Messrs.—

Juzeler
McClure
McCrea
McLain
Meldenger
Meiklejohn
Midgarden
Mitchell
Morgan
Oveson

Messrs.—

Ovind
Phelan
Rue
Schlenker
Stavens
Swenseid
Tallackson
Watson
Weigel
White

Absent and not voting:

Messrs.—

Blake
Casey
Chapman
Chevalier
Clendenning
Dahlen

Messrs.—

Davis
Goulet
Johnson of Ward
Lillie
Martin
McKechnie

Messrs.—

Nelson
Sowle
Stevens of Dickey
Sunderland
Treumner
Underwood

Messrs. Casey and Underwood, being excused.

So the motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The chief clerk announced that the speaker was about to Senate Bill No. 176.

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session

laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Also,

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Also,

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Also,

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Also,

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Which the senate has amended as follows:

By striking out the word "or" in line 3 of the engrossed bill after the word "city" and inserting in lieu thereof the words "county or," by striking out the word "five" in line 6 of section 9 of the engrossed bill, and by inserting the word "two" in lieu thereof; by striking out the word "three" in line 8 of section 14 of the engrossed bill, and inserting in lieu thereof the word "two," by striking out the words "five hundred," in line 5 of section 16 of the engrossed bill, and inserting in lieu thereof the words "one thousand," and by striking out the emergency clause.

And passed as amended.

Very respectfully,

L. M. McGLASHAN.

Secretary.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. McCrea moved

That the house do now concur in the senate amendments to House Bill No. 252.

Which motion prevailed.

Mr. McCrea moved

That House Bill No. 252 be placed on its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Was read the third time.

The question being on the final passage of the bill, as amended,

The roll was called and there were: Ayes, 72; nays, 1; absent and not voting, 27.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rice
Arnold	Jennings	Rogers
Belden	Johnson of Richland	Rue
Blake	Juzeler	Ryan
Briden	Kyle	Scheer
Brown	Lemieux	Schlenker
Burgum	Lyon	Sheils
Burtness	McClure	Simpson
Buttz	McCrea	Sowle
Chapman	McKechnie	Spangberg
Cooper of Sargent	McLain	Streeter
Cooper of Stutsman	Meldinger	Sunderland
Dahl	Meiklejohn	Swendseid
Dahlen	Midgarden	Tallackson
Duncan	Mitchell	Thompson
Eggen	Mooney	Thoreson
Ellison	Moore	Tofsrud
Flados	Morgan	Treat
Fried	Ovind	Vernon
Ganssle	Palfrey	Walter
Gibbens	Palmer	Watson
Glasgow	Phelan	Weigel
Hardt	Piper	White
Heglie	Purdon	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Richmond
Baeverstad	Goulet	Rose
Blank	Johnson of Ward	Stavens
Braaten	Lillie	Stevens of Burleigh
Casey	Martin	Stevens of Dickey
Chevalier	Nelson	Sweet
Clendenning	Nicholson	Truemner
Davis	Oveson	Underwood
Dickinson	Peterson	Welo

Mr. Robbillard voting in the negative.

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 252 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The house proceeded to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 33,

A bill for an act to provide for the census or enumeration of the inhabitants of this state.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 80; nays, 0; absent and not voting, 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Phelan
Allen	Hardt	Piper
Arnold	Heglie	Purdon
Baeverstad	Hemmingson	Rice
Belden	Jennings	Robillard
Blake	Johnson of Richland	Rogers
Blank	Johnson of Ward	Rue
Braaten	Juzeler	Sheils
Briden	Kyle	Simpson
Brown	Lemieux	Sowle
Burgum	Lillie	Spangberg
Burtness	Lyon	Streeter
Buttz	McClure	Sunderland
Chapman	McCrea	Sweet
Chevalier	McLain	Swendseid
Clendenning	Meidinger	Tallackson
Cooper of Sargent	Meiklejohn	Thompson
Cooper of Stutsman	Midgarden	Thoreson
Dahl	Mitchell	Tofsrud
Dahlen	Mooney	Treat
Duncan	Moore	Vernon
Eggen	Morgan	Walter
Ellison	Oveson	Watson
Flados	Ovind	Weigel
Fried	Palfrey	White
Ganssle	Palmer	Mr. Speaker
Gibbens	Peterson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Nelson	Stavens
Davis	Nicholson	Stevens of Burleigh
Dickinson	Richmond	Stevens of Dickey

Messrs.—	Messrs.—	Messrs.—
Gilbert	Rose	Truemner
Goulet	Ryan	Underwood
Martin	Scheer	Welo
McKechnie	Schlenker	

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 80; nays, 0; absent and not voting, 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Rice
Allen	Heglie	Robillard
Arnold	Hemmingson	Rogers
Baeverstad	Jennings	Rue
Belden	Johnson of Richland	Ryan
Blake	Johnson of Ward	Scheer
Blank	Juzeler	Shiels
Braaten	Kyle	Simpson
Briden	Lemieux	Sowle
Brown	Lillie	Spangberg
Burgum	Lyon	Stavens
Burtness	McClure	Stevens of Burleigh
Clendenning	Meldenger	Streeter
Cooper of Sargent	Melklejohn	Sunderland
Cooper of Stutsman	Midgarden	Swenseid
Dahl	Mitchell	Tallackson
Dahlen	Mooney	Thompson
Dickinson	Moore	Thoreson
Duncan	Morgan	Tofsrud
Eggen	Oveson	Treet
Ellison	Ovind	Vernon
Flados	Palfrey	Walter
Fried	Palmer	Watson
Ganssle	Peterson	Weigel
Gibbens	Phelan	White
Gilbert	Piper	Mr. Speaker
Glassgow	Purdon	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Buttz	McCrea	Schlenker
Casey	McKechnie	Stevens of Dickey
Chapman	Nelson	Sweet
Chevalier	Nicholson	Truemner
Davis	McLain	Underwood

Messrs.—
Goulet
Martin

Messrs.—
Richmond
Rose

Messrs.—
Welo

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 87; nays, 1; absent and not voting, 12.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—
Gilbert
Glasgow
Hardt
Heglie
Hemmingson
Jennings
Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Morgan
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Purdon
Rice

Messrs.—
Robillard
Rogers
Rose
Rue
Ryan
Scheer
Schlenker
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swenseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Vernon
Walter
Watson
Weigel
Welo
Mr. Speaker

Absent and not voting:

Messrs.—
Casey
Goulet
Johnson of Richland
Lillie

Messrs.—
Martin
Moore
Nelson
Nicholson

Messrs.—
Piper
Richmond
Truemner
Underwood

Mr. White voting in the negative.

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 79; nays, 0; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Rogers
Allen	Jennings	Rue
Arnold	Johnson of Ward	Ryan
Baeverstad	Juzeler	Scheer
Belden	Kyle	Sheils
Blake	Lemieux	Simpson
Blank	Lillie	Sowle
Braaten	Lyon	Spangberg
Briden	McClure	Stavens
Brown	McCrea	Stevens of Burleigh
Burgum	McKechnie	Streeter
Burtness	McLain	Sunderland
Buttz	Meidenger	Sweet
Dahl	Meiklejohn	Swendseid
Dahlen	Midgarden	Tallackson
Davis	Mitchell	Thompson
Dickinson	Mooney	Thoreson
Duncan	Morgan	Tofsrud
Eggen	Oveson	Treat
Ellison	Ovind	Vernon
Flados	Palfrey	Walter
Fried	Palmer	Watson
Ganssle	Phelan	Weigel
Gibbens	Purdon	Wero
Glasgow	Rice	White
Hardt	Robillard	Mr. Speaker
Heglie		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Goulet	Piper
Chapman	Johnson of Richland	Richmond
Chevalier	Martin	Rose
Clendenning	Moore	Schlenker
Cooper of Sargent	Nelson	Stevens of Dickey
Cooper of Stutsman	Nicholson	Truemner
Gilbert	Peterson	Underwood

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 91; nays, 0; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Purdon
Allen	Heglie	Rice
Arnold	Hemmingson	Robillard
Baeverstad	Jennings	Rogers
Belden	Johnson of Richland	Rose
Blake	Johnson of Ward	Rue
Blank	Juzeler	Ryan
Braaten	Kyle	Scheer
Briden	Lemieux	Schlenker
Brown	Lillie	Shells
Burgum	Lyon	Simpson
Burness	Martin	Sowle
Buttz	McClure	Spangberg
Chapman	McCrea	Stavens
Chevalier	McKechnie	Stevens of Burleigh
Clendenning	Meiklejohn	Stevens of Dickey
Cooper of Sargent	McLain	Streeter
Cooper of Stutsman	Meidinger	Sunderland
Dahl	Midgarden	Sweet
Dahlen	Mitchell	Swendseid
Davis	Mooney	Tallackson
Dickinson	Moore	Thompson
Duncan	Morgan	Treat
Eggen	Oveson	Vernon
Ellison	Ovind	Walter
Flados	Palmer	Watson
Fried	Palfrey	Weigel
Ganssle	Peterson	Welo
Gibbens	Phelan	White
Gilbert	Piper	Mr. Speaker
Glasgow		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Nicholson	Tofsrud
Goulet	Richmond	Truemner
Nelson	Thoreson	Underwood

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, provid-

ing for the appointment of inspector, and prescribing his powers, duties and compensation.

Was read the third time.

Mr. White moved

That the further consideration of Senate Bill No. 215 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 66; nays, 16; absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blake
Blank
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Clendening
Cooper of Stutsman
Davis
Dickinson
Duncan
Ellison
Fried
Ganssle
Gibbens
Gilbert

Messrs.—

Glasgow
Heglie
Hemmingson
Jennings
Johnson of Richland
Juzeler
Lillie
Lyon
McClure
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Ovind
Palfrey
Palmer
Peterson
Phelan

Messrs.—

Piper
Purdon
Robillard
Rogers
Rose
Ryan
Scheer
Schlenker
Sheils
Simpson
Spangberg
Stevens of Burleigh
Streeter
Sunderland
Sweet
Tofsrud
Treat
Walter
Watson
Weigel
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Braaten
Cooper of Sargent
Eggen
Flados
Hardt
Kyle

Messrs.—

Midgarden
Oveson
Rue
Sowle
Swendseid

Messrs.—

Tallackson
Thompson
Thoreson
Vernon
White

Absent and not voting:

Messrs.—

Arnold
Casey
Chevallier
Dahl
Dahlen
Goulet

Messrs.—

Johnson of Ward
Lemieux
Martin
McCrea
Nelson
Nicholson

Messrs.—

Richmond
Stavens
Stevens of Dickey
Truemner
Underwood
Welo

Messrs. Casey and Underwood, being excused.

So the bill passed and the title was agreed to.

Mr. Rose moved

That the vote by which Senate Bill No. 215 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 92; nays, 0; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rice
Allen	Hardt	Robillard
Arnold	Heglie	Rogers
Baeverstad	Hemmingson	Rose
Belden	Jennings	Rue
Blake	Johnson of Richland	Ryan
Blank	Johnson of Ward	Scheer
Braaten	Juzeler	Schlenker
Briden	Kyle	Shiels
Brown	Lemieux	Simpson
Burgum	Lillie	Sowle
Burness	Lyon	Spangberg
Buttz	McClure	Stavens
Chapman	McCrea	Stevens of Burleigh
Chevalier	McKechnie	Streeter
Clendenning	McLain	Sunderland
Cooper of Sargent	Meidenger	Sweet
Cooper of Stutsman	Meiklejohn	Swenseid
Dahl	Midgarden	Tallackson
Dahlen	Mitchell	Thompson
Davis	Mooney	Thoreson
Dickinson	Moore	Tofsrud
Duncan	Morgan	Treet
Eggen	Oveson	Vernon
Ellison	Ovind	Walter
Flados	Palfrey	Watson
Fried	Palmer	Weigel
Ganssle	Peterson	Welo
Gibbens	Phelan	White
Gilbert	Piper	Mr. Speaker
Glassgow	Purdon	

Absent and not voting:

Messrs.—

Casey
Martin
Nelson

Messrs.—

Nicholson
Richmond
Stevens of Dickey

Messrs.—

Treumner
Underwood

Messrs. Casey and Underwood, being excused.
So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Also,

Senate Bill No. 174,

A bill for an act to amend section 277, and section 280, of chapter 4, of article 6, of the revised codes, relating to the practice of medicine, surgery and obstetrics.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Also,

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Also,

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to vio-

lations of the pharmacy law, and prescribing penalties therefor.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Also,

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Also,

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Also,

Concurrent resolution publishing primary election bill.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Also,

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflicting laws.

Also,

Senate Bill No. 7.

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Have had the same under consideration and respectfully report the same back with recommendations they be put on

their third reading for final passage in the order given in this report.

F. B. CHAPMAN,
Chairman.

Mr. Sheils moved

That the report be adopted with the exception of recommendation on Senate Bill No. 151.

Which motion prevailed.

Mr. Sheils moved

That Senate Bill No. 151 be made a special order for 4:30 p. m., this afternoon.

Which motion prevailed.

Mr. Hardt moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-NINTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by Rev. Sarles.

Roll call.

All members present except Messrs. Casey and Schlenker, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the fifty-seventh (after recess) day, have carefully examined the same and recommend that the same be corrected as follows:

On page 3 strike out from line 7 to line 13, both inclusive, and insert in lieu thereof the following:

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The house proceeded to the 7th order of business..

MOTIONS AND RESOLUTIONS.

Mr. Watson offered the following resolution and moved its adoption

Resolved, That the janitors of the house chamber be allowed four dollars per day during the session of the Ninth legislative assembly.

Which motion was lost.

Mr. Hardt offered the following resolution and moved its adoption:

Resolved, That the house hereby authorize and instruct the bill clerk to draw vouchers for the several employees for mileage from their places of residence to the capitol and return, said mileage to be at the rate of three cents per mile.

Mr. Ryan moved

As a substitute motion to lay the resolution on the table.
Which substitute motion prevailed.

REPORT OF STANDING COMMITTEE.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys. and to authorize the erection of permanent monuments on section corners.

Have had the same under consideration and recommend that the same be amended as follows:

Sec. 5. The board of county commissioners shall have the same authority to establish, fix and erect monuments in unorganized townships as is given township boards of supervisors under the provisions of this act, and also for the establishment of lost corners.

And when so amended, recommend that the same do pass.

F. B. CHAPMAN,

Chairman.

Mr. Davis moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Davis moved

That Senate Bill No. 134 be placed upon the calendar for reading and final passage.

Which motion prevailed.

Mr. Phalen moved

That House Bill No. 269 be placed upon its 3 o'clock reading and final passage.

Mr. White moved

That the further consideration of House Bill No. 269 be indefinitely postponed.

Which motion was lost.

House Bill No. 269,

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 30; nays, 61; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Dickinson	Peterson
Baeverstad	Gibbens	Piper
Blake	Glasgow	Richmond
Burgum	Goulet	Rogers
Buttz	Johnson of Ward	Stevens of Burleigh
Chapman	Lillie	Streeter
Chevalier	Mooney	Sweet
Clendening	Morgan	Thoreson
Cooper of Sargent	Nelson	Treat
Davis	Nicholson	Underwood

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Lemieux	Ryan
Belden	Lyon	Scheer
Braaten	Martin	Sheils
Briden	McClure	Simpson
Brown	McCrea	Sowle
Burtness	McKechnie	Spangberg
Cooper of Stutsman	McLain	Stavens
Dahlen	Meldenger	Stevens of Dickey
Duncan	Meiklejohn	Sunderland
Eggen	Midgarden	Swendseid
Ellison	Mitchell	Tallackson
Flados	Moore	Thompson
Fried	Oveson	Tofsrud
Ganssle	Ovind	Truemner
Gilbert	Palfrey	Vernon
Hardt	Palmer	Walter
Hemmingson	Phelan	Weigel
Jennings	Rice	Welo
Johnson of Richland	Robillard	White
Juzeler	Rue	Mr. Speaker
Kyle		

Absent and not voting:

Messrs.—

Adams
Blank
Casey

Messrs.—

Dahl
Heglie
Purdon

Messrs.—

Rose
Schlenker
Watson

Messrs. Casey, Heglie and Schlenker, being excused.

So the bill was lost.

Mr. Davis moved

That House Bill No. 291 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 291,

A bill for an act repealing chapter eighty-eight of the revised codes of 1899, relating to negotiable instruments in general.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 79; nays, 0; absent and not voting, 21.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Chevalier
Clendening
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Flados
Fried
Gibbens
Gilbert
Glasgow
Hemmingson
Jennings
Johnson of Richland

Messrs.—

Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Rice
Richmond
Rogers
Rue
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Brown
Casey
Chapman
Cooper of Sargent
Dickinson
Ellison

Messrs.—

Ganssle
Goulet
Hardt
Heglie
Johnson of Ward
Oveson
Robillard

Messrs.—

Rose
Ryan
Schlenker
Streeter
Sweet
Thoreson
Watson

Messrs. Casey, Heglie and Schlenker, being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh moved

That the vote by which House Bill No. 291 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Also,

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Also,

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Were delivered to the governor for his approval at the hour of 2:10 o'clock p. m., March 2, 1905.

W. A. McCLURE,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have approved and filed with the secretary of state:

House Bill No. 129,

Establishing a state board of embalmers.

Also,

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Also,

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring

against loss to pure bred registered live stock, by reason of the death of the property insured.

I have the honor to be,

E. Y. SARLES,

Governor.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

Mr. Speaker:

I have the honor to return herewith

Substitute for House Bill No. 166,

A bill for an act to amend 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Which the senate has amended by striking out all of said bill after the enacting clause, and inserting the following in lieu thereof, and passed as amended, viz:

Section 1. Amendment] That section 1245 of the revised codes of 1899 be amended so as to read as follows:

Sec. 1245. Delinquent personal taxes extended and entered as lien against real property, when and to what extent.] After the county commissioners have cancelled so much of the delinquent taxes as they deem uncollectable as provided in the preceding section, the county auditor shall extend to and enter upon the tax list in the hands of the treasurer for the same year in an appropriate column or columns for remarks, opposite each description of real property the legal title to which is vested in any person owing such uncollected personal property taxes, words showing the year for which the same remains due, and the principal sum of such tax as for example, "personal tax 1896, \$12.78." And when the delinquent afterwards acquires the legal title to any real property in the county, such delinquent taxes may be entered in like manner upon any subsequent tax list, and from the time of such entry the delinquent personal taxes so entered shall become a lien on any real property of the delinquent against which they are so entered, in the same manner and to the same extent as the taxes upon such real property, except as hereinafter provided, and collection thereof shall be enforced accordingly by sale of the lands against which they are so entered, or so much thereof as may be necessary, at the time when the lands are sold for delinquent taxes, and in the same manner as if originally charged against said lands; provided, however, that nothing herein contained shall be construed to authorize the extension and entry of delinquent personal taxes as liens against any lands held by the party owning the same upon contract of purchase or in any manner except the full legal title, and provided further that the lien of such delinquent personal property taxes shall be inferior to the lien of all subsisting mortgages and encumbrances of record upon said lands at the time they are so extended as liens against the same, and if any such mortgages or encumbrances shall thereafter be foreclosed and title acquired by sheriff's deed upon such foreclosure it shall be the duty of the county commissioners thereafter upon the demand of the party holding such sheriff's deed to cancel the delinquent personal taxes so entered against the land in question.

Section 2. That section 1257 of the revised codes of 1899 be amended so as to read as follows:

Sec. 1257. Taxes a Perpetual Lien. Vendor and Vendee.] Taxes upon real property are hereby made a perpetual paramount lien thereupon against all persons and bodies corporate, except the United States and the state, and taxes due from any person upon personal property shall be a lien upon any and all personal property owned by him at the time the tax became due or which may be subsequently acquired by him, and the title to any of which personal property so owned or subsequently acquired remains in him at the time of the distraint, and all such personal property taxes after the same become delinquent shall also become a lien upon the real property of the party owing the same; and shall be extended against said property upon the tax list in the manner and to the extent specified in section 1245 of this code. All real estate taxes shall, as between vendor and purchaser, become a lien upon real estate on and after the first day of December in each year.

Sec. 3. Emergency.] Whereas, an emergency exists in this, that the present law above amended with reference to personal property taxes becoming a lien upon real estate is causing great confusion and uncertainty as to priority of liens upon real estate throughout the state and disturbing and unsettling titles thereto, this act shall take effect and be in force from and after its passage and approval.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Which the senate has amended as follows, and passed as amended, viz: That the title of said act be amended to read as follows:

For an act to amend chapter 63 of the session laws of 1903, relating to fixing the time of holding the terms of the district court in the counties of the Fourth judicial district.

That all of said act after the enacting clause be stricken out and the following substituted:

"Section 1. That chapter 63 of the session laws of 1903 be amended to read as follows:

Sec. 1. When Held.] Terms of the district court in the various counties comprising the fourth judicial district shall be held as follows:

In Richland county, commencing on the first Tuesday in June and the first Tuesday in December.

In Ransom county, commencing on the first Tuesday in May and the second Tuesday in January.

In Sargent county, commencing on the third Tuesday in May and the third Tuesday in November.

In Dickey county, commencing on the fourth Tuesday in June and the first Wednesday after the first Tuesday in November.

In McIntosh county, commencing on the second Tuesday in March and the third Tuesday in October.

Sec. 2. All acts and parts of acts in conflict with the provisions of this are hereby repealed."

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Also,

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Which the senate has passed unchanged.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report of the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Which the senate has amended as follows:

By amending section 2 as follows: By striking out the words "and shall work the forfeiture of the charter, license to do business, or corporate rights of such corporation" in lines 5, 6 and 7 of the engrossed bill page 2.

By inserting the words "notify such corporation by registered letter of its default, and unless such corporation shall within sixty days thereafter file such report and pay such fee, he shall" between the word "to" and the word "enter" in line 8 page 2 of the engrossed bill; and by striking out the words "as soon as practicable after the default in making said report" in lines 9 and 10 of page 2 of the engrossed bill.

By amending section 4 as follows: By striking out the words "twenty-five dollars (\$25)" in line 7 section 4 of the engrossed bill and inserting in lieu thereof the words "five dollars (\$5)."

By striking out all of section 4 after the word "Dakota" in line 12 of the engrossed section.

By striking out all of section 7, the emergency clause.

And passed as amended.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Which the senate has amended as follows:

By inserting the words "one-half of" before the word "one" in line 4 of the engrossed bill.

By changing the words "twenty-five" in section 2 of the engrossed bill to read "thirty-five."

By striking out the word "June" in section 2 of the same.

And passed as amended.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house proceeded to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 89; nays, 0; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank

Messrs.—

Hardt
Hemmlngson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer

Messrs.—	Messrs.—	Messrs.—
Braaten	Kyle	Shiels
Briden	Lemieux	Simpson
Brown	Lillie	Sowle
Burgum	Lyon	Spangberg
Burtness	McClure	Stavens
Buttz	McCrea	Stevens of Burleigh
Chapman	McKechnie	Stevens of Dickey
Chevalier	Meidenger	Streeter
Cooper of Sargent	Meiklejohn	Sunderland
Cooper of Stutsman	Midgarden	Sweet
Dahl	Mooney	Swendseid
Dahlen	Moore	Tallackson
Davis	Morgan	Thompson
Dickinson	Nelson	Thoreson
Duncan	Nicholson	Tofsrud
Eggen	Oveson	Treet
Ellison	Ovind	Treumner
Flados	Palmer	Vernon
Fried	Peterson	Walter
Ganssle	Phelan	Weigel
Gibbens	Piper	Welo
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet	Richmond	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Martin	Schlenker
Casey	McLain	Underwood
Clendenning	Mitchell	Watson
Heglie	Palfrey	

Messrs. Casey, Heglie and Schlenker, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 65; nays, 4; absent and not voting, 31.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Glasgow	Piper
Arnold	Goulet	Purdon
Baeverstad	Hemmingson	Richmond
Belden	Jennings	Rose
Blake	Johnson of Richland	Rue
Blank	Juzeler	Stavens
Braaten	Lyon	Simpson
Brown	Martin	Sowle

Messrs.—	Messrs.—	Messrs.—
Burgum	McClure	Stevens of Burleigh
Burtness	McKechnie	Swendseid
Buttz	Meiklejohn	Thoreson
Chapman	Midgarden	Thompson
Chevalier	Mitchell	Treat
Clendening	Mooney	Truemner
Cooper of Sargent	Moore	Underwood
Dahl	Morgan	Vernon
Dahlen	Nelson	Walter
Duncan	Nicholson	Weigel
Eggen	Ovind	Welo
Ellison	Palfrey	White
Flados	Palmer	Mr. Speaker
Ganssle	Phelan	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Peterson	Rogers	Tofsrud
Rice		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Schlenker
Briden	Kyle	Scheer
Casey	Lemieux	Sheils
Cooper of Stutsman	Lillie	Spangberg
Davis	McCrea	Stevens of Dickey
Dickinson	McLain	Streeter
Fried	Meidinger	Sunderland
Gibbens	Oveson	Sweet
Gilbert	Robillard	Tallackson
Hardt	Ryan	Watson
Heglie		

Messrs. Casey, Heglie and Schlenker, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 70; nays, 3; absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Coulet	Rose
Arnold	Hemmingson	Rue
Baeverstad	Jennings	Ryan
Belden	Johnson of Richland	Scheer
Blake	Juzeler	Sheils
Blank	Kyle	Simpson

Messrs.—	Messrs.—	Messrs.—
Braaten	Lemieux	Sowle
Brown	Martin	Stavens
Burgum	McKechnie	Stevens of Burleigh
Burtness	McLain	Streeter
Buttz	Meidinger	Sunderland
Chapman	Meiklejohn	Swendseid
Chevalier	Mooney	Tallackson
Cooper of Sargent	Morgan	Thompson
Dahl	Nelson	Treat
Dahlen	Nicholson	Truemner
Duncan	Oveson	Underwood
Eggen	Ovind	Vernon
Flados	Palfrey	Walter
Fried	Palmer	Weigel
Ganssle	Phelan	White
Gibbens	Purdon	Mr. Speaker
Gilbert	Rice	
Glasgow	Richmond	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Peterson	Tofsrud	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Piper
Briden	Johnson of Ward	Robillard
Casey	Lillie	Rogers
Clendenning	Lyon	Schlenker
Cooper of Stutsman	McClure	Spangberg
Davis	McCrea	Stevens of Dickey
Dickinson	Midgarden	Sweet
Ellison	Mitchell	Thoreson
Hardt	Moore	Watson

Messrs. Casey, Heglie and Schlenker being excused.

So the bill passed and the title was agreed to.

The house returned to the 12th order of business.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Buttz moved

That the house do concur in the senate substitute to House Bill No. 163.

Which motion prevailed

Mr. Buttz moved

That House Bill No. 163 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 69, nays none, absent and not voting 31.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Goulet
Hardt
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Lyon
McCrea
McKechnie
McLain
Midgarden
Meidinger
Mitchell
Mooney
Moore
Morgan
Ovind
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Rice
Robillard
Rue
Scheer
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Sunderland
Swendseid
Tallackson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Belden
Blake
Casey
Chapman
Clendening
Dickinson
Flados
Heglie
Kyle

Messrs.—

Lemieux
Lillie
Martin
McClure
Meiklejohn
Nelson
Nicholson
Oveson
Palfrey
Richmond

Messrs.—

Rogers
Rose
Ryan
Schlenker
Sheils
Stevens of Dickey
Sweet
Thompson
Vernon
Watson

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Ward moved

That the house do concur in the senate amendments to House Bill No. 176.

Which motion prevailed.

Mr. Johnson of Ward, moved

That House Bill No. 176 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 74, nays none, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Blake
Blank
Braaten
Briden
Brown
Burgum
Buttz
Chevalier
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Glasgow
Goulet
Hardt

Messrs.—

Heglie
Hemmingson
Johnson of Richland
Johnson of Ward
Kyle
Lyon
McCrea
McLain
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Peterson
Phelan
Piper
Purdon
Rice
Richmond
Robillard
Rogers
Rose
Rue

Messrs.—

Ryan
Scheer
Shells
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Belden
Burtness
Casey
Chapman

Messrs.—

Jennings
Juzeler
Lemieux
Lillie
Martin

Messrs.—

Midgarden
Oveson
Palfrey
Palmer
Schlenker

Messrs.—

Clendening
Cooper of Sargent
Dickinson
Gilbert

Messrs.—

McClure
McKechnie
Meldinger
Meiklejohn

Messrs.—

Sweet
Underwood
Watson

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Peterson moved

That the house do concur in the senate amendments to House Bill No. 166.

Which motion prevailed.

Mr. Peterson moved

That House Bill No. 166 be placed on its third reading and final passage.

Which motion prevailed.

Substitute for House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899 and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Ganssle

Messrs.—

Hardt
Heglie
Hemmingson
Johnson of Richland
Johnson of Ward
Kyle
Lemieux
Lillie
Lyon
McKechnie
McLain
Meldinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson

Messrs.—

Robillard
Rogers
Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Weigel

Messrs.—

Gibbens
Gilbert
Glasgow
Goulet

Messrs.—

Phelan
Purdon
Rice
Richmond

Messrs.—

Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Blake
Casey
Clendenning
Flados
Fried
Jennings

Messrs.—

Juzeler
Martin
McClure
McCrea
Meiklejohn
Piper

Messrs.—

Rose
Schlenker
Streeter
Sweet
Watson

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the house do concur in the senate amendments to House Bill No. 21.

Which motion prevailed.

Mr. Buttz moved

That House Bill No. 21 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 94, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Burgum
Burtness
Buttz
Chevalier

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh

Messrs.—

Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie
Hemmingson
Jennings

Messrs.—

Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice
Richmond

Messrs.—

Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Brown

Messrs.—

Casey
Chapman

Messrs.—

Fried
Schlenker

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House of Representatives:

Your joint conference committee, to whom was referred Senate bill No. 165, make the following report, namely:

Your committee recommend that the senate concur in the following amendment to section 3 of said bill, which amendment was made by the house, namely:

By inserting after the word "to" in line 2 of section 3 of the original bill the following words: "Locate a temporary county seat and to."

Your committee further recommend that the house recede from its amendment made in line 2 of section 6 of the original bill, which said amendment struck out the word "sixth" in said line 2 and inserted in lieu thereof the word "eighth" and that the word "sixth" in said line remain as appears by the original bill passed by the senate.

Very respectfully,

L. A. SIMPSON,
J. B. SHARPE,
H. W. VOSS,

Senate Committee.

F. B. CHAPMAN,
J. E. PHELAN,
GEO. W. H. DAVIS,

House Committee.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Phalen moved

That Senate Bill No. 165 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Was read the third time.

The question being on the final passage of the bill as amended by the conference committee.

The roll was called and there were ayes 82, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Glasgow	Rose
Arnold	Goulet	Rue
Baeverstad	Hemmingson	Ryan
Belden	Johnson of Richland	Scheer
Blake	Johnson of Ward	Shiels
Blank	Juzeler	Simpson
Braaten	Lemieux	Sowle
Briden	McClure	Spangberg
Brown	McCrea	Stevens of Burleigh
Burgum	McKechie	Stevens of Dickey
Burtness	McLain	Streeter
Buttz	Meidinger	Sunderland
Chapman	Meiklejohn	Swenseld
Chevalier	Midgarden	Tallackson
Clendenning	Mitchell	Thompson
Cooper of Sargent	Mooney	Thoreson
Dahl	Moore	Tofsrud
Dahlen	Nelson	Treet
Davis	Nicholson	Treumner
Dickinson	Oveson	Underwood
Duncan	Ovind	Vernon
Eggen	Palmer	Walter
Ellison	Phelan	Watson
Flados	Purdon	Weigel
Fried	Rice	Welo
Ganssle	Richmond	White
Gibbens	Rogers	Mr. Speaker
Gilbert		

Absent and not voting:**Messrs.—**

Adams
Casey
Cooper of Stutsman
Hardt
Heglie
Jennings

Messrs.—

Kyle
Lillie
Lyons
Martin
Morgan
Palfrey

Messrs.—

Peterson
Piper
Robillard
Schlenker
Stavens
Sweet

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to and the report of the committee was adopted.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and the House:

Your conference committee to which was referred Senate bill No. 161 and the house amendments thereto adopted at the session of the 57th day. Have had the same under consideration and recommended as follows, to-wit:

First. That the senate concur in the house amendment to line 2 of section 1 of the engrossed bill.

Second. That the house recede from its amendment to line 4 of article 8 of section 5 of the engrossed bill, and that in lieu thereof the said line be amended by striking out the words "one fourth," and inserting in lieu thereof the words "one half," and by striking out the word "deposits," and inserting in lieu thereof the words "capital stock and surplus."

Third. That the senate concur in the house amendment to article 1 of section 8 of the engrossed bill.

Fourth. That the senate concur in the house amendment to line 6 of article 4 of section 6 of the engrossed bill.

Fifth. That the house recede from its amendment to line 5 of section 7, and that said line be amended by striking out the word "twenty" and inserting in lieu thereof the word "fifteen."

Sixth. That the senate concur in the house amendment to line 7 of section 7 of the engrossed bill.

Seventh. That the house recede from its amendments to line 4 of section 15 of the engrossed bill.

Eighth. That the senate concur in the house amendments to line 7 of section 23 of the engrossed bill.

Ninth. That the house recede from its amendment to line 8 of section 23 of the engrossed bill.

Tenth. The senate concur in the house amendment to line 11 of section 23 of the engrossed bill.

Eleventh. That the house recede from its amendment to line 11 of section 30 of the engrossed bill, and that the same be amended by striking out the word "twenty" and inserting in lieu thereof the word "fifteen."

Twelfth. That the senate concur in the house amendment to line 12 of section 30 of the engrossed bill.

Thirteenth. That the house recede from its amendment to line 14 of section 32 of the engrossed bill.

Fourteenth. That the senate concur in the house amendment to line 9 of section 39 of the engrossed bill.

Fifteenth. That the senate concur in the house amendment to section 42 of the engrossed bill.

All of which is respectfully submitted.

GEO. A. M'CREA,
Chairman of the House Conference Committee.
ED. PIERCE,
Chairman of the Senate Conference Committee.

Mr. Underwood moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

Mr. Underwood moved
That Senate Bill No. 161 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Was read the third time.

The question being on the final passage of the bill as recommended by the conference committee.

The roll was called and there were ayes 35, nays 49, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Gilbert	Robillard
Belden	Goulet	Rogers
Burgum	McCrea	Rose
Chapman	Mitchell	Simpson
Chevalier	Mooney	Schlenker
Clendening	Nelson	Stevens of Burleigh
Cooper of Stutsman	Nicholson	Stevens of Dickey
Davis	Palmer	Treat
Dickinson	Peterson	Truemner
Duncan	Phelan	Underwood
Ganssle	Piper	Mr. Speaker
Gibbens	Richmond	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Jennings	Rice
Arnold	Johnson of Richland	Rue
Blake	Juzeler	Ryan
Blank	Lemieux	Scheer
Braaten	Martin	Sheils
Brown	McClure	Sowle

Messrs.—

Burntress
Buttz
Cooper of Sargent
Dahl
Dahlen
Eggen
Ellison
Flados
Fried
Hardt
Hemmingson

Messrs.—

McKechnie
Meidinger
Meiklejohn
Midgarden
Moore
Morgan
Oveson
Ovind
Palfrey
Purdon

Messrs.—

Spangberg
Sunderland
Swenaseid
Tallackson
Thompson
Vernon
Watson
Weigel
Welc
White

Absent and not voting:

Messrs.—

Adams
Briden
Casey
Glasgow
Johnson of Ward
Heglie

Messrs.—

Kyle
Lillie
Lyon
McLain
Stavens

Messrs.—

Streeter
Sweet
Thoreson
Tofsrud
Walter

Messrs. Casey and Schlenker being excused.

So the bill was lost.

Mr. Richmond explained his vote.

Mr. Buttz moved

That the vote by which Senate Bill No. 161 was lost be reconsidered.

Mr. White moved

That the motion to reconsider be laid on the table.

Which motion was lost.

The question being on original motion to reconsider.

Which motion prevailed.

Mr. Stevens of Burleigh, moved

That the vote by which the report of the conference committee was adopted be reconsidered.

Which motion prevailed.

Mr. Stevens of Burleigh, moved

That the speaker appoint a new committee of three to act in conference with like committee appointed by senate for conference on House Bill No. 161.

And that said committee be instructed to insist on the adoption of house amendment relating to capital stock at which banks can organize.

Which motion prevailed.

The speaker appointed as such conference committee Messrs. McCrea, Phelan and Stevens of Burleigh.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

Mr. Speaker:

I have the honor to inform you that the senate has adopted without change the report of the joint conference committee on

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And passed said bill as amended by said report.

Also,

That the senate has adopted without change the report of the joint conference committee on

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

And passed said bill as amended by said report.

Also,

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.

Which the senate has passed and your favorable consideration thereof is requested.

Very respectfully,

L. M. McGLASHAN,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of

this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Also,

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Also,

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The house proceeded to the 14th order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hardt	Richmond
Arnold	Hemmingson	Robillard
Baeverstad	Jennings	Rogers
Belden	Johnson of Richland	Rue
Blake	Johnson of Ward	Ryan
Blank	Juzeler	Shiels
Braaten	Kyle	Simpson
Briden	Lemieux	Spangberg
Burgum	Lillie	Stavens
Burness	Lyon	Stevens of Burleigh
Buttz	McCrea	Streeter
Chevalier	McKechnie	Sunderland
Cooper of Sargent	McLain	Swenseld
Cooper of Stutsman	Meidenger	Tallackson
Dahl	Meiklejohn	Thompson

Messrs.—	Messrs.—	Messrs.—
Dahlen	Mitchell	Thoreson
Davis	Mooney	Tofsrud
Dickinson	Moore	Treet
Duncan	Morgan	Treumner
Eggen	Nelson	Underwood
Ellison	Nicholson	Vernon
Flados	Oveson	Walter
Fried	Ovind	Watson
Ganssie	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Piper	White
Glassgow	Purdon	Mr. Speaker
Goulet	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Martin	Scheer
Brown	McClure	Schlenker
Casey	Midgarden	Sowle
Chapman	Palfrey	Stevens of Dickey
Clendenning	Phelan	Sweet
Heglie	Rose	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 82, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Rogers
Allen	Hemmingson	Rue
Baeverstad	Jennings	Ryan
Belden	Johnson of Richland	Scheer
Blake	Juzeler	Sheils
Blank	Kyle	Simpson
Braaten	Lemieux	Sowle
Briden	McCrea	Spangberg
Brown	McKechnie	Stavens
Burgum	McLain	Stevens of Burleigh
Burtness	Meidinger	Streeter
Buttz	Meiklejohn	Sunderland
Chapman	Midgarden	Swenseid
Chevalier	Mitchell	Tallackson
Cooper of Stutsman	Mooney	Thompson
Dahl	Moore	Thoreson
Dahlen	Morgan	Tofsrud
Davis	Nelson	Treat

Messrs.—

Dickinson
Duncan
Eggen
Ellison
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Hardt

Messrs.—

Nicholson
Oveson
Ovind
Palmer
Peterson
Piper
Purdon
Rice
Robillard

Messrs.—

Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Casey
Clendening
Cooper of Sargent
Flados
Goulet

Messrs.—

Johnson of Ward
Lillie
Lyon
Martin
McClure
Palfrey

Messrs.—

Phelan
Richmond
Rose
Schlenker
Stevens of Dickey
Sweet

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Belden
Blake
Blank
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevallier
Clendening
Dahl
Davis
Dickinson

Messrs.—

Johnson of Ward
Juzeler
Kyle
Lemieux
Lyon
McCrea
McKechnie
McLain
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson

Messrs.—

Rogers
Rose
Rue
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Swendseid
Tallackson
Thoreson
Treat

Messrs.—	Messrs.—	Messrs.—
Duncan	Oveson	Truemner
Eggen	Ovind	Underwood
Ellison	Palmer	Vernon
Ganssle	Peterson	Walter
Gibbens	Phelan	Watson
Glasgow	Piper	Weigel
Hardt	Purdon	Welo
Heglie	Richmond	White
Hemmingson	Robillard	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Gilbert	Rice
Arnold	Goulet	Ryan
Braaten	Johnson of Richland	Schlenker
Casey	Lillie	Streeter
Cooper of Sargent	Martin	Sweet
Cooper of Stutsman	McClure	Thompson
Flados	Meidinger	Tofsrud
Fried	Palfrey	

Mr. Dahlen voting in the negative.

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 95, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Piper
Allen	Heglie	Purdon
Arnold	Hemmingson	Rice
Baeverstad	Jennings	Richmond
Belden	Johnson of Richland	Robillard
Blake	Johnson of Ward	Rogers
Blank	Juzeler	Rose
Braaten	Kyle	Rue
Briden	Lemieux	Ryan
Brown	Lillie	Scheer
Burgum	Lyon	Shells
Burtness	Martin	Simpson
Buttz	McClure	Sowle
Chapman	McCrea	Spangberg
Chevalier	McKechnie	Stavens
Clendenning	McLain	Stevens of Burleigh
Cooper of Sargent	Meidinger	Stevens of Dickey
Cooper of Stutsman	Meiklejohn	Streeter
Dahl	Midgarden	Sunderland

Messrs.—	Messrs.—	Messrs.—
Dahlen	Mitchell	Sweet
Davis	Mooney	Swendseid
Dickinson	Moore	Tallackson
Duncan	Morgan	Treat
Eggen	Nelson	Truemner
Ellison	Nicholson	Underwood
Flados	Oveson	Vernon
Fried	Ovind	Walter
Ganssle	Palfrey	Watson
Gibbens	Palmer	Weigel
Gilbert	Peterson	Welo
Glasgow	Phelan	White
Goulet		Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Thompson	Tofsrud
Schlenker	Thoreson	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 93, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Richmond
Allen	Hemmingson	Robillard
Arnold	Jennings	Rogers
Belden	Johnson of Richland	Rose
Blake	Johnson of Ward	Rue
Braaten	Juzeler	Ryan
Briden	Kyle	Scheer
Brown	Lemieux	Sheils
Burgum	Lillie	Simpson
Burntress	Lyon	Sowle
Buttz	Martin	Spangberg
Chapman	McCrea	Stavens
Chevallier	McKechnie	Stevens of Burleigh
Clendenen	McLain	Stevens of Dickey
Cooper of Sargent	Meidinger	Sunderland
Cooper of Stutsman	Meiklejohn	Sweet
Dahl	Midgarden	Swendseid
Dahlen	Mitchell	Tallackson
Davis	Mooney	Thompson
Dickinson	Moore	Thoreson
Duncan	Morgan	Tofsrud

Messrs.—

Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt

Messrs.—

Nelson
Nicholson
Oveson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Blank
Casey

Messrs.—

McClure
Palfrey

Messrs.—

Schlenker
Streeter

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign:

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitationss and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Also,

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Also,

House Bill No. 252.

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

And the speaker signed the same in the presence of the house.

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 41, nays 50, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	McLain	Rose
Belden	Meidinger	Ryan
Clendening	Meiklejohn	Sheils
Cooper of Sargent	Mitchell	Simpson
Ellison	Mooney	Stevens of Burleigh
Goulet	Nelson	Streeter
Hardt	Nicholson	Sweet
Johnson of Richland	Palfrey	Tallackson
Johnson of Ward	Palmer	Tofsrud
Lemieux	Peterson	Treat
Lillie	Phelan	Vernon
Martin	Rice	Watson
McClure	Richmond	Weigel
McKechnie	Robillard	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Fried	Purdon
Arnold	Ganssle	Rue
Blake	Gibbens	Scheer
Blank	Gilbert	Sowle
Braaten	Glasgow	Spangberg
Briden	Heglie	Stavens
Brown	Hemmingson	Sunderland
Burtness	Juzeler	Swendseid
Buttz	Kyle	Thompson
Chevalier	Lyon	Thoreson
Cooper of Stutsman	McCrea	Truemner
Dahl	Midgarden	Underwood
Dahlen	Moore	Walter
Davis	Morgan	Welo
Duncan	Oveson	White
Eggen	Ovind	Mr. Speaker
Flados	Piper	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Chapman	Rogers
Burgum	Dickinson	Schlenker
Casey	Jennings	Stevens of Dickey

Messrs. Casey and Schlenker being excused.

So the bill was lost.

Mr. Davis gave notice that he would at some future time move to reconsider the vote by which Senate Bill No. 17 was lost.

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments

in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 69, nays 3, absent and not voting 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Goulet	Rogers
Arnold	Hardt	Rose
Baeverstad	Heglie	Rue
Belden	Hemmingson	Ryan
Blake	Johnson of Ward	Sheils
Blank	Juzeler	Simpson
Braaten	Lillie	Sowle
Briden	Lyon	Stavens
Burtness	Martin	Stevens of Dickey
Buttz	McKechnie	Sunderland
Chevalier	McLain	Swendseid
Clendening	Meidinger	Tallackson
Cooper of Sargent	Meiklejohn	Thompson
Cooper of Stutsman	Midgarden	Thoreson
Dahl	Mooney	Tofsrud
Dahlen	Morgan	Treat
Davis	Nelson	Truemner
Duncan	Nicholson	Underwood
Flados	Palfrey	Vernon
Gaussle	Palmer	Walter
Gibbens	Peterson	Watson
Gilbert	Purdon	Weigel
Glasgow	Robillard	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Burgum	Eggen	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Lemieux	Rice
Brown	McClure	Richmond
Casey	McCrea	Scheer
Chapman	Mitchell	Schlenker
Dickinson	Moore	Spangberg
Ellison	Oveson	Stevens of Burleigh
Fried	Ovind	Streeter
Jennings	Phelan	Sweet
Johnson of Richland	Piper	Welo
Kyle		

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Was read the third time.

Mr. Davis asked unanimous consent to amend the bill.
Which was objected to.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 86; nays, 4;
absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Jennings	Rogers
Allen	Johnson of Richland	Rose
Arnold	Johnson of Ward	Rue
Baeverstad	Juzeler	Ryan
Belden	Kyle	Scheer
Blake	Lillie	Sheils
Blank	Lyon	Simpson
Braaten	Martin	Sowle
Briden	McClure	Spangberg
Brown	McCrea	Stavens
Burtness	McKechnie	Stevens of Burleigh
Buttz	McLain	Stevens of Dickey
Chapman	Meidinger	Streeter
Chevalier	Meiklejohn	Sunderland
Cooper of Sargent	Midgarden	Swendseid
Cooper of Stutsman	Mitchell	Tallackson
Dahl	Mooney	Thompson
Dahlen	Moore	Thoreson
Davis	Morgan	Tofsrud
Dickinson	Nelson	Truemner
Duncan	Oveson	Underwood
Eggen	Ovind	Vernon
Flados	Palfrey	Walter
Ganssle	Palmer	Watson
Gibbens	Peterson	Weigel
Glasgow	Piper	Welo
Goulet	Purdon	White
Hardt	Rice	Mr. Speaker
Heglie	Richmond	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Burgum	Nicholson	Robillard
Hemmingson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Gilbert	Schlenker
Clendening	Lemieux	Sweet
Ellison	Phelan	Treat
Fried		

Messrs. Casey and Schlenker, being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 35 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SPECIAL ORDERS.

Mr. Sheils moved

That Senate Bill No. 151 be re-referred to the steering committee.

Mr. Clendening moved

As a substitute motion that the bill be placed upon its third reading and final passage.

Which substitute motion prevailed.

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Was read the third time.

Mr. Sheils moved

That the further consideration of Senate Bill No. 151 be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 57, nays 36, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Allen
Arnold
Baeverstad
Belden
Blake
Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Stutsman

Messrs.—

Hardt
Jennings
Johnson of Ward
Juzeler
Lemieux
Lillie
Lyon
Martin
McClure
McKechnie
McLain
Meidinger
Meiklejohn

Messrs.—

Phelan
Piper
Richmond
Robillard
Rose
Ryan
Simpson
Sowle
Spangberg
Stevens of Burleigh
Streeter
Tallackson
Treat

Messrs.—	Messrs.—	Messrs.—
Davis	Mitchell	Truemner
Dickinson	Mooney	Underwood
Duncan	Nelson	Vernon
Gilbert	Nicholson	Walter
Glasgow	Ovind	Watson
Goulet	Palmer	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Gibbens	Rogers
Blank	Heglie	Scheer
Braaten	Hemmingson	Sheils
Brown	Johnson of Richland	Stavens
Cooper of Sargent	Kyle	Stevens of Dickey
Dahl	McCrea	Sunderland
Dahlen	Midgarden	Swendseid
Eggen	Moore	Thompson
Ellison	Morgan	Thoreson
Flados	Oveson	Weigel
Fried	Palfrey	Welo
Ganssle	Rice	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Rue	Sweet
Peterson	Schlenker	Tofsrud
Purdon		

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McLain explained his vote.

Mr. Stevens, of Burleigh, moved

That the vote by which Senate Bill No. 151 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Also,

House Bill No. 252.

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Also,

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Were delivered to the governor for his approval at the hour of 5:15 o'clock p. m., March 2, 1905.

W. A. McCLURE,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
March 2, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at

Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the

control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

The speaker signed the same in the presence of the house.

REPORT OF CONFERENCE COMMITTEE

Mr. Speaker:

Your conference committee upon senate bill No. 161 beg leave to report that they have had the same under consideration with a like committee from the senate, and that the senate declines to further recede from the amendments agreed upon by the former conference committee.

Your committee further recommends that the house do now approve and adopt the report of the former conference committee.

J. E. PHELAN
R. N. STEVENS
GEO. A. McCREA
House Committee.
ED. PIERCE
MAYNARD CRANE
F. S. TALCOTT
Senate Committee.

Mr. McCrea moved

That the report of the conference committee be adopted.

Mr. Streeter moved

As a substitute motion that the house do not adopt the report of the conference committee.

Which substitute motion prevailed.

Mr. Arnold moved

That the conference committee on Senate Bill No. 151 be discharged and that a new committee be appointed.

Which motion prevailed.

Mr. Phelan moved

That the house take a recess until 8 p. m. this evening.
Which motion prevailed, and

The house took a recess until 8 o'clock p. m.

OTTO SOUGSTAD,

Chief Clerk.

AFTER RECESS.

The house re-assembled at 8 o'clock p. m. pursuant to recess taken.

The house proceeded to the 14th order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Mooney
Moore
Morgan
Nelson
Nicholson
Ovind
Palfrey
Palmer

Messrs.—

Purdon
Rice
Richmond
Robillard
Rogers
Rose
Rue
Sheils
Simpson
Sowle
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseld
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Watson
Weigel
Welo

Messrs.—
Ganssle
Gilbert
Glasgow

Messrs.—
Peterson
Phelan
Piper

Messrs.—
White
Mr. Speaker

Absent and not voting:

Messrs.—
Blank
Casey
Gibbens
Martin
Meiklejohn

Messrs.—
Mitchell
Ryan
Scheer
Schlenker

Messrs.—
Stavens
Sunderland
Tallackson
Truemner

Mr. Oveson voted in the negative.

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McClure moved

That the vote by which Senate Bill No. 234 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 174,

A bill for an act to amend section 277, and section 280, of chapter 4, of article 6, of the revised codes, relating to the practice of medicine, surgery and obstetrics.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 88, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Arnold
Baeverstad
Belden
Blake
Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen

Messrs.—
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Midgarden
Mooney
Moore
Morgan
Nicholson
Oveson

Messrs.—
Richmond
Robillard
Rogers
Rose
Rue
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat

Messrs.—

Ellison
Flados
Fried
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie

Messrs.—

Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Blank
Braaten
Brown
Casey

Messrs.—

Ganssle
Hemmingson
Mitchell
Nelson

Messrs.—

Ryan
Schlenker
Sunderland
Truemner

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McLain moved

That the vote by which Senate Bill No. 174 was passed be reconsidered and the motion to reconsider be laid on the table. .

Which motion prevailed.

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
• Blake
Blank
Braaten
Briden
Brown
Burgum
Burntress
Buttz
Chapman
Chevalier

Messrs.—

Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McKechnie
McLain
Meidinger
Mitchell

Messrs.—

Rogers
Rose
Rue
Ryan
Scheer
Shiels
Simpson
Sowle
Spangberg
Stavens
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid

Messrs.—	Messrs.—	Messrs.—
Clendening	Mooney	Tallackson
Cooper of Sargent	Moore	Thompson
Cooper of Stutsman	Morgan	Thoreson
Dahl	Nelson	Tofsrud
Dahlen	Nicholson	Treat
Dickinson	Ovind	Underwood
Duncan	Palmer	Vernon
Eggen	Peterson	Walter
Flados	Phelan	Watson
Fried	Piper	Weigel
Ganssle	Purdon	Welo
Gilbert	Rice	White
Glasgow	Richmond	Mr. Speaker
Goulet	Robillard	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Martin	Palfrey
Davis	McCrea	Schlenker
Ellison	Meiklejohn	Stevens of Burleigh
Gibbens	Midgarden	Truemner
Hemmingson	Oveson	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Davis moved

That the vote by which Senate Bill No. 17 was lost be reconsidered.

Which motion was lost.

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Robillard
Allen	Hardt	Rogers
Arnold	Heglie	Rose
Baeverstad	Hemmingson	Rue
Belden	Jennings	Ryan
Blake	Johnson of Richland	Scheer
Blank	Johnson of Ward	Sheils
Braaten	Lemieux	Simpson
Briden	Lillie	Söwle
Brown	Lyon	Spangberg

Messrs.—	Messrs.—	Messrs.—
Burgum	McClure	Stavens
Burtness	McCrea	Stevens of Burleigh
Buttz	McKechnie	Stevens of Dickey
Chapman	McLain	Streeter
Chevalier	Meidinger	Sunderland
Clendening	Midgarden	Swendseid
Cooper of Sargent	Mitchell	Tallackson
Cooper of Stutsman	Mooney	Thompson
Dahl	Morgan	Tofsrud
Dahlen	Nelson	Treat
Dickinson	Nicholson	Truemner
Duncan	Palfrey	Underwood
Eggen	Palmer	Vernon
Ellison	Peterson	Walter
Flados	Phelan	Watson
Fried	Piper	Weigel
Ganssle	Purdon	Welo
Gibbens	Rice	White
Gilbert	Richmond	Mr. Speaker
Glasgow		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Martin	Ovind
Davis	Meiklejohn	Schlenker
Juzeler	Moore	Sweet
Kyle	Oveson	Thoreson

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 87, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rice
Allen	Hardt	Richmond
Arnold	Heglie	Robillard
Baeverstad	Hemmingson	Rogers
Belden	Jennings	Rose
Blake	Johnson of Richland	Rue
Blank	Johnson of Ward	Ryan
Briden	Juzeler	Scheer
Brown	Kyle	Simpson
Burgum	Lemieux	Sowle

Messrs.—	Messrs.—	Messrs.—
Burtness	Lillie	Spangberg
Buttz	Lyon	Stavens
Chapman	McClure	Stevens of Burleigh
Chevalier	McCrea	Stevens of Dickey
Clendening	McLain	Streeter
Cooper of Sargent	Meldinger	Sunderland
Cooper of Stutsman	Midgarden	Sweet
Dahlen	Mitchell	Swendseid
Davis	Mooney	Tallackson
Dickinson	Moore	Thoreson
Duncan	Morgan	Tofsrud
Eggen	Nelson	Underwood
Ellison	Nicholson	Vernon
Flados	Ovind	Walter
Fried	Palfrey	Watson
Ganssle	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Phelan	White
Glasgow	Purdon	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Braaten	Meiklejohn	Sheils
Casey	Oveson	Thompson
Dahl	Piper	Treat
Martin	Schlenker	Truemner
McKechnie		

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McLain moved

That the vote by which Senate Bill No. 152 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Robillard
Allen	Hardt	Rogers
Arnold	Jennings	Rose
Baeverstad	Johnson of Richland	Rue
Belden	Johnson of Ward	Ryan

Messrs.—	Messrs.—	Messrs.—
Blake	Juzeler	Scheer
Blank	Kyle	Sheils
Braaten	Lemieux	Simpson
Briden	Lillie	Sowle
Brown	Lyon	Spangberg
Burgum	McClure	Stavens
Burtness	McCrea	Stevens of Burleigh
Buttz	McKechnie	Stevens of Dickey
Chapman	McLain	Streeter
Chevalier	Meidinger	Sunderland
Clendenning	Meiklejohn	Sweet
Cooper of Sargent	Midgarden	Swendseid
Cooper of Stutsman	Mitchell	Tallackson
Dahl	Mooney	Thompson
Dahlen	Moore	Thoreson
Davis	Nelson	Treat
Dickinson	Nicholson	Underwood
Duncan	Palfrey	Vernon
Eggen	Palmer	Walter
Ellison	Peterson	Watson
Flados	Phelan	Weigel
Fried	Piper	Welo
Ganssle	Purdon	White
Gibbens	Rice	Mr. Speaker
Gilbert	Richmond	

Those who voted in the negative were:

Messrs.—	Messrs.—
Heglie	Morgan

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Martin	Schlenker
Goulet	Oveson	Tofsrud
Hemmingson	Ovind	Truemnner

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Underwood moved

That the amendment to Senate Bill No. 149 as recommended by the judiciary committee be adopted.

Which motion prevailed.

And the amendment of the committee was adopted.

Mr. Richmond moved

That Senate Bill No. 149 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defend-

ant in certain actions and service of summons upon the same.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 89, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meldinger
Midgarden
Mitchell
Mooney
Moore
Morgan
Nelson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Richmond
Robillard
Rogers
Rose
Rue
Ryan
Scheer
Shells
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Casey
Cooper of Sargent
Martin
Meiklejohn

Messrs.—

Nicholson
Oveson
Palfrey
Schlenker

Messrs.—

Treat
Truemner
Watson

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are

necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 44, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Peterson
Allen	Johnson of Ward	Phelan
Baeverstad	Lillie	Rice
Belden	Lyon	Richmond
Brown	McClure	Robillard
Burtness	McKechnie	Rogers
Buttz	McLain	Rose
Chapman	Mitchell	Sheils
Clendenning	Mooney	Simpson
Dickinson	Moore	Stevens of Burleigh
Ganssle	Nelson	Tofsrud
Gibbens	Nicholson	Treat
Gilbert	Ovind	Mr. Speaker
Glasgow	Palmer	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Arnold	Johnson of Richland	Stevens of Dickey
Blank	Juzeler	Streeter
Braaten	Kyle	Sunderland
Burgum	Lemieux	Sweet
Cooper of Stutsman	McCrea	Swendseid
Dahl	Meidinger	Tallackson
Dahlen	Midgarden	Thompson
Eggen	Morgan	Thoreson
Ellison	Oveson	Vernon
Flados	Palfrey	Walter
Fried	Piper	Watson
Hardt	Purdon	Weigel
Heglie	Rue	Welo
Hemmingson	Ryan	White
Jennings	Scheer	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Blake	Davis	Sowle
Briden	Duncan	Spangberg
Casey	Martin	Stavens
Chevalier	Meiklejohn	Treumner
Cooper of Sargent	Schlenker	Underwood

Messrs. Casey and Schlenker being excused.

So the bill was lost.

Mr. Streeter explained his vote.

Mr. Streeter moved

That the vote by which Senate Bill No. 70 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Richmond
Allen	Heglie	Robillard
Arnold	Hemmingson	Rogers
Belden	Jennings	Rose
Blake	Johnson of Richland	Rue
Blank	Johnson of Ward	Ryan
Braaten	Juzeler	Scheer
Briden	Kyle	Sheils
Brown	Lemieux	Simpson
Burgum	Lillie	Sowle
Burtness	Lyon	Spangberg
Buttz	McClure	Stavens
Chapman	McCrea	Stevens of Burleigh
Chevalier	McKechnie	Stevens of Dickey
Clendening	McLain	Streeter
Cooper of Sargent	Midgarden	Sunderland
Cooper of Stutsman	Mitchell	Tallackson
Dahl	Mooney	Thompson
Dahlen	Moore	Thoreson
Davis	Morgan	Tofsrud
Dickinson	Nelson	Treat
Duncan	Nicholson	Underwood
Eggen	Ovind	Vernon
Ellison	Palmer	Walter
Flades	Peterson	Weigel
Fried	Phelan	Welo
Ganssle	Piper	White
Gibbens	Purdon	Mr. Speaker
Glasgow	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Meldinger	Sweet
Casey	Meiklejohn	Swendseld
Gilbert	Oveson	Truemner
Hardt	Palfrey	Watson
Martin	Schlenker	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Richland moved

That the further consideration of Senate Bill No. 46 be indefinitely postponed.

Roll call demanded.

The question being on the motion to indefinitely postpone.

The roll was called and there were ayes 35, nays 50, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Midgarden
Allen	Hardt	Morgan
Arnold	Heglie	Palmer
Belden	Hemmingson	Phelan
Blake	Johnson of Richland	Rue
Blank	Juzeler	Ryan
Chapman	Kyle	Scheer
Cooper of Stutsman	Lemieux	Simpson
Dahl	McClure	Sowle
Flados	McKechnie	Spangberg
Fried	Meidinger	Sunderland
Gibbens		Weigel

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Goulet	Röbillard
Braaten	Jennings	Rogers
Briden	Johnson of Ward	Snells
Burgum	Lillie	Stevens of Burleigh
Burtness	Lyon	Streeter
Buttz	McCrea	Sweet
Chevalier	McLain	Swendseid
Clendening	Mitchell	Tofsrud
Cooper of Sargent	Mooney	Treat
Dahlen	Moore	Underwood
Davis	Nelson	Vernon
Dickinson	Nicholson	Walter
Duncan	Ovind	Watson
Eggen	Peterson	Welo
Ellison	Purdon	White
Ganssle	Rice	Mr. Speaker
Gilbert	Richmond	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Palfrey	Stevens of Dickey
Casey	Piper	Tallackson
Martin	Rose	Thompson
Meiklejohn	Schlenker	Thoreson
Oveson	Stavens	Truemner

Messrs. Casey and Schlenker being excused.

So the motion was lost.

Mr. Stevens of Burleigh explained his vote.

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Was read the third time.

Mr. Davis asked unanimous consent to amend the bill.
Which was objected to.

The question being upon the final passage of the bill.

The roll was called and there were ayes 56, nays 35, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rogers
Baeverstad	Jennings	Rose
Belden	Johnson of Ward	Sheils
Braaten	Lillie	Stavens
Briden	Lyon	Stevens of Burleigh
Burgum	McCrea	Streeter
Burtness	McLain	Sweet
Buttz	Mitchell	Swendseld
Chevalier	Mooney	Thoreson
Clendening	Moore	Tofsrud
Cooper of Sargent	Nelson	Treat
Dahlen	Nicholson	Underwood
Davis	Palfrey	Vernon
Dickinson	Peterson	Walter
Duncan	Piper	Watson
Eggen	Purdon	Weigel
Ellison	Rice	Welo
Ganssle	Richmond	White
Gilbert	Robillard	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hardt	Ovind
Arnold	Heglie	Palmer
Blake	Hemmingson	Phelan
Blank	Johnson of Richland	Rue
Brown	Juzeler	Ryan
Chapman	Kyle	Scheer
Cooper of Stutsman	Lemieux	Simpson
Dahl	McClure	Sowle
Flados	McKechnie	Spangberg
Fried	Meidinger	Stevens of Dickey
Gibbens	Midgarden	Mr. Speaker
Glasgow	Morgan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Oveson	Tallackson
Martin	Schlenker	Thompson
Meiklejohn	Sunderland	Truemner

Messrs. Casev and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Richland explained his vote.

Mr. Midgarden explained his vote.

Mr. Streeter explained his vote.

Mr. McCrea moved

That the vote by which Senate Bill No. 46 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codés of the state of North Dakota for 1899, relating to abstractors.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 70, nays 6, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Gibbens	Robillard
Arnold	Glasgow	Rogers
Belden	Goulet	Rue
Blake	Heglie	Ryan
Blank	Hemmingson	Sheils
Braaten	Jennings	Simpson
Briden	Johnson of Ward	Sowle
Brown	Juzeler	Stavens
Burtness	Lillie	Stevens of Burleigh
Buttz	Lyon	Stevens of Dickey
Chapman	McClure	Streeter
Chevalier	McCrea	Sunderland
Clendening	McLain	Sweet
Cooper of Sargent	Meldinger	Swendseid
Cooper of Stutsman	Midgarden	Tallackson
Dahl	Nelson	Thoreson
Dahlen	Nicholson	Tofsrud
Davis	Ovind	Treat
Dickinson	Palmer	Underwood
Eggen	Peterson	Vernon
Ellison	Phelan	Welo
Flados	Purdon	White
Fried	Rice	Mr. Speaker
Ganssle		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Moore	Thompson
Kyle	Piper	Watson

Absent and not voting:

Messrs.—

Adams
Baeverstad
Burgum
Casey
Duncan
Hardt
Johnson of Richland
Lemieux

Messrs.—

Martin
McKechnie
Meiklejohn
Mitchell
Mooney
Morgan
Oveson
Palfrey

Messrs.—

Richmond
Rose
Scheer
Schlenker
Spangberg
Truemner
Walter
Weigel

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 1, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Belden
Blank
Braaten
Briden
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Duncan
Eggen
Ellison
Flados
Ganssle
Gibbens
Gilbert
Glasgow
Goulet

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
McClure
McCrea
McKechnie
McLain
Meidinger
Midgarden
Meiklejohn
Mitchell
Moore
Nelson
Nicholson
Ovind
Palmer
Phelan
Purdon

Messrs.—

Rice
Richmond
Robillard
Rogers
Rose
Rue
Ryan
Scheer
Sheils
Stavens
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Watson
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Baeverstad
Brown
Burgum

Messrs.—

Johnson of Richland
Martin
Mooney
Morgan

Messrs.—

Simpson
Sowle
Spangberg
Stevens of Burleigh

Messrs.—

Casey
Clendening
Dickinson
Fried
Hardt

Messrs.—

Oveson
Palfrey
Peterson
Piper
Schlenker

Messrs.—

Stevens of Dickey
Streeter
Truemner
Weigel
Welo

Mr. Blake voted in the negative.

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 156 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 79, nays 3, absent and not voting 18

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Clendening
Cooper of Stutsman
Dahl
Davis
Dickinson
Duncan
Ellison
Fried
Ganssle

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
McClure
McCrea
McKechnie
McLain
Meidinger
Mitchell
Nelson
Nicholson
Ovind
Palmer
Peterson
Phelan
Piper
Purdon
Rice

Messrs.—

Ryan
Scheer
Sheils
Simpson
Sowle
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseld
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Watson
Weigel

Messrs.—	Messrs.—	Messrs.—
Gibbens	Richmond	Welo
Gilbert	Robillard	White
Glasgow	Rogers	Mr. Speaker
Goulet	Rose	
Hemmingson	Rue	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Chevalier	Cooper of Sargent

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Lyon	Morgan
Dahlen	Martin	Oveson
Eggen	Meiklejohn	Palfrey
Flados	Midgarden	Schlenker
Hardt	Mooney	Spangberg
Heglie	Moore	Truemner

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh moved

That the vote by which Senate Bill No. 177 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 1, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Rogers
Allen	Goulet	Rose
Arnold	Hemmingson	Rue
Baeverstad	Jennings	Scheer
Belden	Johnson of Richland	Schlenker
Blake	Johnson of Ward	Sheils
Briden	Juzeler	Simpson
Brown	Lillie	Sowle
Burtness	Lyon	Stavens
Buttz	McClure	Stevens of Burleigh
Chapman	McCrea	Stevens of Dickey
Chevalier	McKechnie	Streeter
Clendenning	McLain	Sweet
Cooper of Sargent	Meidinger	Swendseid

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Midgarden	Tallackson
Dahl	Mitchell	Thompson
Dahlen	Mooney	Thoreson
Davis	Nelson	Tofsrud
Dickinson	Ovind	Treat
Duncan	Palmer	Vernon
Ellison	Peterson	Walter
Flados	Piper	Watson
Fried	Purdon	Weigel
Ganssle	Rice	Welo
Gibbens	Richmond	White
Gilbert	Robillard	Mr. Speaker

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Blank	Lemieux	Palfrey
Braaten	Martin	Ryan
Burgum	Meiklejohn	Spangberg
Casey	Moore	Sunderland
Eggen	Morgan	Truemner
Hardt	Nicholson	Underwood
Heglie	Oveson	

Mr. Kyle voting in the negative.

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 4, absent and not voting 24.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Fried	Rice
Allen	Ganssle	Richmond
Arnold	Gibbens	Robillard
Baeverstad	Glasgow	Rogers
Belden	Goulet	Rose
Blake	Hemmingson	Rue
Braaten	Johnson of Richland	Ryan
Briden	Kyle	Sheils
Brown	Lemieux	Sowle
Burgum	Lillie	Stavens
Burtness	Lyon	Stevens of Burleigh
Buttz	McClure	Stevens of Dickey
Chapman	McCrea	Sunderland
Chevalier	McLain	Sweet
Clendenning	Meidinger	Tallackson
Cooper of Sargent	Mitchell	Thoreson

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Mooney	Treat
Dahl	Nelson	Underwood
Dahlen	Nicholson	Vernon
Davis	Ovind	Walter
Dickinson	Palmer	Watson
Duncan	Peterson	Weigel
Ellison	Phelan	Welo
Flados	Purdon	Mr. Speaker

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Piper	Tofsrud	White
Scheer		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Blank	Juzeler	Palfrey
Casey	Martin	Schlenker
Eggen	McKechnie	Simpson
Gilbert	Meiklejohn	Spangberg
Hardt	Midgarden	Streeter
Heglie	Moore	Swenseld
Jennings	Morgan	Thompson
Johnson of Ward	Oveson	Truemner

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 230 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 84, nays 10, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Purdon
Allen	Hemmingson	Rice
Arnold	Jennings	Richmond
Baeeverstad	Johnson of Richland	Robillard
Belden	Johnson of Ward	Rogers
Blake	Juzeler	Rose
Braaten	Kyle	Rue
Briden	Lemieux	Ryan
Burgum	Lillie	Sheils
Burtness	Martin	Simpson

Messrs.—	Messrs.—	Messrs.—
Chapman	McClure	Sowle
Chevalier	McCrea	Stavens
Clendenning	McKechnie	Stevens of Burleigh
Cooper of Stutsman	McLain	Stevens of Dickey
Dahl	Meidenger	Streeter
Dahlen	Midgarden	Sunderland
Davis	Mitchell	Sweet
Dickinson	Mooney	Swendseid
Duncan	Moore	Tallackson
Eggen	Morgan	Thompson
Ellison	Nelson	Thoreson
Flados	Nicholson	Tofsrud
Fried	Ovind	Treat
Ganssle	Palfrey	Vernon
Gibbens	Palmer	Watson
Gilbert	Peterson	Walter
Glasgow	Phelan	Weio
Goulet	Piper	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Lyon	Underwood
Brown	Oveson	Weigel
Buttz	Scheer	White
Cooper of Sargent		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Meiklejohn	Spangberg
Hardt	Schlenker	Truemner

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Phelan moved

That the house take up the senate concurrent resolution regarding the printing of the primary election bill in newspapers of the state.

Which motion prevailed.

Mr. Phelan moved

That the house do concur in the concurrent resolution.

Mr. Sheils moved

As a substitute motion that the house do not concur in the senate concurrent resolution.

Roll call demanded.

The roll was called and there were ayes 23, nays 59, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Ganssle	Richmond
Briden	Glasgow	Ryan
Buttz	Jennings	Stevens of Burleigh
Chapman	Johnson of Ward	Streeter
Chevalier	McClure	Tofsrud

Messrs.—

Dahlen
Davis
Duncan

Messrs.—

McCrea
Mitchell
Phelan

Messrs.—

Treat
Walter

Those voting in the negative were:

Messrs.—

Allen
Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Cooper of Sargent
Cooper of Stutsman
Dahl
Dickinson
Ellison
Flados
Fried
Gibbens
Hemmingson
Johnson of Richland
Juzeler

Messrs.—

Kyle
Lemieux
Lillie
Lyon
McKechnie
McLain
Meidinger
Midgarden
Mooney
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper
Purdon
Rice

Messrs.—

Rose
Rue
Scheer
Sheils
Sowle
Stavens
Stevens of Dickey
Sunderland
Sweet
Swenseid
Tallackson
Thompson
Thoreson
Underwood
Vernon
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Casey
Clendening
Eggen
Gilbert
Goulet

Messrs.—

Hardt
Heglie
Martin
Meiklejohn
Moore
Robillard

Messrs.—

Rogers
Schlenker
Simpson
Spangberg
Truemner
Watson

Messrs. Casey and Schlenker being excused.

So the substitute motion prevailed and the resolution was not adopted.

Mr. Richmond explained his vote.

Mr. Sheils explained his vote.

Mr. Piercy explained his vote.

Mr. Arnold moved

That the vote by which concurrent resolution was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Johnson of Richland moved

That the house take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The house took a recess until 10 a. m. tomorrow.

OTTO SOUGSTAD,
Chief Clerk.

FIFTY-NINTH DAY—AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

The house assembled at 10 o'clock a. m. pursuant to recess taken.

The courtesies of the floor were extended to W. G. Mitchell of Walsh county.

REPORT OF STEERING COMMITTEE.

The steering committee made the following report:
Mr. Speaker:

Your steering committee to whom was referred
Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Also,
Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Have had the same under consideration and respectfully report that same be placed upon the calendar for third reading and final passage in the order named.

F. B. CHAPMAN,
Chairman.

The house proceeded to seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Underwood introduced the following resolution and moved its adoption:

That the secretary of state be and is hereby authorized and instructed to have printed and mailed to each member of this house as soon as consistent, one copy each of the House and Senate journals, the 1905 session laws and ten copies of the 1905 blue book.

Which motion prevailed, and
The resolution was adopted.

Mr. Chevalier presented the following resolution and moved its adoption:

RESOLUTION.

Whereas, Acting under the direction of the house committee on appropriations, several members of said committee did visit some of the charitable and educational institutions of the state, for the purpose of informing said committee of the actual needs of said institutions, and performed such labors at their own expense for hotel bills, etc., therefore be it

Resolved by the House, That the speaker and chief clerk be instructed to approve for payment, as compensation to each of said members that performed said services, an amount computed at the rate of ten cents per mile for each mile necessarily traveled in going from and returning to the capitol, said compensation to be in lieu of all expenses incurred.

Which motion prevailed, and
The resolution was referred to the committee on mileage and per diem.

Mr. Stevens of Burleigh introduced the following concurrent resolution and moved its adoption.

Resolved by the House of Representatives, the Senate concurring, That the governor be requested to cause an investigation, through some appropriate department, of the feasibility of having a quantity of the pottery clays of this state shipped to some pottery manufacturing plant and made into vases, cuspidors, ornamental bricabrac, dishes, pitchers, mugs and other receptacles, and if in the judgment of the executive it is deemed advisable, that the governor's residence, the capitol and other state institutions be furnished with such articles manufactured from North Dakota clays as may be needed and useful and such as would otherwise be secured from eastern firms and manufactured from foreign products.

Which motion prevailed.
And the concurrent resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Which the senate has passed unchanged.

Also,

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house

Which the senate has amended as follows:

By adding to section 5 the following: "Provided, however, that this act shall not apply in counties having more than six thousand five hundred inhabitants."

And passed as amended.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes of 1899 of North Dakota, relating to changing the names of certain townships.

Which the senate has passed unchanged.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Which the senate has amended as follows:

By inserting on page 2, line 17, of the printed bill after the word "grade," "of grain or in lieu thereof a receipt issued by a bonded warehouse or elevator company doing business at terminal points, for an equal amount of grain of the same grade, provided, further, that grain placed in a special bin be excepted from the provisions of this act."

And passed as amended.

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. Phelan requested that he be released from conference committee on Senate Bill No. 161 and moved that Mr. Streeter be appointed in his place.

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

To the House of Representatives:

Mr. Speaker:

I have the honor respectfully to call your attention to the necessity for an amendment and re-enactment of the banking laws of the state, as contained in Senate Bill No. 161 now before your honorable body for consideration. This bill now before your body, is, I believe, a comprehensive and conservative measure, carefully prepared from the best opinion and advice of those who have had most to do with the management of state banks. I believe its enactment into law will tend better to protect the interests of both banking institutions and depositors. I have the honor, therefore, respectfully to request that you give this bill the merit of your consideration and that you will not permit this important legislation to be defeated because of a disagreement upon one or two provisions of the bill.

Appreciating what I know to be the desire of your honorable body, to enact legislation which shall be fair and of benefit to the entire state, and assuring you that I am heartily in accord with that spirit, I have the honor to be

E. Y. SARLES,
Governor.

The house proceeded to the 14th order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 3, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Richland	Purdon
Allen	Johnson of Ward	Rice
Arnold	Kyle	Robillard
Belden	Lemieux	Rose
Blake	Lillie	Rue
Blank	Lyon	Ryan
Brown	Martin	Scheer
Burtness	McClure	Shells
Chapman	McCrea	Simpson
Chevalier	McKechnie	Sowle
Cooper of Sargent	McLain	Spangberg
Cooper of Stutsman	Meiklejohn	Stavens
Dahl	Midgarden	Stevens of Burleigh
Dahlen	Mitchell	Streeter
Davis	Mooney	Sunderland
Duncan	Moore	Swendseid
Eggen	Morgan	Tallackson
Flados	Nicholson	Thompson
Fried	Oveson	Truemner
Ganssle	Ovind	Underwood
Gibbens	Palfrey	Vernon
Gilbert	Palmer	Walter
Glasgow	Peterson	Weigel
Heglie	Phelan	Welo
Jennings	Piper	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Stevens of Dickey	Tofsrud	White

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Ellison	Richmond
Braaten	Goulet	Rogers
Briden	Hardt	Schlenker
Burgum	Hemmingson	Sweet
Buttz	Juzeler	Thoreson
Casey	Meidinger	Treat
Clendening	Nelson	Watson
Dickinson		

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 213 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
March 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION.

Whereas, There is now in the possession of the state certain pieces of pottery manufactured from native clays, which said pottery is the first attempt made to exploit the mineral resources of the state in the direction of pottery and kindred use, and whereas, the said pottery has a historical value as being the first definite attempt made in the direction of permanent utility of the vast clay beds of the state, now, therefore, be it resolved by the Senate, the House of Representatives concurring, that there is hereby donated to the Old Settlers' Association of Fort Abercrombie and Walhalla, each a sample of said work, the same to be preserved in the museums of said associations as a historical relic.

Very respectfully,
L. M. McGLASHAN,
Secretary.

REPORT OF STANDING COMMITTEE.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report of the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of

Also,

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Also,

Substitute for House Bill No. 166,

A bill for an act to amend 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Also,
House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

Mr. Davis moved

That the house do concur in the senate amendments to House Bill No. 160.

Which motion prevailed.

Mr. Davis moved

That House Bill No. 160 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 81, nays 2, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Rice
Allen	Hardt	Robillard
Belden	Heglie	Rogers
Blake	Jennings	Rose
Blank	Johnson of Richland	Rue
Braaten	Johnson of Ward	Scheer
Brown	Juzeler	Sheils
Burgum	Lillie	Simpson
Burtness	Lyon	Sowle
Buttz	Martin	Spangberg
Chapman	McClure	Stavens
Chevalier	McCrea	Stevens of Burleigh
Clendenning	McKechnie	Stevens of Dickey
Cooper of Sargent	McLain	Sunderland
Cooper of Stutsman	Meidinger	Swendseid
Dahl	Meiklejohn	Tallackson
Davis	Mitchell	Thompson
Dickinson	Mooney	Thoreson

Messrs.—	Messrs.—	Messrs.—
Duncan	Morgan	Tofsrud
Eggen	Nicholson	Truemner
Ellison	Oveson	Underwood
Flados	Ovind	Vernon
Fried	Palmer	Walter
Ganssle	Peterson	Weigel
Gibbens	Phelan	Welo
Gilbert	Piper	White
Glasgow	Purdon	Mr. Speaker

Those voting in the negative were:

Messrs.—	Messrs.—
Kyle	Lemieux

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Midgarden	Schlenker
Baeverstad	Moore	Streeter
Briden	Nelson	Sweet
Casey	Palfrey	Treat
Dahlen	Richmond	Watson
Hemmingson	Ryan	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
March 3, 1905.

Mr. Speaker:

I have the honor to transmit the following concurrent resolution:

Whereas, It is desirable that the exhibits at the St. Louis Exposition be preserved and made of permanent historical and educational value to this state, now therefore,

Be it resolved by the Senate, the House of Representatives concurring, that the commission for the Louisiana Purchase Exposition be and is hereby directed to distribute and locate the exhibits as follows:

The pottery, earthenware and mineral exhibit, including the show cases used therewith, to the School of Mines; the agricultural exhibit, including the cases therewith, to the Agricultural College; the Roosevelt cabin and its contents and all exhibits of a purely historical nature, to the Historical Society; the manual training exhibit, including the installation cases used therewith, to the Manual Training School; the educational exhibit, including the installation cases and the remainder of the furniture and fixtures, to the Valley City State Normal School, and the said exhibits are hereby permanently located as above set forth, excepting that the governor shall have power to direct the same to be used at expositions held outside of the state of North Dakota. It is hereby made the duty of said commission to take receipts for such exhibits and file the same with their final report.

Be it further resolved, That the capitol commission be and is hereby directed to set aside a suitable location near the capitol building on which to place the Roosevelt cabin, and said capitol commission is further directed to make proper regulations in order to preserve and perpetuate the same and its contents from loss or injury.

Which the senate had adopted, and your favorable consideration thereof is requested.

Very respectfully,

L. M. McGLASHAN,

Secretary.

Mr. Phelan moved

That the house do concur in the senate amendments to House Bill No. 287.

Which motion prevailed.

Mr. Phelan moved

That House Bill No. 287 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 63, nays none, absent and not voting 29.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Belden
Blake
Blank
Braaten
Brown
Burgum
Buttz
Chapman
Chevalier
Clendenen
Cooper of Sargent
Cooper of Stutsman

Messrs.—

Gibbens
Gilbert
Glasgow
Goulet
Hardt
Johnson of Richland
Johnson of Ward
Lillie
Lyon
Martin
McClure
McCrea
Mitchell
Nicholson
Oveson

Messrs.—

Ryan
Scheer
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tofsrud
Treat
Truemner
Underwood

Messrs.—	Messrs.—	Messrs.—
Dahl	Ovind	Vernon
Davis	Palmer	Walter
Duncan	Peterson	Weigel
Eggen	Phelan	White
Flados	Piper	Mr. Speaker
Fried	Purdon	
Ganssle	Rue	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Lemieux	Richmond
Briden	McKechnie	Robillard
Burtness	McLain	Rogers
Casey	Meidinger	Rose
Dahlen	Meiklejohn	Schlenker
Dickinson	Midgarden	Sheils
Ellison	Mooney	Sunderland
Heglie	Moore	Tallackson
Hemmingson	Morgan	Thompson
Jennings	Nelson	Thoreson
Juzeler	Palfrey	Watson
Kyle	Rice	Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which House Bill No. 287 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 55, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Johnson of Ward	Rogers
Arnold	Juzeler	Rose
Baeverstad	Lillie	Ryan
Belden	Lyon	Scheer
Brown	Martin	Simpson
Chapman	McClure	Streeter
Clendening	McKechnie	Treat
Cooper of Sargent	Mitchell	Truemner

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Palmer	Vernon
Dickinson	Peterson	Welo
Duncan	Robillard	Mr. Speaker
Jennings		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Hemmingson	Rice
Blake	Johnson of Richland	Rue
Blank	Kyle	Sheils
Braaten	Lemieux	Sowle
Burtness	McCrea	Spangberg
Buttz	McLain	Stavens
Chevalier	Meidinger	Stevens of Burleigh
Dahl	Meiklejohn	Stevens of Dickey
Dahlen	Midgarden	Sunderland
Davis	Mooney	Swendseid
Eggen	Moore	Tallackson
Flados	Morgan	Thompson
Fried	Nicholson	Thoreson
Ganssle	Oveson	Tofsrud
Gibbens	Ovind	Underwood
Glasgow	Phelan	Walter
Goulet	Piper	Weigel
Hardt	Purdon	White
Heglie		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Briden	Gilbert	Schlenker
Burgum	Nelson	Sweet
Casey	Palfrey	Watson
Ellison	Richmond	

Messrs. Casey and Schlenker being excused.

So the bill was lost.

Mr. Stevens of Dickey explained his vote.

Mr. Morgan moved

That the vote by which Senate Bill No. 193 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 90, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Purdon
Allen	Hardt	Rice
Arnold	Hemmingson	Richmond
Baeverstad	Jennings	Rogers
Belden	Johnson of Richland	Rose
Blake	Johnson of Ward	Rue
Blank	Juzeler	Scheer
Braaten	Kyle	Sheils
Briden	Lemieux	Simpson
Brown	Lillie	Sowle
Burgum	Lyon	Spangberg
Burness	Martin	Stevens of Burleigh
Buttz	McClure	Stevens of Dickey
Chapman	McCrea	Streeter
Chevalier	McKechnie	Sunderland
Clendenen	McLain	Sweet
Cooper of Sargent	Meidinger	Swendseid
Cooper of Stutsman	Midgarden	Thompson
Dahl	Mitchell	Thoreson
Dahlen	Mooney	Tofsrud
Davis	Moore	Treat
Dickinson	Morgan	Truemner
Duncan	Nicholson	Underwood
Eggen	Oveson	Vernon
Ellison	Ovind	Walter
Flados	Palfrey	Watson
Ganssle	Palmer	Weigel
Gibbens	Peterson	Welo
Gilbert	Phelan	White
Glasgow	Piper	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Fried	Ryan	Tallackson
Robillard		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Meiklejohn	Schlenker
Heglie	Nelson	Stavens

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 95, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hemmingson	Robillard
Allen	Jennings	Rogers
Arnold	Johnson of Richland	Rose
Baeverstad	Johnson of Ward	Rue
Belden	Juzeler	Ryan
Blake	Kyle	Scheer
Blank	Lemieux	Shells
Braaten	Lillie	Simpson
Briden	Lyon	Sowle
Brown	Martin	Spangberg
Burgum	McCrea	Stavens
Burtness	McKechnie	Stevens of Burleigh
Buttz	McLain	Stevens of Dickey
Chapman	Meidinger	Streeter
Chevalier	Meiklejohn	Sunderland
Clendening	Midgarden	Sweet
Cooper of Sargent	Mitchell	Swendseid
Cooper of Stutsman	Mooney	Tallackson
Dahl	Moore	Thompson
Dahlen	Morgan	Thoreson
Davis	Nelson	Tofsrud
Dickinson	Nicholson	Treat
Duncan	Oveson	Truemner
Eggen	Ovind	Underwood
Ellison	Palfrey	Vernon
Flados	Palmer	Walter
Fried	Peterson	Watson
Ganssle	Phelan	Weigel
Gibbens	Piper	Welo
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet	Richmond	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Heglie	Schlenker
Hardt	McClure	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 69, nays 6, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Ryan
Allen	Hemmingson	Scheer
Baeverstad	Johnson of Richland	Shells

Messrs.—

Belden
 Blake
 Blank
 Curgum
 Burtness
 Buttz
 Clendening
 Cooper of Sargent
 Cooper of Stutsman
 Dahl
 Dahlen
 Dickinson
 Duncan
 Eggen
 Ellison
 Fried
 Ganssle
 Gibbens
 Gilbert
 Glasgow

Messrs.—

Johnson of Ward
 Juzeler
 Kyle
 Lemieux
 Lillie
 Lyon
 McCrea
 McLain
 Meidinger
 Mitchell
 Moore
 Nicholson
 Oveson
 Ovind
 Palfrey
 Palmer
 Peterson
 Piper
 Robillard
 Rose

Messrs.—

Spangberg
 Stavens
 Stevens of Burleigh
 Stevens of Dickey
 Streeter
 Sunderland
 Sweet
 Swendseid
 Thompson
 Thoreson
 Tofsrud
 Treat
 Truemner
 Underwood
 Vernon
 Walter
 Watsor.
 Weigel
 White
 Mr. Speaker

Those voting in the negative were:

Messrs.—

Arnold
 Heglie

Messrs.—

McClure
 Phelan

Messrs.—

Tallackson
 Welo

Absent and not voting:

Messrs.—

Braaten
 Briden
 Brown
 Casey
 Chapman
 Chevalier
 Davis
 Flados
 Hardt

Messrs.—

Jennings
 Martin
 McKechnie
 Meiklejohn
 Midgarden
 Mooney
 Morgan
 Nelson

Messrs.—

Purdon
 Rice
 Richmond
 Rogers
 Rue
 Schlenker
 Simpson
 Sowle

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Richland explained his vote.

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 61, nays none, absent and not voting 39.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Richmond
Allen	Hemmingson	Rogers
Arnold	Jennings	Rue
Baeverstad	Johnson of Richland	Ryan
Blake	Johnson of Ward	Simpson
Blank	Juzeler	Spangberg
Braaten	Kyle	Stevens of Dickey
Burgum	Lemieux	Sunderland
Burtness	Lillie	Sweet
Buttz	Lyon	Tallackson
Chevalier	Martin	Thompson
Cooper of Stutsman	McClure	Thoreson
Dahl	McCrea	Treat
Duncan	McLain	Truemner
Eggen	Mitchell	Underwood
Ellison	Nicholson	Vernon
Flados	Ovind	Walter
Gibbens	Palmer	Weigel
Gilbert	Purdon	White
Glasgow	Rice	Mr. Speaker
Goulet		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Belden	McKechnie	Robillard
Briden	Meldinger	Rose
Brown	Meiklejohn	Scheer
Casey	Midgarden	Schlenker
Chapman	Mooney	Sheils
Clendening	Moore	Sowle
Cooper of Sargent	Morgan	Stavens
Dahlen	Nelson	Stevens of Burleigh
Davis	Oveson	Streeter
Dickinson	Palfrey	Swendseid
Fried	Peterson	Tofsrud
Ganssle	Phelan	Watson
Heglie	Piper	Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved.

That the vote by which Senate Bill No. 206 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact busi-

ness within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 7, absent and not voting 27. .

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Heglie	Rice
Arnold	Hemmingson	Richmond
Baeverstad	Johnson of Richland	Robillard
Braaten	Johnson of Ward	Rue
Burtness	Juzeler	Shells
Buttz	Kyle	Sowle
Cooper of Sargent	Lemieux	Spangberg
Cooper of Stutsman	Lyon	Stavens
Dahl	Martin	Stevens of Burleigh
Davis	McClure	Stevens of Dickey
Dickinson	McCrea	Streeter
Duncan	McKechnie	Sunderland
Eggen	McLain	Swendseid
Ellison	Meidinger	Thompson
Flados	Meiklejohn	Tofsrud
Fried	Midgarden	Treumner
Ganssle	Morgan	Underwood
Gibbens	Nicholson	Vernon
Gilbert	Ovind	Walter
Glasgow	Palmer	Welo
Goulet	Phelan	White
Hardt	Purdon	Mr. Speaker

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Blank	Piper	Simpson
Clendening	Scheer	Treat
Moore		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Dahlen	Rogers
Belden	Jennings	Rose
Blake	Lillie	Ryan
Briden	Mitchell	Schlenker
Brown	Mooney	Sweet
Burgum	Nelson	Tallackson
Casey	Oveson	Thoreson
Chapman	Palfrey	Watson
Chevalier	Peterson	Weigel

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee on Senate Bill No. 161 respectfully report

That they have met with the senate committee and find that the senate is not willing to recede from its position as to the minimum capital stock and would request that the house take action to instruct your committee to accept the recommendation of the senate.

D. R. STREETER,
GEO. ROSE,
R. N. STEVENS,
Committee.

Mr. Stevens of Burleigh moved

That the conference committee on Senate Bill No. 161 be authorized to accept fifteen thousand dollars as capital stock for banks.

Roll call demanded.

The roll was called and there were ayes 46, nays 40, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baeverstad	Lillie	Robillard
Brown	Martin	Rogers
Buttz	McClure	Rose
Chapman	McCrea	Ryan
Chevalier	McKechnie	Scheer
Clendenning	McLain	Simpson
Cooper of Sargent	Meiklejohn	Spangberg
Cooper of Stutsman	Mitchell	Stevens of Burleigh
Davis	Mooney	Sunderland
Dickinson	Nicholson	Sweet
Duncan	Palfrey	Treat
Ganssle	Peterson	Truemner
Gilbert	Phelan	Underwood
Goulet	Piper	Walter
Jennings	Richmond	Mr. Speaker
Johnson of Ward		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Glasgow	Oveson
Arnold	Hardt	Ovind
Belden	Heglie	Palmer
Blake	Hemmingson	Rice
Blank	Johnson of Richland	Rue
Braaten	Juzeler	Stavens
Burtness	Kyle	Streeter
Dahl	Lemieux	Swendseid
Dahlen	Lyon	Tallackson
Eggen	Meidinger	Thompson
Ellison	Midgarden	Vernon
Flados	Moore	Welo
Fried	Morgan	White
Gibbens		

Absent and not voting:

Messrs.—

Allen
Briden
Burgum
Casey
Nelson

Messrs.—

Purdon
Schlenker
Sneils
Sowle
Stevens of Dickey

Messrs.—

Thoreson
Tofsrud
Watson
Weigel

Messrs. Casey and Schlenker being excused.

So the motion prevailed.

The chief clerk announced that the speaker was about to sign

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Also,

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899 and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Also,

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

And the speaker signed the same in the presence of the house.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee makes the following report on Substitute for Senate Bill No. 63:

First. Amend the title so as to read as follows:

A bill for an act concerning the inspection of illuminating oils and gasoline; providing for the making of chemical tests, providing penalties for the violation of this act; requiring the state inspector and deputies to make reports,

designate ports of entry where illuminating oils and gasoline shipped into this state shall be inspected, and repealing conflicting and inconsistent laws.

Also by striking out all of section 1, and then re-number section 2 section 1, section 3 section 2, section 4 section 3, section 5 section 4, section 6 section 5, section 7 section 6, section 8 section 7, section 9 section 8, section 10 section 9, section 11 section 10, section 12 section 11, section 13 section 12, section 14 section 13, section 15 section 14 and section 16 section 15,

And when so amended recommend the same do pass.

F. B. CHAPMAN,

Chairman.

Mr. Chapman moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Stevens of Burleigh, moved

That Senate Bill No. 63 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflicting laws.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 89, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank

Messrs.—

Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler

Messrs.—

Robillard
Rogers
Rose
Rue
Ryan
Scheer
Shells

Messrs.—

Brown
Burgum
Burtness
Buttz
Chapman
Chevallier
Glendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet

Messrs.—

Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McLain
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Piper
Rice
Richmond

Messrs.—

Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Braaten
Briden
Casey
McKechnie

Messrs.—

Meidinger
Nelson
Phelan
Purdon

Messrs.—

Schlenker
Thoreson
Watson

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Chapman moved

That the vote by which Senate Bill No. 63 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 7.

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays none, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold

Messrs.—

Hardt
Hemmingson
Jennings

Messrs.—

Piper
Rice
Robillard

Messrs.—

Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burgum
Buttz
Chapman
Chevalier
Clendenning
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Ganssle
Gilbert
Glasgow
Goulet

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nicholson
Oveson
Ovind
Palmer
Peterson
Purdon

Messrs.—

Rose
Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Stevens of Burleigh
Stevens of Dickey
Swendseid
Tallackson
Thompson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Burtness
Casey
Cooper of Sargent
Cooper of Stutsman
Flados
Fried
Gibbens
Heglie

Messrs.—

Lemieux
McLain
Midgarden
Nelson
Palfrey
Phelan
Richmond
Rogers
Schlenker

Messrs.—

Spangberg
Stavens
Streeter
Sunderland
Sweet
Thoreson
Watson
Welo

Messrs. Casey and Schlenker being excused.
So the bill passed and the title was agreed to.
Mr. Stevens of Burleigh moved
That the house take a recess until 1:30 p. m.
Which motion prevailed, and
The house took a recess until 1:30 this afternoon.

AFTER RECESS.

The house reassembled.
The house proceeded to the 13th order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 235,
A bill for an act prescribing duties of state depositories.
Was read the first and second times, and
Referred to steering committee.
The house returned to the 7th order of business.

MOTIONS AND RESOLUTIONS.

Mr. Underwood introduced the following resolution and moved its adoption:

That the secretary of state be and is hereby authorized and instructed to forward to each member of this house a copy of the 1905 codes as soon as the same shall have been completed.

Which motion prevailed, and
The resolution was adopted.

REPORT OF STANDING COMMITTEES.

The steering committee made the following report:

Mr. Speaker:

Your steering committee to whom was referred
Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Also,
Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Also,
Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,
Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Also,
Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Also,

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.

Also,

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Also,

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Have had the same under consideration and respectfully report the same back with recommendations that they be put on their third reading for final passage in the order given in this report.

F. B. CHAPMAN,

Chairman.

Mr. Chapman moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes,

time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.
the death of the property insured.

Also,

Substitute for House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899 and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Were delivered to the governor for his approval at the hour of 1:40 o'clock p. m., March 3, 1905.

W. A. McCLURE,
Chairman.

THIRD READING OF SENATE BILLS.

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys. and to authorize the erection of permanent monuments on section corners.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 75, nays none, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burgum
Buttz
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle

Messrs.—

Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lyon
Martin
McClure
McLain
Midgarden
Mooney
Moore
Nelson
Nicholson
Ovind
Palfrey
Peterson
Purdon
Richmond

Messrs.—

Rogers
Rose
Rue
Scheer
Simpson
Sowle
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treet
Treumner
Underwood
Vernon
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Burtness

Messrs.—

Meidenger
Meiklejohn

Messrs.—

Rice
Robillard

Messrs.—

Casey
Cooper of Sargent
Hemmingson
Lemieux
Lillie
McCrea
McKechnie

Messrs.—

Mitchell
Morgan
Oveson
Palmer
Phelan
Piper

Messrs.—

Ryan
Schlenker
Shiels
Spangberg
Streeter
Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays none, absent and not voting 25.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Stutsman
Dahl
Dahlen
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle

Messrs.—

Gilbert
Glasgow
Hardt
Heglie
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyons
Martin
McClure
McLain
Meidinger
Midgarden
Mooney
Moore
Nicholson
Ovind
Palfrey
Peterson
Phelan
Purdon

Messrs.—

Richmond
Rose
Rue
Ryan
Scheer
Shiels
Simpson
Sowle
Stavens
Stevens of Burleigh
Sunderland
Sweet
Swendseid
Tailackson
Thompson
Thoreson
Tofsrud
Treet
Treumner
Underwood
Vernon
Walter
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Briden
Casey
Cooper of Sargent
Davis
Gibbens

Messrs.—

Meiklejohn
Mitchell
Morgan
Nelson
Oveson

Messrs.—

Robillard
Rogers
Schlenker
Spangberg
Stevens of Dickey

Messrs.—

Goulet
Hemmingson
McCrea
McKechnie

Messrs.—

Palmer
Piper
Rice

Messrs.—

Streeter
Watson
Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

And find the same correctly enrolled.

W. A. McCLURE,
Chairman.

The chief clerk announced that the speaker was about to sign

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Also,

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court

And the speaker signed the same in the presence of the house.

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays none, absent and not voting 38.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Blake
Blank
Braaten
Burgum
Buttz
Chevalier
Clendening
Dahlen

Messrs.—

Jennings
Johnson of Richland
Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McLain

Messrs.—

Richmond
Rose
Rue
Ryan
Scheer
Shiels
Simpson
Sowle
Stavens
Sunderland

Messrs.—

Dickinson
Duncan
Eggen
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Hardt
Heglie

Messrs.—

Meidenger
Midgarden
Mooney
Morgan
Nelson
Nicholson
Ovind
Palfrey
Peterson
Piper
Purdon

Messrs.—

Sw seid
Tallackson
Thompson
Thoreson
Treumner
Underwood
Vernon
Walter
Weigel
Mr. Speaker

Absent and not voting:

Messrs.—

Adams
Arnold
Belden
Briden
Brown
Burtness
Casey
Chapman
Cooper of Sargent
Cooper of Stutsman
Dahl
Davis
Ellison

Messrs.—

Goulet
Hemmingson
Johnson of Ward
Lemieux
McKechnie
Meiklejohn
Mitchell
Moore
Oveson
Palmer
Phelan
Rice
Robillard

Messrs.—

Rogers
Schlenker
Spangberg
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Tofsrud
Treat
Watson
Welo
White

Messrs. Casey and Schlenker being excused.
So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh, moved
That the house in its fifty-ninth day do now adjourn.
Which motion prevailed, and
The house adjourned.

OTTO SOUGSTAD,
Chief Clerk.

SIXTIETH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Mr. Davis moved

That the roll call be dispensed with.

Which motion prevailed.

The courtesies of the floor were extended to H. J. Murphy, A. W. Eynon, Geo. Berg of Stutsman county.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the Journal of the fifty-eighth day, have carefully examined the same and recommend that the same be corrected as follows:

Page 53, change name "Jennings" from voting "nay" to voting "aye" on House Bill No. 15.

And when so amended recommend that the same be approved.

JOHN H. McLAIN,
Chairman.

Mr. McLain moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to inform you that the senate has appointed Messrs. LaMoure, Simpson and Crane as a conference committee to confer with a similar committee from the house on the house amendments of

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipping laws.

And requests the appointment of a like committee on the part of the house.

Very respectfully,

L. M. McGLASHAN,
Secretary.

Mr. Phelan moved

That the speaker be authorized to appoint a committee as a conference committee on Senate Bill No. 63.

Which motion prevailed, and

The speaker appointed as such committee Messrs. Treat, McClure and Phelan.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

To the House of Representatives:

Mr. Speaker: I have the honor to inform you that I have this day approved and filed with the secretary of state:

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

E. Y. SARLES,
Governor.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee to whom was referred
Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Have had the same under consideration with a like committee from the senate and beg leave to report as follows:

Your committee recommends that the report of the former conference committee made on the fifty-ninth day be amended as follows, viz:

That paragraph eleventh of the said conference committee's report be amended so as to read, "Eleventh. That the senate concur in the house amendment to line 11 of the engrossed bill by striking out the word 'twenty' and inserting in lieu thereof the word 'ten.'"

Also,

That paragraph "fifth" of said former conference committee's report be amended so as to read as follows:

"Fifth. That the senate concur in the house amendment to line 5 of section 7, striking out the word 'twenty' and inserting in lieu thereof the word 'ten.'"

That when so amended the report of the first conference committee be adopted, and

That when so amended that the bill do pass.

Yours very respectfully,

D. R. STREETER,
GEO. ROSE,
R. N. STEVENS,
House Committee.

Mr. Rose moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.

Mr. Rose moved
That the bill as reported by the conference committee be
placed upon its third reading and final passage.

Which motion prevailed.

The speaker called Mr. Stevens of Burleigh to the
chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 161,

A bill for an act relating to banks and banking, provid-
ing for the organization, management, control, regulation
and supervision of banking corporations, providing penal-
ties for the violation of the provisions of the same, and
repealing laws inconsistent therewith.

Was read the third time.

The question being on the final passage as reported by
the conference committee.

The roll was called and there were ayes 95, nays none,
absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan

Messrs.—

Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nelson

Messrs.—

Rice
Richmond
Robillard
Rose
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat

Messrs.—
 Eggen
 Ellison
 Flados
 Fried
 Ganssle
 Gibbens
 Gilbert
 Glasgow
 Goulet
 Hardt

Messrs.—
 Nicholson
 Oveson
 Ovind
 Palfrey
 Palmer
 Peterson
 Phelan
 Piper
 Purdon

Messrs.—
 Truemner
 Underwood
 Vernon
 Walter
 Watson
 Weigel
 Welo
 White
 Mr. Speaker

Absent and not voting:

Messrs.—
 Belden
 Casey

Messrs.—
 Midgarden
 Rogers

Messrs.—
 Rue
 Schlenker

Messrs. Casey and Schlenker being excused.

So the bill as reported passed and the title was agreed to.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:
 Mr. Speaker:

Your committee on enrollment have examined
 House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

And find the same correctly enrolled.

W. A. McCLURE,
 Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Morgan introduced the following resolution and moved its adoption:

Whereas, The Legislative Manual contains much useful information, therefore be it

Resolved, That the secretary of state is authorized to send ten copies of same to each member and five copies to the chief clerk and one copy to each officer at chief clerk's desk, including the chief enrolling and engrossing and journal clerks, of this house for distribution.

Which motion prevailed, and
 The resolution was adopted.
 The speaker in the chair.

The chief clerk announced that the speaker was about to sign:

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Which the senate has amended

By striking out the words "providing all actions under this chapter must be commenced within twelve months from the filing of any lien, or in case of a lien heretofore filed, within twelve months from the time this act becomes effective as a law," in lines 8, 9, 10 and 11 of section 1 of the bill as printed.

And by adding to section 1 at the end thereof the following clause: "Provided, also, that in all cases where liens have been heretofore, or may be hereafter filed against any railway, telegraph or telephone line or any irrigation canal or plant, or any part thereof, all actions to enforce the same must be commenced within twelve months from the filing of such lien, or in case of a lien heretofore filed, within twelve months from the time this act becomes effective, otherwise such lien shall become absolutely void."

And passed as amended.

Also,

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Which the senate has amended as follows:

By striking out the word "all" and insert in lieu thereof the words "two-thirds of" in line 13 of the printed bill.

And passed as amended.

Also,

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Which the senate has amended as follows:

By adding after section 5210 the following: "Provided further, that actions against trustees acting under the townsite laws of the United States and this state, must be commenced within two years of the date when the cause of action accrued."

And passed as amended.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Which the senate has amended

By inserting the words "five hundred" in line 8 of the bill as printed, after the word "thousand."

And passed as amended.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns, villages of the state, through their corporate authorities, to become members of water users associations and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for

Which the senate has amended as follows:

By striking out the words "them to purchase and hold certificates of stock therein," in lines 6 and 7 of the title of the engrossed bill; by striking out the words "And become purchasers and holders of certificates of stock therein," in lines 5 and 6 of section 1 of the engrossed bill; by striking out the words "and become holders of stock therein," in lines 3 and 4 of section 3 of the engrossed bill.

And passed as amended.

Very respectfully,
L. M. McGLASHAN,
Secretary.

Mr. Buttz moved

That the house do concur in the senate amendments to House Bill No. 179.

Which motion prevailed.

Mr. Buttz moved

That House Bill No. 179 be placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill as amended

The roll was called and there were ayes 77, nays none, absent and not voting 27.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind

Messrs.—

Palfrey
Phelan
Purilon
Richmond
Rogers
Rose
Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Streeter
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Mr. Speaker

Absent and not voting:

Messrs.—

Blank
Casey
Dahl
Dahlen
Davis
Gibbens
Glasgow
Lemieux
Meiklejohn

Messrs.—

Midgarden
Mitchell
Palmer
Peterson
Piper
Rice
Robillard
Schlenker
Stevens of Dickey

Messrs.—

Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Welo
White

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Buttz moved

That the vote by which House Bill No. 179 was passed and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Glasgow moved

That the house do concur in the senate amendments to House Bill No. 251.

Which motion prevailed.

Mr. Glasgow moved

That House Bill No. 251 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 68, nays none, absent and not voting 32.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Nicholson
Allen	Hardt	Oveson
Baeverstad	Heglie	Ovind
Braaten	Hemmingson	Peterson
Briden	Jennings	Richmond
Brown	Johnson of Richland	Ryan
Burgum	Juzeler	Sheils
Burtness	Kyle	Sowle
Buttz	Lemieux	Stavens
Chapman	Lillie	Stevens of Burleigh
Chevalier	Lyon	Stevens of Dickey
Cooper of Sargent	Martin	Streeter
Cooper of Stutsman	McClure	Swendseid
Davis	McCrea	Thompson
Dickinson	McKechnie	Thoreson
Duncan	McLain	Truemner
Eggen	Meidinger	Underwood
Ellison	Midgarden	Vernon
Flados	Mitchell	Walter
Fried	Mooney	Weigel
Ganssle	Moore	White
Gilbert	Morgan	Mr. Speaker
Glasgow	Nelson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Palfrey	Schlenker
Belden	Palmer	Simpson

Messrs.—

Blake
Blank
Casey
Clendening
Dahl
Dahlen
Gibbens
Johnson of Ward
Meiklejohn

Messrs.—

Phelan
Piper
Purdon
Rice
Robillard
Rogers
Rose
Rue
Scheer

Messrs.—

Spangberg
Sunderland
Sweet
Tallackson
Tofsrud
Treat
Watson
Welch

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh moved

That the house do now concur in the senate amendments to House Bill No. 289.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That House Bill No. 289 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 66, nays none, absent and not voting 34.

Those who voted in the affirmative were:

Messrs.—

Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown
Burgum
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dickinson
Duncan
Eggen
Ellison
Flados
Fried

Messrs.—

Goulet
Hardt
Heglie
Hemmingson
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McKechnie
McLain
Meidenger
Midgarden
Mitchell
Mooney

Messrs.—

Palfrey
Purdon
Rogers
Rose
Rue
Ryan
Scheer
Sheils
Sowle
Stavens
Stevens of Burleigh
Streeter
Sunderland
Sweet
Swendseid
Thompson
Thoreson
Underwood
Vernon

Messrs.—
Gibbens
Gilbert
Glasgow

Messrs.—
Moore
Morgan
Ovind

Messrs.—
Walter
Weigel
Mr. Speaker

Absent and not voting:

Messrs.—
Adams
Allen
Arnold
Burtness
Buttz
Casey
Dahl
Dahlen
Davis
Ganssle
Jennings
McCrea

Messrs.—
Meiklejohn
Nelson
Nicholson
Oveson
Palmer
Peterson
Phelan
Piper
Rice
Richmond
Robillard

Messrs.—
Schlenker
Simpson
Spangberg
Stevens of Dickey
Tallackson
Tofsrud
Treat
Truemner
Watson
Welo
White

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens, of Burleigh, moved

That the house do now concur in the senate amendments to House Bill No. 138.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That House Bill No. 138 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 90, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—
Adams
Allen
Baeverstad
Belden
Blake
Blank
Braaten
Briden
Brown

Messrs.—
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie

Messrs.—
Purdon
Rice
Richmond
Robillard
Rogers
Rose
Rue
Ryan
Sheils

Messrs.—

Burgum
 Burtness
 Buttz
 Chapman
 Chevalier
 Clendening
 Cooper of Sargent
 Cooper of Stutsman
 Dahlen
 Davis
 Dickinson
 Duncan
 Eggen
 Ellison
 Fried
 Ganssle
 Gibbens
 Gilbert
 Glasgow
 Goulet
 Hardt

Messrs.—

Lyon
 Martin
 McClure
 McCrea
 McKechnie
 McLain
 Meidinger
 Midgarden
 Mitchell
 Mooney
 Moore
 Morgan
 Nelson
 Nicholson
 Oveson
 Ovind
 Palfrey
 Palmer
 Peterson
 Phelan
 Piper

Messrs.—

Simpson
 Sowle
 Spangberg
 Stavens
 Stevens of Burleigh
 Stevens of Dickey
 Sunderland
 Sweet
 Swendseld
 Tallackson
 Thompson
 Thoreson
 Truemnner
 Underwood
 Vernon
 Walter
 Watson
 Weigel
 Welo
 White
 Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
 Casey
 Dahl

Messrs.—

Flados
 Meiklejohn
 Schlenker

Messrs.—

Streeter
 Tofsrud
 Treat

Mr. Scheer voting in the negative.

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Lillie moved

That the house do now concur in the senate amendments to House Bill No. 227.

Which motion prevailed.

Mr. Lillie moved

That House Bill No. 227 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Adams
 Allen

Messrs.—

Jennings
 Johnson of Richland

Messrs.—

Rogers
 Rose

Messrs.—

Arnold
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert
Glasgow
Goulet
Hardt
Heglie
Hemmingson

Messrs.—

Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Peterson
Phelan
Piper
Rice
Richmond
Robillard

Messrs.—

Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Walter
Watson
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Baeverstad
Belden
Casey
Dahl
Davis

Messrs.—

Dickinson
Gibbens
Midgarden
Palfrey
Palmer

Messrs.—

Purdon
Schlenker
Truemner
Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens, of Burleigh, moved

That the house do concur in the senate amendments to House Bill No. 280.

Which motion prevailed.

Mr. Stevens of Burleigh moved

That House Bill No. 280 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over

state and schools lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 91, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Johnson of Richland	Robillard
Baeverstad	Johnson of Ward	Rogers
Belden	Juzeler	Rose
Blake	Kyle	Rue
Blank	Lemieux	Ryan
Braaten	Lillie	Scheer
Briden	Lyon	Sheils
Brown	Martin	Simpson
Burgum	McClure	Sowle
Burtness	McCrea	Spangberg
Buttz	McKechnie	Stavens
Chapman	McLain	Stevens of Burleigh
Chevalier	Meldinger	Stevens of Dickey
Cooper of Sargent	Meiklejohn	Streeter
Cooper of Stutsman	Mitchell	Sunderland
Davis	Mooney	Sweet
Dickinson	Moore	Swendseid
Duncan	Morgan	Tallackson
Eggen	Nelson	Thompson
Ellison	Nicholson	Thoreson
Flados	Oveson	Tofsrud
Fried	Ovind	Treat
Ganssle	Palfrey	Underwood
Gibbens	Palmer	Vernon
Gilbert	Peterson	Walter
Glasgow	Phelan	Watson
Goulet	Piper	Weigel
Hardt	Purdon	Welo
Heglie	Rice	White
Hemmingson	Richmond	Mr. Speaker
Jennings		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Clendening	Midgarden
Arnold	Dahl	Schlenker
Casey	Dahlen	Truemner

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Also.

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Which the senate has passed unchanged.

Also,

I have the honor to transmit herewith

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Which the senate has amended

By adding to section 4 of said act the following: "Provided, however, that should there be two such Agricultural Fair Associations in any county that have held fairs for three successive years prior to the going into effect of this act, then and in that case the amount of taxes so collected shall be divided equally between each of such Agricultural Fair Associations." And by inserting section 6 to read as follows:

Section 6. Tax Herein Provided for Submitted to Vote. When.) Whenever the county commissioners shall have voted and ordered a tax levied in aid of an agricultural fair then at the next general election the question of continuing the annual levy and collection of said tax shall be submitted to vote of the people affected thereby, and the county auditor shall certify and give notice of the submission to vote of said question as in such cases provided by law.

The ballots to be used at such election shall be in the following form:

Yes ☐

For tax in aid of county fair,

No ☐

In voting upon such question the elector in favor of continuing said tax shall place a cross "X" in the square marked yes, and the electors opposed to continuing such tax shall place a cross in the square marked no. If a majority of the ballots cast at such election is in favor of continuing said tax the county commissioners may continue to levy the same annually, but if a majority is against levying said tax the county commissioners shall not thereafter levy any tax under this act; provided, however, the provisions of this act may be submitted by said county commissioners to the electors of the county at any general election, but the result of any election held under the provisions hereof shall remain in force until changed at some subsequent election held hereunder.

That emergency clause be numbered section 7.

And passed as amended.

Very respectfully,

L. M. McGLASHAN,
Secretary.

Mr. Chapman moved

That the house do now concur in the senate amendments to House Bill No. 86.

Which motion prevailed.

Mr. Chapman moved

That House Bill No. 86 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 87, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Belden
Blake
Briden
Brown
Burgum
Burness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens
Gilbert
Glasgow
Goulet
Hardt
Heglie
Hemmingson

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nelson
Oveson
Ovind
Palfrey
Peterson
Phelan
Piper
Purdon
Rice
Richmond
Robillard

Messrs.—

Rose
Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sweet
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treat
Truemner
Underwood
Vernon
Walter
Watson
Weigel
Welo
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Baeversstad

Messrs.—

Dahl
Dahlen

Messrs.—

Palmer
Rogers

Messrs.—

Blank
Braaten
Casey

Messrs.—

Lemieux
Midgarden
Nicholson

Messrs.—

Schlenker
Sunderland

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Ward moved

That the vote by which House Bill No. 86 was passed and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 284,

A bill for an act to amend sections 1944 and 1944 of the revised code of North Dakota of 1899, relating to depositories of county funds.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Also,
House Bill No. 15,
A bill for an act to encourage elementary education.
Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,
Secretary.

The house proceeded to the 14th order of business.

THIRD READING OF SENATE BILLS.

Mr. Davis moved

That the amendments recommended by the steering committee on state affairs be adopted.

Which motion prevailed, and
The amendments were adopted.

Mr. Davis moved

That Senate Bill No. 171 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Was read the third time.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 70, nays none, absent and not voting 30.

Those who voted in the affirmative were:

Messrs.—

Allen
Baeverstad
Belden
Blake
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendening
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis

Messrs.—

Gilbert
Glasgow
Hardt
Heglie
Hemmingson
Johnson of Richland
Juzeler
Kyle
Lillie
Martin
McClure
McCrea
McLain
Meiklejohn
Midgarden
Mitchell
Mooney

Messrs.—

Purdon
Richmond
Rogers
Rose
Rue
Ryan
Scheer
Sheils
Simpson
Sowle
Spangberg
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson

Messrs.—

Dickinson
Duncan
Eggen
Flados
Fried
Ganssle
Gibbens

Messrs.—

Morgan
Nelson
Ovind
Palfrey
Peterson
Phelan

Messrs.—

Thompson
Tofsrud
Underwood
Vernon
Walter
Weigel

Absent and not voting:

Messrs.—

Adams
Arnold
Blank
Casey
Dahl
Ellison
Goulet
Jennings
Johnson of Ward
Lemieux

Messrs.—

Lyon
McKechie
Meldinger
Moore
Nicholson
Oveson
Palmer
Piper
Rice
Robillard

Messrs.—

Schlenker
Stavens
Stevens of Burleigh
Thoreson
Treat
Truemner
Watson
Welo
White
Mr. Speaker

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Which the senate has passed unchanged.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Which the senate has amended as follows:

In line 17 of the printed bill after the word "state" add the following, "provided, that the comparative cost of such fuel is not greater than that of lignite coal."

And passed as amended.

Also,

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised code) relative to giving notice upon taking up estrays and providing penalties for failure to give such notice.

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Which the senate has passed unchanged.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Which the senate has passed unchanged.

Also,

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Which the senate has amended as follows:

By inserting Section 3. Emergency.] An emergency exists in this that there is nothing in the present laws prohibiting the trapping or killing of beavers in this state, therefore this act shall take effect immediately after its passage and approval.

And passed as amended.

Yours very respectfully,

L. M. McGLASHAN,

Secretary.

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 7, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—

Adams
Baeverstad
Blake
Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman

Messrs.—

Hardt
Heglie
Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Lillie
Lyon
Martin
McClure

Messrs.—

Piper
Purdon
Rice
Richmond
Rose
Ryan
Scheer
Sheils
Simpson
Spangberg
Stavens

Messrs.—	Messrs.—	Messrs.—
Chevalier	McCrea	Stevens of Burleigh
Clendenning	McKechnie	Stevens of Dickey
Cooper of Stutsman	Meidinger	Streeter
Cooper of Sargent	Mitchell	Sweet
Dahlen	Mooney	Swendseid
Dickinson	Moore	Thompson
Duncan	Morgan	Thoreson
Eggen	Nelson	Tofsrud
Ellison	Nicholson	Truemner
Flados	Oveson	Underwood
Fried	Ovind	Vernon
Ganssle	Palfrey	Walter
Gibbens	Palmer	Watson
Glasgow	Peterson	Weigel
Goulet	Phelan	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Midgarden	Sowle
Kyle	Rue	Tallackson
McLain		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Gilbert	Schlenker
Belden	Lemieux	Sunderland
Casey	Meiklejohn	Treat
Dahl	Robillard	Welo
Davis	Rogers	White

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Hardt	Peterson
Allen	Heglie	Phelan
Arnold	Hemmingson	Purdon
Baeverstad	Jennings	Richmond

Messrs.—	Messrs.—	Messrs.—
Belden	Johnson of Richland	Rose
Blake	Johnson of Ward	Rue
Blank	Juzeler	Ryan
Braaten	Kyle	Scheer
Briden	Lemieux	Schlenker
Brown	Lillie	Sheils
Burgum	Lyon	Simpson
Burtness	Martin	Stavens
Buttz	McClure	Stevens of Burleigh
Chapman	McCrea	Stevens of Dickey
Chevalier	McKechnie	Streeter
Clendenning	McLain	Sunderland
Cooper of Sargent	Meidinger	Swendseid
Cooper of Stutsman	Meiklejohn	Tallackson
Dahl	Midgarden	Thompson
Dahlen	Mitchell	Thoreson
Davis	Mooney	Tofsrud
Dickinson	Moore	Treumner
Duncan	Morgan	Underwood
Eggen	Nelson	Vernon
Ellison	Nicholson	Walter
Flados	Oveson	Watson
Ganssle	Ovind	Weigel
Glasgow	Palfrey	Mr. Speaker
Goulet		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Casey	Palmer	Spangberg
Fried	Rice	Sweet
Gibbens	Robillard	Treat
Gilbert	Rogers	Welo
Piper	Sowle	White

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 63, respectfully request that we recommend by a majority vote that the house recede from its amendment to said bill.

J. LAMOURE,
MAYNARD CRANE,
L. A. SIMPSON,
J. E. PHELAN,
GEO. A. MCCREA,
J. F. TREAT,
Committee.

Mr. McCrea moved

That the report of the conference committee be adopted.

Mr. Stevens of Burleigh moved

As a substitute motion, that the report be not adopted.

Roll call demanded.

The question being on the substitute motion.

The roll was called and there were ayes 49, nays 10, absent and not voting 41.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Goulet	Phelan
Baeverstad	Hardt	Robillard
Belden	Hemmingson	Rogers
Blank	Jennings	Rose
Briden	Johnson of Richland	Rue
Brown	Johnson of Ward	Simpson
Burgum	Juzeler	Stevens of Burleigh
Burtness	Kyle	Streeter
Chapman	Lillie	Sunderland
Clendenning	Martin	Swendseid
Cooper of Sargent	McClure	Tallackson
Cooper of Stutsman	McKechnie	Thompson
Davis	Mitchell	Tofsrud
Dickinson	Moore	Treat
Eggen	Nelson	Weigel
Gilbert	Palfrey	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Mooney	Ryan
Gibbens	Ovind	Underwood
Glasgow	Rice	Vernon
McCrea		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Lemieux	Scheer
Blake	Lyon	Schlenker
Braaten	McLain	Sheils
Buttz	Meidenger	Sowle
Casey	Meiklejohn	Spangberg
Chevalier	Midgarden	Stavens
Dahl	Morgan	Stevens of Dickey
Dahlen	Nicholson	Sweet
Duncan	Oveson	Thoreson
Ellison	Palmer	Truemner
Flados	Peterson	Walter
Fried	Piper	Watson
Ganssle	Purdon	Weio
Heglie	Richmond	White

Messrs. Casey and Schlenker being excused.

So the substitute motion prevailed.

Mr. Davis moved

That the committee be instructed to go back and try to reach an agreement satisfactory to the house.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to inform you that the senate has adopted the report of the last conference committee on Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And passed the bill as amended.

Also,

That the senate has appointed as a further conference committee on

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflicting laws.

Messrs. Pierce, Bacon and Regan.

And requests the appointment of a like committee by the house.

Also,

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Also,

House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

Which the senate has indefinitely postponed.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Which the senate has amended as follows, and passed as amended:

By striking out all of section 5.

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Also,

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Which the senate has passed unchanged.

Very respectfully,

L. M. McGLASHAN,

Secretary.

The house returned to the 12th order of business.

Mr. Stevens of Burleigh moved

That the house do not concur in the senate concurrent resolution regarding the North Dakota exhibit at St. Louis.

Which motion prevailed.

Mr. Rose moved

That the house do not concur in the senate concurrent resolution relating to the transfer of the North Dakota educational exhibit to the Valley City normal.

Which motion prevailed.

Mr. Rose moved

That the house do not concur in the senate concurrent resolution relating to the donation of samples of pottery to the historical societies of the state.

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The committee on mileage and per diem made the following report:

Mr. Speaker:

Your committee on mileage and per diem to whom was referred

Concurrent resolution providing for expenses of house members visiting institutions of the state for the purpose of informing appropriation committee of the actual needs of such institutions report as follows:

That Messrs. Nicholson, Mitchell and Allen be allowed \$63.00 each and Messrs. Rogers, Johnson and Simpson \$20.60 each.

GEO. W. H. DAVIS,
Chairman.

Mr. Davis moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Committee on mileage and per diem offered the following resolution and moved its adoption:

Resolved, That the speaker be directed to appoint the chief clerk and two assistant clerks to correct the journal of the 60th day and compare the journal of the session with the written journal, and that they be allowed \$5 per day for the time necessary to do the work. The speaker and the chief clerk are hereby authorized and directed to sign the necessary vouchers for such services.

GEO. W. H. DAVIS,
Chairman.

Which motion prevailed, and

The resolution was adopted.

Also,

Your committee on mileage and per diem offered the following resolution and moved its adoption:

That T. J. Hampton and E. V. Butts as messengers, and David Graham, R. Walters and Carl Andrews as postmasters, be allowed the sum of \$20 each for expenses incurred as such in the performance of their duties.

GEO. W. H. DAVIS,
Chairman.

Which motion prevailed, and
The resolution was adopted.

Mr. Ryan introduced the following resolution and moved its adoption:

Whereas, The members of the House of Representatives, appreciating the kindness, courtesy and ability with which the Honorable George H. Piercy has presided over the house, and the fairness with which he has treated all the members and his impartiality in deciding all questions; therefore, be it

Resolved, That the thanks of the members of the house be tendered to our honorable speaker with a vote of thanks in his behalf, and as a further mark of our appreciation, be it

Resolved, That the honorable speaker be and hereby is presented with the chair he has occupied during the session.

Which motion prevailed, and
The resolution was adopted.

Mr. Davis introduced the following resolution and moved its adoption:

Be it Resolved, That the veteran member from McIntosh, Mr. Meidinger, be accorded the honor of making the motion to adjourn, sine die.

Which motion prevailed, and
The resolution was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Arnold
Baeverstad
Belden
Blake
Blank
Braaten

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lemieux
Lillie

Messrs.—

Rice
Richmond
Robillard
Rogers
Rose
Rue
Ryan
Scheer

Messrs.—

Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Stutsman
Dahl
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gilbert
Glasgow
Hardt

Messrs.—

Lyon
Martin
McClure
McCrea
McKechnie
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Morgan
Nelson
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Phelan
Piper
Purdon

Messrs.—

Sheils
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Swendseid
Tallackson
Thompson
Thoreson
Tofsrud
Treumner
Underwood
Vernon
Walter
Watson
White
Mr. Speaker

Absent and not voting:

Messrs.—

Casey
Cooper of Sargent
Gibbens
Goulet

Messrs.—

Heglie
McLain
Midgarden
Schlenker

Messrs.—

Sweet
Treat
Weigel
Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 235,

A bill for an act describing duties of state depositories.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 74, nays none, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blank
Braaten
Briden
Burgum
Burtness
Buttz
Chapman
Chevalier
Cooper of Sargent

Messrs.—

Hemmingson
Jennings
Johnson of Richland
Juzeler
Lillie
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell

Messrs.—

Ryan
Scheer
Sheils
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Streeter
Sunderland
Sweet
Swendseid
Tallackson

Messrs.—	Messrs.—	Messrs.—
Cooper of Stutsman	Mooney	Thompson
Davis	Moore	Thoreson
Dickinson	Oveson	Truemner
Duncan	Ovind	Underwood
Eggen	Peterson	Vernon
Flados	Phelan	Walter
Fried	Rice	Watson
Ganssle	Richmond	Weigel
Gibbens	Robillard	Welo
Glasgow	Rogers	White
Goulet	Rose	Mr. Speaker
Hardt	Rue	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Heglie	Palfrey
Blake	Johnson of Ward	Palmer
Brown	Kyle	Piper
Casey	Lemieux	Purdon
Cleandening	Lyon	Schlenker
Dahl	Midgarden	Simpson
Dahlen	Morgan	Tofsrud
Ellison	Nelson	Treat
Gilbert	Nicholson	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 86, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Allen	Goulet	Piper
Arnold	Hardt	Purdon
Baeverstad	Heglie	Rice
Belden	Hemmingson	Robillard
Blake	Jennings	Rogers
Blank	Johnson of Richland	Rose
Braaten	Johnson of Ward	Rue
Briden	Juzeler	Ryan
Brown	Kyle	Scheer
Burgum	Lemieux	Schlenker
Burness	Lillie	Sheils
Buttz	Lyon	Simpson
Chapman	Martin	Stavens
Chevalier	McClure	Stevens of Burleigh
Cleandening	McCrea	Streeter
Cooper of Sargent	McLain	Sweet
Cooper of Stutsman	Meidinger	Swendseid

Messrs.—	Messrs.—	Messrs.—
Dahl	Meiklejohn	Thompson
Dahlen	Mitchell	Thoreson
Dickinson	Mooney	Tofsrud
Duncan	Moore	Treat
Eggen	Morgan	Truemner
Ellison	Nelson	Underwood
Flados	Oveson	Vernon
Fried	Oviad	Walter
Ganssle	Palfrey	Watson
Gibbens	Palmer	Weigel
Gilbert	Peterson	Mr. Speaker
Glasgow	Phelan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Adams	Nicholson	Sunderland
Casey	Richmond	Tallackson
Davis	Sowle	Welo
McKechnie	Spangberg	White
Midgarden	Stevens of Dickey	

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 80, nays none, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Heglie	Rogers
Allen	Hemmingson	Rose
Baeverstad	Jennings	Rue
Belden	Johnson of Richland	Ryan
Blank	Johnson of Ward	Scheer
Braaten	Juzeler	Sheils
Briden	Martin	Sowle
Burgum	McClure	Spangberg
Burtness	McCrea	Stavens
Buttz	McKechnie	Stevens of Burleigh
Chapman	McLain	Stevens of Dickey
Chevalier	Meidinger	Streeter
Clendening	Meiklejohn	Sunderland
Cooper of Sargent	Midgarden	Swendseid
Cooper of Stutsman	Mitchell	Tallackson
Davis	Mooney	Thompson
Dickinson	Moore	Thoreson
Duncan	Morgan	Truemner
Eggen	Nelson	Underwood

Messrs.—
 Ellison
 Flados
 Fried
 Ganssle
 Gibbens
 Glasgow
 Goulet
 Hardt

Messrs.—
 Nicholson
 Oveson
 Ovind
 Peterson
 Phelan
 Rice
 Richmond
 Robillard

Messrs.—
 Vernon
 Walter
 Watson
 Weigel
 Welo
 White
 Mr. Speaker

Absent and not voting:

Messrs.—
 Arnold
 Blake
 Brown
 Casey
 Dahl
 Dahlen
 Gilbert

Messrs.—
 Kyle
 Lemieux
 Lillie
 Lyon
 Palfrey
 Palmer
 Piper

Messrs.—
 Purdon
 Schlenker
 Simpson
 Sweet
 Tofsrud
 Treat

So the bill passed and the title was agreed to.

The house returned to the 12th order of business.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Belden moved

That the house do now concur in the senate amendments to House Bill No. 159.

Which motion prevailed.

Mr. Belden moved

That House Bill No. 159 be passed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—
 Adams
 Allen
 Baeverstad
 Belden

Messrs.—
 Glasgow
 Goulet
 Hardt
 Hemmingson

Messrs.—
 Phelan
 Richmond
 Robillard
 Rogers

Messrs.—

Blank
Braaten
Briden
Brown
Burgum
Burtness
Buttz
Chapman
Chevalier
Clendenning
Cooper of Sargent
Cooper of Stutsman
Dahlen
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Ganssle
Gibbens

Messrs.—

Jennings
Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Lyon
Martin
McClure
McCrea
McKechnie
McLain
Meidinger
Meiklejohn
Mitchell
Mooney
Moore
Nelson
Nicholson
Oveson
Ovind
Peterson

Messrs.—

Rose
Rue
Ryan
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Swenaseid
Tallackson
Thompson
Thoreson
Tofsrud
Truemner
Underwood
Vernon
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Blake
Casey
Dahl
Gilbert
Heglie
Lemieux
Midgarden

Messrs.—

Morgan
Palfrey
Palmer
Piper
Purdon
Rice
Scheer
Schlenker

Messrs.—

Shells
Streeter
Sweet
Treat
Walter
Watson
Welch

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Stevens of Burleigh moved

That the house do concur in the senate amendments to house Bill No. 73.

Which motion prevailed, and

The amendments were adopted.

Mr. Stevens of Burleigh moved

That House Bill No. 73 be placed on its third reading and final passage.

Which motion prevailed.

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 63, nays 9, absent and not voting 28.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Adams	Ganssle	Peterson
Allen	Gibbens	Phelan
Baeverstad	Gilbert	Richmond
Belden	Glasgow	Rogers
Blank	Goulet	Rue
Braaten	Hardt	Ryan
Briden	Hemmingson	Simpson
Brown	Jennings	Sowle
Burgum	Johnson of Ward	Spangberg
Buttz	Juzeler	Stavens
Chapman	Kyle	Stevens of Burleigh
Chevalier	Lemieux	Swendseid
Clendening	Martin	Thompson
Cooper of Stutsman	McClure	Thoreson
Davis	McCrea	Tofsrud
Dickinson	Midgarden	Treat
Duncan	Mitchell	Underwood
Eggen	Mooney	Vernon
Ellison	Moore	Weigel
Flados	Ovind	White
Fried	Palmer	Mr. Speaker

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper of Sargent	Meiklejohn	Rose
Johnson of Richland	Nicholson	Stevens of Dickey
McKechnie	Robillard	Tallackson

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold	Meldinger	Schlenker
Blake	Morgan	Sheils
Burtness	Nelson	Streeter
Casey	Oveson	Sunderland
Dahl	Palfrey	Sweet
Dahlen	Piper	Truemner
Heglie	Purdon	Walter
Lillie	Rice	Watson
Lyon	Scheer	Welo
McLain		

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 73 was passed and the motion to reconsider be laid on the table.

Which motion prevailed,

The conference committee reported that they were not able to reach an agreement on Senate Bill No. 63, and Mr. Phelan requested that a new committee be appointed.

Mr. Phelan moved
That the report be adopted.
Which motion prevailed.

And the speaker appointed as such committee Messrs.
McClure, Chapman and Stevens of Burleigh.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. Speaker:

I have the honor to transmit herewith
House Bill No. 220,

A bill for an act to amend section 354 of the revised codes
of North Dakota, 1899, relating to offices and officers, and
the qualification of officer.

Which the senate has passed unchanged.

Also,

The senate has concurred in concurrent resolution au-
thorizing an investigation by the governor of the feasibili-
ty of utilizing native clays for the manufacture of dishes,
vases, etc., for the executive mansion and other state
institutions.

Very respectfully,
L. M. McGLASHAN,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 138,

A bill for an act to amend section 5210 of the revised
codes of 1899, relating to the time of commencement of ac-
tions.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised
codes of North Dakota.

Also,

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Also

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Was delivered to the governor for his approval at the hour of 4:50 o'clock p. m., March 3, 1905.

W. A. McCLURE,

Chairman.

The chief clerk announced that the speaker was about to sign

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Also,

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Also,

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer and providing for the application of such funds.

Also,

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Also,

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his

Also,

Senate Bill No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Also,

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead hereto-

fore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Also,

Senate Bill No. 151,

A bill for an act to amend sections 7594 and 7596 of the revised codes of North Dakota, 1899, as amended by chapter 82 of the session laws of 1903, relating to the method of obtaining druggists' permits to sell liquor, regulating sales of liquor under such permit and regulating life of same.

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector, and prescribing his powers, duties and compensation.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Also,

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

And the speaker signed the same in the presence of the house.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Also,

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Were delivered to the governor for his approval at the hour of 5 o'clock p. m., March 3, 1905.

W. A. McCLURE,

Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Also,

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Also,

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

House Bill No. 1,

A bill for an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and addition thereto and erecting a monument.

Also,

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Also,

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

And the speaker signed the same in the presence of the house.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Also,

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Were delivered to the governor for his approval at the hour of 5:25 o'clock p. m., March 3, 1905.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Also,

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899 relating to diplomas and certificates for veterinarians.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Were delivered to the governor for his approval at the hour of 5:30 o'clock p. m., March 3, 1905.

W. A. McCLURE,

Chairman.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes of 1899.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Also,

House Bill No. 15,

A bill for an act to encourage elementary education.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Also,

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The chief clerk announced that the speaker was about to sign

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

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Also,

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

And the speaker signed the same in the presence of the house.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the

revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Also,

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman

The chief clerk announced that the speaker was about to sign

House Bill No. 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

House Bill No. 284,

A bill for an act to amend section 1944 and 1949 of the revised codes of North Dakota of 1899 relating to depositories of county funds.

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

And the speaker signed the same in the presence of the house.

The speaker appointed as a committee to act with the chief clerk, W. A. Kelley and J. I. Roop.

The house took a recess for 30 minutes.

AFTER RECESS.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes relating to costs on foreclosure of liens.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Also,

House Bill No. 87,

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 1,

A bill for an act making appropriation for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvements and addition thereto and erecting a monument.

Also,

House Bill No. 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalties for failure to give such notice.

Also,

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Were delivered to the governor for his approval at the hour of 7 o'clock p. m., March 3, 1905.

Also,

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, LaMoure and Williams for money advanced by the mto defray irrigation investigation expenses.

Also,

House Bill No. 15,

A bill for an act to encourage elementary education.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Were delivered to the governor for his approval at the hour of 7:30 o'clock p. m., March 3, 1905.

W. A. McCLURE,
Chairman.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee to whom was referred the house amendments to Senate Bill No. 63, beg leave to report that they have had the same under consideration with a like committee from the senate and beg leave to report the following, viz:

A majority of your committee and of the joint committee recommend:

First. That the house recede from its amendments.

Second. Then add the following section:

Section 14a. The provisions of section 1 of this act, in so far as it relates to the salary of the oil inspector and his deputies shall not take effect until April 1, 1906.

Third. Then amend section 15 so as to read as follows, viz:

Section 15. Repeal.) All acts and parts of acts in conflict with this act are hereby repealed except as provided therein relating to the fees of the oil inspector and his deputies, and as to such fees the present existing laws shall remain in force until April 1, 1906.

Very respectfully,

R. N. STEVENS,
F. B. CHAPMAN,
W. A. McCLURE,

Mr. Stevens of Burleigh moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Stevens of Burleigh, moved

That the bill as recommended by the committee be placed upon its third reading and final passage.

Which motion prevailed,

Senate Bill No. 63.

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, desig-

nating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Was read the third time.

The question being on the final passage of the bill as recommended by the committee.

The roll was called and there were ayes 67, nays none, absent and not voting 33.

Those who voted in the affirmative were:

Messrs.—

Adams
Allen
Baeverstad
Belden
Blank
Briden
Burgum
Chapman
Cooper of Sargent
Cooper of Stutsman
Davis
Dickinson
Duncan
Eggen
Ellison
Flados
Fried
Gibbens
Gilbert
Glasgow
Hardt
Hemmingson
Jennings

Messrs.—

Johnson of Richland
Johnson of Ward
Juzeler
Kyle
Lillie
Martin
McClure
McCrea
McKechnie
Meidinger
Meiklejohn
Midgarden
Mitchell
Mooney
Moore
Nicholson
Oveson
Ovind
Palfrey
Palmer
Peterson
Rice

Messrs.—

Richmond
Rogers
Rose
Rue
Ryan
Simpson
Sowle
Spangberg
Stavens
Stevens of Burleigh
Stevens of Dickey
Sunderland
Swendseid
Tallackson
Thoreson
Tofsrud
Treat
Underwood
Vernon
Weigel
White
Mr. Speaker

Absent and not voting:

Messrs.—

Arnold
Blake
Braaten
Brown
Burtness
Buttz
Casey
Chevalier
Clendenning
Dahl
Dahlen

Messrs.—

Ganssle
Goulet
Heglie
Lemieux
Lyon
McLain
Morgan
Nelson
Phelan
Piper
Purdon

Messrs.—

Robillard
Scheer
Schlenker
Sheils
Streeter
Sweet
Thompson
Truemner
Walter
Watson
Welo

Messrs. Casey and Schlenker being excused.

So the bill passed and the title was agreed to.

Mr. Martin explained his vote.

Mr. McCrea moved

That the vote by which Senate Bill No. 63 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The house took a recess until 8:30 this evening.

AFTER RECESS.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Also,

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Also,

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

And find the same correctly enrolled.

W. A. McCLURE,

Chairman.

The chief clerk announced that the speaker was about to sign

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899, of the state of North Dakota.

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Also,

House Bill No. 222,

A bill for an act for the organization and government of cities.

Also,

House Bill No. 288,

A bill for an act for a joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674 of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Also,

Senate Bill No. 232,

A bill for an act to amend section 7569 of revised codes of 1899 relative to malicious injury to freehold.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Also,

Senate Bill No. 180,

A bill for an act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Also,

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Also,

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.

Also,

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Also,

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Also,

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Also,

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And the speaker signed the same in the presence of the house.

The speaker called Mr. McCrea to the chair.

Mr. Stevens of Burleigh offered the following resolution and moved its adoption:

Whereas, The government of the United States has demonstrated its generosity by the expenditure of hundreds of millions of dollars in the acquirement and construction of the Panama Canal, and

Whereas, The government of the United States has passed the reclamation act providing for the loaning of monies received from the sale of public lands in a number of states to be expended in the irrigation of the arid and semi-arid regions of the United States, and,

Whereas, Irrigation brings a much more dense population than can be had under the present homestead laws, and,

Whereas, The older states of the Union were given by the government the public lands within their borders to be disposed of as the state might direct, and,

Whereas, The states described in the reclamation act will be able to care for the public lands to which irrigation can be applied to better further their own interests and build up a denser population, and,

Whereas, They will be able to dispose of the public lands at a much greater price than is charged by the government and at the same time greatly benefit the settler and the homeseeker because of the better facilities he will have in the way of irrigating the land he has taken, if such lands are owned by the state, therefore, be it

Resolved, That the senators and representatives for the state of North Dakota be respectfully petitioned to use their endeavors to have congress enact a law donating to the states the public lands embraced in the arid and semi-arid regions described in the reclamation act, the proceeds of which shall be used for irrigation purposes exclusively, safeguarding by law the interests of the settler and homeseeker, and prescribing methods and manner of disposing of the public lands as fast as irrigation systems are established thereon.

Resolved, further, That a copy of this resolution be transmitted to the senators and representatives in congress for North Dakota.

Which motion prevailed, and

The resolution was adopted.

Mr. Streeter offered the following resolution and moved its adoption:

Whereas, During the present session we have had but few attorneys, and whereas, from the very beginning every new member has found in the Hon. R. N. Stevens a gentleman ready and willing at all times to assist, even in the preparation of a bill, in the method of getting it before the house and getting proper action upon the same, even those with whom he has had the most contention, and, whereas, we all know of his great kindness and good fellowship, and whereas, in the codification of the laws of North Dakota an attorney is to be employed, therefore be it

Resolved, That nothing would be more pleasing to the members of the house than to see our fellow member so employed.

Which motion prevailed, and

The resolution was adopted.

The speaker in the chair.

Mr. McClure offered the following resolution and moved its adoption.

Resolved, That in consideration of increased work put upon the desk force during the last of the session, we hereby authorize the speaker and the chief clerk to sign vouchers for \$20 each for Otto Sougstad, chief

clerk; M. A. Liles, T. C. Miller, G. A. Haugan, W. H. Crawford, T. H. Murphy, C. B. Wade, J. I. Roop, W. D. Atterbury and Thos. Evans, assistant clerks; W. A. Kelly, chief engrossing and enrolling clerk; T. G. Anderson, journal clerk; J. F. Marsh, bill clerk, and Miss James, house stenographer.

Which motion prevailed, and

The resolution was adopted.

Mr. Ryan offered the following resolution and moved its adoption:

Resolved, That the thanks of the house be tendered James Flanigan, our postmaster, for the many courtesies he has shown the members.

Which motion prevailed, and

The resolution was adopted.

Mr. McCrea moved

That the house present to the speaker of the house the gavel and ink stand as remembrances of the Ninth Legislative Assembly.

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that
House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Also,

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Also,

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899, of the state of North Dakota.

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Were delivered to the governor for his approval at the hour of 9:30 o'clock p. m., March 3, 1905.

W. A. McCLURE,
Chairman.

Mr. Meidinger moved
That the house do now adjourn sine die.
Which motion prevailed,
And the house adjourned sine die.

OTTO SOUGSTAD,
Chief Clerk.

REPORT OF SPECIAL COMMITTEE

CORRECTIONS IN JOURNAL OF MARCH 3, 1905

The special committee appointed (per resolution found on page 1052 of the printed journal) to correct the printed journal of the 3d of March containing part of the fifty-ninth day and the sixtieth day submit the following corrections (loose edition):

On page 2, before line 1, insert the word "resolved."

On page 2, line 2, change word "consistent" to "convenient."

On page 3, after line 36, insert "Also, House Bill No. 157, A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors. Also, House Bill No. 122; A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor. Also, House Bill No. 96, A bill for an act amending section 3261 of the revised codes of the state of North Dakota, of 1899, relating to foreign corporations doing business in this state. Also, House Bill No. 94, A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901, which the senate has passed unchanged."

On page 4, line 24, correct the word "legislation" as to spelling.

On page 6, after line 18, insert "which the senate has adopted and your concurrence therein is requested."

On page 6, line 33, change the word "of" to "to."

On page 7, after line 12, insert "the laws of 1903."

On same page, line 28, after the word "amend," insert "section."

On page 10, line 27, change figures "63" to "64," and on line 28 change figures "29" to "36."

On page 24, after line 3, insert the word "resolved."

On page 28, line 37, change name "Treet" to "Treat," and wherever same occurs throughout the journal.

On page 31, line 23 after the word "court" insert "house."

On page 36, line 37, change figures "95" to "94;" on page 40, line 8, change figures "77" to "73;" on page 39, after line 32, insert "Also, House Bill No. 289, A bill for an act to protect beavers in the state of North Dakota. Which the senate has amended as follows: By inserting section 3: Emergency. An emergency exists in this that there is nothing in the present laws prohibiting the trapping or killing of beavers in this state, therefore this act shall take effect immediately after its passage and approval; and passed as amended."

On page 49, line 16, change figures "87" to "86," and in line 17 change figures "13" to "14."

On page 50, line 26, change figures "1944" where they last appear to "1949."

On page 51, change lines 11 and 12 to read as follows: "That the amendments to Senate Bill No. 171 recommended by the committee on state affairs, be adopted."

On page 53 strike out all of lines 30 to 40 inclusive.

On page 54 strike out all of lines 1 to 21 inclusive.

On page 56, line 44, after name "Simpson," insert "senate committee."

On same page, last line, before word "committee" insert the word "house."

On same page, line 39, change the word "request" to "report."

On page 57, line 7, change figures "49" to "48;" on page 57, line 8, change figures "41" to "42;" on page 60, next to last line, change the word "Your" to "The."

On page 61, after line 27, insert: "Mr. Stevens of Burleigh moved that the vote by which the resolution, allowing four dollars per day to the house janitors, was lost yesterday, be reconsidered. Which motion prevailed. Mr. Stevens of Burleigh moved that the two house janitors be allowed one dollar per day extra for the session. Which motion prevailed."

On page 65, after line 18, insert: "Messrs. Casey and Schlenker being excused."

On page 67, line 46, after the word "passed" insert "be reconsidered."

On page 84, line 33, after the word "chief clerk", insert: "In finishing and correcting the journal of the house."

On page 90 strike out lines 2, 3, and 4, relating to House Bill 222, and insert in lieu thereof the following: "House Bill No. 220, A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer."

Respectfully submitted,
 OTTO SOUGSTAD,
 W. A. KELLY,
 J. I. ROOP,
 Special committee.

CORRECTIONS IN THE PERMANENT BOUND EDITION OF THE JOURNAL

The special committee submits the following corrections in the printed journal up to the third day of March:

On page 2, line 1, change name "Wm. M. Glasgow" to "Wm. W. Glasgow."

On page 3, line 13, change name "Goulitte" to "Goulet" and wherever same occurs throughout the journal. On same page change name "Lyons" to "Lyon" and wherever same occurs throughout the journal.

On page 3, line 17, after the word "elect" insert "except Messrs. Dahl, Nicholson and Swendseid, who were absent." On same page, last line, change name "Treet" to "Treat" and wherever same occurs throughout the journal.

On page 4, line 4, change name "Swenseid" to "Swendseid" and wherever the same occurs throughout the journal.

On page 15 line 27, after the word "voted" insert "for Mr. Skarison."

On page 15, strike out all of line 23 and insert in lieu thereof, "Mr. Welo nominated M. Skavison as second janitor."

On page 18, line 4, after the word "voted" insert "for Walter White."

On page 18, line 29, after the word "voted" insert "for Ralph Fisher."

- On page 19, line 10, after the word "voted" insert "for Ira Herbert."
- On page 21, line 32, correct the word "employment" as to spelling.
- On page 22, insert as line 1, "Those who voted in the affirmative were."
- On same page after line 19, insert "which motion prevailed and the resolution was adopted."
- On page 23, after the word "resolution" insert "and moved its adoption."
- On page 24, line 25, correct the word "following" as to spelling.
- On page 26, line 12, strike out the words "was presented" and insert in lieu thereof the word "prevailed."
- On page 26, line 17, insert the word "and" after the word "prevailed."
- On same page, line 18, strike out the word "adjourned" and insert in lieu thereof "took a recess."
- On page 30, in roll call on House Bill No. 75, add the name "Arnold" to those voting aye and strike out same name in "absent and not voting" and in those "excused."
- On page 30, line 29, change figures "18251.06" to read "18251.00."
- On page 31, line 41, change figures "12560.00" to read "12550.00."
- On page 54, line 11, after the name "Ward" insert the word "and."
- In the same line, strike out the words "being excused" and insert in lieu thereof "who were excused."
- On page 55, line 17, correct the word "requested" as to spelling.
- On same page, line 35, after the word "prevailed" insert "and the resolution was adopted."
- On page 56, line 27, after the word "therefore" insert "be it."
- On page 57, after line 32, insert "So the motion prevailed and the resolution was adopted."
- On page 57, line 36, between the words "and" and "the" insert "to."
- On same page, line 42, strike out the initials "Mr." and insert the word "The."
- On page 58, line 6, after the word "substitute" insert the word "motion."
- On same page, next to last line, strike out the name "Alfred Ellsworth" and insert in lieu thereof "E. Lincoln."
- On page 59, line 3, strike out the name "Wm. Paulson" and insert in lieu thereof "M. Larson."
- On same page, line 4, strike out the name "E. W. Clide" and insert in lieu thereof "M. A. Edburg."
- On same page, lines 6 and 7, change name "O. E. Butes" to "E. V. Butts."
- On same page, line 9, after name "Daley" insert "Fern Lincoln, Arthur South, Thos Rosey."
- On page 96, line 7, strike out the word "with" and insert in lieu thereof the word "in."
- On page 101, line 30, after the name "Simpson" add the name "Mitchell."
- On page 103, line 25, where the name "Duncan" appears the second time strike out the same and insert in lieu thereof the name "Belden."
- On page 104, line 30, strike out the initials Mr. and insert in lieu thereof the word "The."
- On page 107, line 23, strike out the word "or" and insert the word "form."
- On page 108, line 5, correct the word "provide" as to spelling.
- On page 109, line 10, change name "Tufsrud" to "Tofsrud."
- On page 110, line 16, change name "Stevens" to "Stavens."
- On page 114, line 5, correct the word "nomination" as to spelling.
- On page 120, line 16, after name "Peterson" insert "who were excused."
- On page 123, line 51, after the word "following" insert the word "concurrent."
- On page 127, line 1, change name "Thorenson" to "Thoreson."
- On page 132, line 21, after name "Stevens" insert "of Burleigh."

On page 136, line 38, after name "Lemieux" insert the word "introduced."

On page 138, after line 13, insert "which motion prevailed."

On page 152, line 22, after name "Johnson" insert "of Richland."

On page 158, line 9, correct the word "resolution" as to spelling.

On page 164, line 6, after the word "the" insert the word "substitute."

On page 164, in roll call on House Bill No. 5, change ayes from "65" to "66" and nays from "31" to "30."

On page 167, change line 31 to read as follows, "The further consideration of the bill was indefinitely postponed."

On page 171, line 22, change name "Lilie" to "Lillie."

On page 172, line 2, correct the word "service" as to spelling.

On same page, line 20, after name "Johnson" insert "of Richland."

On page 174, after line 18 add: "Very respectfully, L. M. McGlashan, secretary."

On page 175, add name "Glasgow" to those voting aye on House Bill No. 7.

On page 177, add the word "relief" to title of House Bill No. 25.

On page 178, strike out lines 1 and 2 in roll call on House Bill No. 25, and show those absent and not voting as "Dahl, Hemmingson, Martin, Meiklejohn, Nelson, Robillard, Shells, Sunderland, Sweet, Thompson, Trummer, Weigel and Mr. Speaker."

On page 184, after line 32, insert: "E. L. Richmond, chairman."

"Mr. Richmond moved that the report of the committee be adopted, which motion prevailed and the further consideration of the bill was indefinitely postponed."

On page 197, next to the last line, strike out the word "Your" and insert in lieu thereof the word "The."

Page 210, in roll call on House Bill No. 28, change ayes from "67" to "68" and absent and not voting from "33" to "32."

On page 211, after line 24, insert "There being no objection Mr. Stevens, of Burleigh, moved that the bill be thus amended, which motion prevailed and the amendment was adopted."

On page 212, in roll call on House Bill No. 42, change ayes from "73" to "72" and absent and not voting from "27" to "28."

On page 215, strike out line 3.

On page 217, strike out line 18.

On page 218, insert as line 1 "also the following."

On page 220, change name "Richmond" to "Richland."

On page 222, line 24, after the word "called" insert "on the adoption of the resolution."

On page 223, in roll call on resolution appointing A. Olson as janitor, add the following names to those absent and not voting: "Cooper of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan, Spangberg, Stevens of Dickey, Vernon, Weigel."

On page 223, line 15, change name "Wilson" to "Nelson."

On page 233, after line 24, insert, "Mr. Johnson of Ward, moved that the report be adopted which motion prevailed and the report of the committee was adopted."

On page 235, after the word "chairman" insert "Mr. McLain moved that the report be adopted, which motion prevailed and the report of the committee was adopted."

On page 236, line 5, correct the word "committee" as to spelling.

On page 237 line 28 strike out the word "minority."

On page 255, after line 40, insert "and when so amended recommended that the same do pass."

On page 261, line 32, after name "Stevens" insert "of Burleigh."

On pages, 261 and 262, change motions on House Bills introduced to read "which were read the first and second times."

On page 263, in roll call on House Bill No. 73, change name "Streeter" to "Scheer" in those absent and not voting.

On page 271, line 2, correct the word "township" as to spelling.

On page 271, in roll call on House Bill No. 40, add the name "Welo" to those voting "aye." On page 289 in roll call on House Bill No. 118 change ayes from "86" to "87" and absent and not voting from "14" to "13."

On page 291, in title to Senate Bill No. 27, add after the word "thereof" the following: "and charging the state's attorney with the enforcement hereof."

On page 294, after line 18, insert "which motion prevailed. Mr. Buttz moved that the resolution looking to the appointment of Amos Olson as janitor, which had been reconsidered, be now adopted, which motion prevailed."

On page 295, line 33, change the word "motion" to "motions" and in line 34 strike out the words "resolution was" and insert in lieu thereof "resolutions were."

On page 296, after word "chairman" in line 20, insert "Mr. Robillard moved that the report be adopted, which motion prevailed and the bill was so referred."

On page 301, line 9, change name "Spanburg" to "Spangberg."

On page 305, after the word "chairman" insert: "Mr. Belden moved that the report be adopted which motion prevailed and the report of the committee was adopted."

On page 305, in roll call, change nays from "46" to "44" in line 13, and in line 14 change absent and not voting from "23" to "25."

On page 306, line 10, strike out name "Watson."

On page 316, in roll call on House Bill No. 70, change ayes from "78" to "79" and absent and not voting from "21" to "20."

On page 395, line 7, change name "F. J. Lyon" to "F. I. Lyon."

On page 402, line 10, between the words "and" and "house" insert the words "that the."

On page 417, change lines 21, 22 and 23 to read as follows: "That the house do concur in the senate amendment to the house concurrent resolution relating to the sale of screenings at all terminal points."

On page 426, strike out all after the figures "1899" in title to House Bill No. 224; at the bottom of same page add "The roll was called and there were ayes 62, nays 3, absent and not voting, 35."

On page 476, fourth line from bottom, after name "Stevens" insert "of Burleigh."

On page 477, in roll call on substitute to Senate Bill No. 88, add name "Palfrey" to those voting aye and strike out same name in those voting nay. On same page, line 8, after name "Stevens" insert "of Burleigh."

On page 479, after line 21, insert "which motion prevailed and the bill was so amended."

On page 497, between the words "and" and "be" insert the words "that it."

On page 498, last line, insert the word "acting" before the word "chairman."

On page 499, line 1, after name "Johnson" insert "of Ward."

On page 504 strike out lines 1 to 7 inclusive.

On page 510, at the top of the page, strike out all pertaining to Senate Bill No. 70, and insert in lieu thereof: "House Bill No. 70. A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties."

On page 510, after line 11, insert: "Report of standing committees. The committee on enrollment made the following report: Mr. Speaker: Your committee on enrollment respectfully report that House Bill No. 70, A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties, was delivered to the governor for his approval at the hour of 3:10 o'clock p. m., February 17, 1905. W. A. McClure, chairman."

On page 527, in roll call on Senate Bill No. 27, change ayes from "71" to "72" and absent and not voting from "29" to "28."

On page 528, change name "Buttz" from absent and not voting to voting aye.

On page 543, line 15, strike out the words "Both of."

On page 547, in roll call on House Bill No. 21, add name "Welo" to those voting aye.

On page 553, in roll call on House Bill No. 218, change nays from "12" to "13" and absent and not voting from "21" to "20."

On page 555, next to last line, strike out the word "bill" and insert in lieu thereof the word "title."

On page 559, line 18, strike out the word "restriction" and insert in lieu thereof the word "petition."

On page 561, line 18, strike out the words "To consider" and insert in lieu thereof the word "That."

On page 571, strike out line 1.

On page 578, after line 11, insert "W. A. McClure, chairman."

On page 583, line 29, change name "H. W. Ryan" to "H. P. Ryan."

On same page, line 34, correct the word "minority" as to spelling.

On page 584, line 22, strike out the comma after word "purpose" and insert a comma after the word "only" in same line.

On page 587, change name "F. J. Lyon" to "F. I. Lyon."

On page 589, strike out line 29 and insert in lieu thereof "the further consideration of the bill was indefinitely postponed."

On page 591, line 20, strike out the word "and" and insert in lieu thereof the word "the."

On page 592, at the top of the page, strike out lines 1 to 5 inclusive and insert in lieu thereof: "House Bill No. 199. A bill for an act to amend section 6613, revised codes of North Dakota for the year 1899, relating to clerks of district courts in counties having increased jurisdiction."

On page 597 after line 9 insert: "Also House Bill No. 88. A bill for an act providing for the retirement of officers in the national guard of the state of North Dakota, who have rendered faithful service therein for a period of ten years or more. Also, House Bill No. 109. A bill for an act providing that all appointments to the various departments of the National Guard of the state of North Dakota, shall be made from officers of the field or line."

On page 631, strike out lines 3, 4, 5, and 6.

On page 636, line 4, strike out the word "and" and insert in lieu thereof the word "the."

On page 637, line 33, strike out the word "and."

On page 643, line 13, change name "Regan" to "Ryan."

On page 654, strike out line 8.

On page 655, insert as line 34, "The speaker in the chair."

On page 661, strike out lines 18 to 24 inclusive.

On page 666, after line 17, insert: "The chief clerk announced that the speaker was about to sign House Bill No. 10. A bill for an act to amend section 1419 of chapter 19 of the political code entitled Militia, and the speaker signed the same in the presence of the house."

On page 685, before the word chief clerk, insert the word "acting."

On page 689, strike out line 35.

On page 690, after line 23, insert as line 24: "The speaker in the chair."

On page 692, after line 12, insert: "House Bill No. 26. A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903."

On page 692, line 36, change word "house" to "senate."

On page 693, strike out the word "chairman" in last line and insert in lieu thereof "acting chief clerk."

On page 719, after line 12, insert in title to Senate Bill No. 106, "present site of said reform school."

On page 729, strike out lines 17 to 20 inclusive and insert in lieu thereof: "Senate Bill No. 94. A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to public debt and public works." On the same page after line 20 insert "was read the third time." On the same page, line 22, change the word "House" to "Senate."

On page 741, after line 13 insert "which the senate has passed unchanged."

On page 745, strike out line 1.

On page 746, after line 25, insert: "The speaker in the chair."

On page 763, strike out lines 9 to 13 inclusive and insert in lieu thereof: "House Bill No. 222. A bill for an act for the organization and government of cities." On the same page, line 41, change name "Steele" to "Streeter."

On page 764, after line 17, insert: "Which was read the first and second times."

On page 778, in roll call on House Bill No. 68, change nays from "none" to "1" and absent and not voting from "27" to "26" and change name "Watson" from absent and not voting to voting in the negative.

On page 779, strike out line 8.

On page 779, after line 22, insert "The speaker in the chair."

On page 779 strike out last five lines and insert in lieu thereof: "House Bill No. 286. A bill for an act defining libel and conspiracy to libel, and providing punishment therefor."

On page 784, after line 23, insert: "Mr. Lyon moved that the vote by which House Bill No. 165 was indefinitely postponed be reconsidered, which motion prevailed."

On page 796, in roll call on House Bill No. 97, change ayes from "72" to "73" and absent and not voting from "28" to "27" and change name "Buttz" from absent and not voting to voting aye.

On page 807, line 9, complete title to House Bill No. 284 by adding: "tories of county funds."

On page 813, after line 33, insert "which motion prevailed."

On page 841, strike out lines 7 to 13, inclusive and insert in lieu thereof: "Senate Bill No. 106. A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same."

On page 877, correct title to Senate Bill No. 106 by adding "present site of said reform school."

On page 886, in next to last line, strike out the words "and Vernon."

On page 887, line 23, change figures "8" to "6" and in line 26 change figures "8" to "6." On same page, line 33, change the words "seventy-five" to "twenty-five."

On page 889, line 43, strike out the words "and Vernon."

On page 890, in roll call on House Bill No. 15, change ayes from "65" to "66" and nays from "15" to "14." Also change name "Jennings" from voting nay to aye.

On page 907, third line from bottom change name "Stavens" to "Stevens of Burleigh."

On page 927, in roll call on Senate Bill No. 215, add name "Rice" to those voting aye.

On page 935, next to last line insert before the word "reading" the word "third."

On page 936, line 2, strike out "3 o'clock" and insert in lieu thereof "third."

On page 940 sixth line from bottom, after the word "this" insert "act."

On page 940, line 13, after the word "amend" insert "section."

On page 954, line 21, strike out the words "and Schlenker." On same page, line 39, change the word "House" to "Senate."

On page 970, after line 2, insert "present site of said reform school."

On page 972, third line from bottom, change the figures "151" to "161."

On same page after line 17 insert: "Also Senate Bill No. 82. A bill for an act establishing the state fair, locating it at Grand Forks and making appropriations therefor."

"Also Senate Bill No. 207. A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, of chapter 30, article 19, entitled 'Townsites located on public lands,' as published in the revised codes of 1895."

On page 972, last line, strike out the word "prevailed" and insert in lieu thereof the words "was lost."

On page 989 in roll call on Senate Bill No. 143 add the name "Phelan" to those voting aye.

Respectfully submitted,

OTTO SOUGSTAD,

W. A. KELLY,

J. I. ROOP,

Special committee.

CORRECTIONS IN WRITTEN JOURNAL

The special committee appointed to compare the written with the printed journal of the session submit the following corrections in the written journal, volume 1.

Change names "Egan" to "Eggen," "Goulette" to "Goulet," "Lyons" to "Lyon," "Swenseid" to "Swendseid" and "Treet" to "Treat" wherever same appears throughout the journal.

On page 2, line 21, after the word "elect" insert "except Messrs. Dahl, Nicholson and Swendseid, who were absent."

On page 11, strike out twelfth line from bottom and insert in lieu thereof: "Mr. Welo nominated M. Skarison for second janitor."

On page 12, line 11, change name "Hugh" to "James."

On page 17, after line 4, insert "Those who voted in the affirmative were:"

On page 17, after line 18, insert "which motion prevailed and the resolution was adopted." On same page, line 24, after the word "officers" insert "and is ready to receive any communications from the house."

On page 20, line 11, strike out the words "was presented" and insert the word "prevailed." On same page, line 14, after the word "prevailed" insert "and." On the same page, line 15, strike out the word "adjourned" and insert "took a recess."

On page 45, line 27, strike out the word "being" and insert "who were."
On page 48, after thirteenth line from bottom insert "So the motion prevailed and the resolution was adopted."

On page 49, line 4, after the word "consideration" insert "of the concurrent resolution."

On page 105, strike out lines 25 to 27 inclusive.

On page 112, line 38, after the word "judges" insert "upon being called out to try a case for a district judge."

On page 138, after line 23, insert "Mr. McLain moved that the report be adopted which motion prevailed and the report of the committee was adopted."

On page 161, line 11, after the word "and" change same to read as follows: "The further consideration of the bill was indefinitely postponed."

On page 166, after twelfth line from bottom insert "Very respectfully, L. M. McGlashan, secretary."

On page 167, in eleventh line from bottom, after the word "excused" insert "Mr. Johnson of Richland voting in the negative."

On page 168, line 16, after the word "excused" insert "So the bill passed and the title was agreed to."

On page 173, line 23, after the word "postponed" insert "E. L. Richmond, Chairman. Mr. Richmond moved that report of the committee be adopted, which motion prevailed, and the further consideration of the bill was indefinitely postponed."

On page 188, change lines 34, 35 and 36 to read as follows: "Mr. Buttz moved that the report of the committee be referred back to the committee for further consideration, which motion prevailed."

On page 190, line 18, after the word "rent" insert "which was read the first and second times and."

On page 192, line 4, after the word "follows" insert "There being no objection, Mr. Stevens of Burleigh, moved that the bill be thus amended, which motion prevailed and the amendment was adopted."

On page 202, eighth line from bottom, after the word "same" insert "which motion prevailed and the resolution was adopted."

On page 202, last line after the word "proper" insert "which motion prevailed and the resolution was adopted."

On page 203, twelfth line from bottom, after the name "Weigel" insert "Messrs Cooper of Sargent, Dahl, Ganssle, Hemmingson, Martin, Meiklejohn, Nelson, Richmond, Robillard, Ryan, Spangberg, Stevens of Dickey, Vernon, Weigel."

On page 210, line 4, after the word "chair" insert "Mr. Johnson of Ward moved that the report be adopted, which motion prevailed and the report of the committee was adopted."

On page 211, line 19, after the word approved insert "John H. McLain, chairman. Mr. McLain moved that the report be adopted, which motion prevailed and the report of the committee was adopted."

On page 224, line 12, add to title of Senate Bill No. 79 "for the use of the college of law of the university of North Dakota."

On page 257, line 20, after the word "prevailed" insert "Mr. Buttz moved that the resolution looking to the appointment of Amos Olson as janitor, which had been reconsidered be now adopted, which motion prevailed."

On page 259, line 8, after the word "chairman" insert "Mr. Robillard moved that the report be adopted, which motion prevailed and the bill was so referred."

On page 264, line 33, after the word "chair" insert "Mr. Belden moved that the report be adopted, which motion prevailed and the report of the committee was adopted."

On page 341, after line 41, insert "The committee on judiciary made the following report: "Mr. Speaker: Your committee on judiciary, to whom was referred House Bill No. 143, A bill for an act to amend section 4737 of the revised codes of 1899, relating to the renewal of chattel mortgages and to provide for the contents of the affidavit of renewal. Have had the same under consideration and recommend that the same be indefinitely postponed. C. W. Buttz, Chairman. Mr. Buttz moved that the report of the committee be adopted, which motion prevailed and the further consideration of the bill was indefinitely postponed."

On page 364, change line 5, after the word "that" also lines 6, 7 and 8, to read as follows: "the house do concur in the senate amendment to the house concurrent resolution relating to sale of screenings at all terminal points.

On page 374, line 22, after the word "to" insert "Mr. Davis asked unanimous consent to amend the bill, which was objected to."

On page 385, line 26, strike out the words "title to."

On page 437, line 6 after the word "time" insert "Mr. Martin asked unanimous consent to amend House Bill No. 149. There being no objection, Mr. Martin moved that the bill be amended by inserting the following emergency clause after section 1: Emergency. Whereas an emergency exists in that the present laws of the state relating to collection of personal property tax are inadequate, therefore an emergency exists and this law shall take effect and be in force from and after its passage and approval. Which motion prevailed and the bill was so amended."

On page 444 in sixth line from the bottom, change title of House Bill No. 70 to read as follows: "A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties."

On page 445 after line 1, insert: "Report of Standing Committees. The committee on enrollment made the following report: Mr. Speaker: Your committee on enrollment respectfully report that House Bill No. 70, A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties, was delivered to the governor for his approval at 3:10 o'clock p. m., February 17, 1905. W. A. McClure, Chairman."

On page 507 strike out all of line 40 after the word "referred" also all of lines 41, 42 and 43, and insert in lieu thereof: "House Bill No. 199, A bill for an act to amend section 6613, revised codes of North Dakota for the year 1899, relating to clerks of district courts in counties having increased jurisdiction."

On page 510, after line 24, insert: "House Bill No. 109, A bill for an act providing that all appointments to the various departments of the national guard of the state of North Dakota, shall be made from officers of the field or line."

On page 512, line 37, after the word "juries" insert: "Also, House Bill No. 88, A bill for an act providing for the retirement of officers in the national guard of the state of North Dakota, who have rendered faithful service therein for a period of ten years or more. Also, House Bill No. 109, A bill for an act providing that all appointments to the various departments of the national guard of the state of North Dakota, shall be made from the officers of the field or line."

On page 524, after line 22, insert: "Mr. Underwood gave notice that he would move at some future time to re-reconsider the vote by which Senate Bill No. 117, was passed."

On page 548, line 4, after the word "postponed" insert: "The committee on judiciary made the following report: Mr. Speaker: Your committee on judiciary, to whom was referred House Bill No. 57, A bill for

an act to amend section 5848, revised codes, 1899, relating to the filing of mortgage foreclosure papers. Have had the same under consideration and recommend that the same be indefinitely postponed. C. W. Buttz, Chairman. Mr. Buttz moved that the report of the committee be adopted. Which motion prevailed, and the further consideration of the bill was indefinitely postponed."

On page 567, after line 4, insert: "The chief clerk announced that the speaker was about to sign House Bill No. 10, A bill for an act to amend section 1419 of chapter 19, political code, entitled 'Militia.' And the speaker signed the same in presence of the house."

On page 570, after line 26, insert: "And that the title be amended as follows: Insert after the title in the original bill the following words, viz: And to pay expenses in connection with the state irrigation congress."

On page 594, after line 31, insert: "Senate Bill No. 192, A bill for an act establishing and naming a state flower for the state of North Dakota. Was read the first and second times and referred to the committee on state affairs."

CORRECTIONS IN VOLUME 2, WRITTEN JOURNAL

On page 3, after line 2, insert: "The committee on enrollment made the following report: Mr. Speaker: Your committee on enrollment have examined House Bill No. 26, A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903. Also, House Bill No. 188, A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations. And find the same correctly enrolled. W. A. McClure, Chairman."

On page 7, after line 9, insert: "Mr. Speaker: Your committee on appropriations to whom was referred House Bill No. 87, A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school. Have had the same under consideration and recommend that the same be amended as follows: In place of the words 'for purchasing site, \$5,000; for the erection of a building, \$30,000; for furnishing and equipping said building, \$10,000; for maintenance, \$5,000; total \$50,000,' insert the words 'for purchasing site, erection, furnishing and equipping building and for maintenance, the sum of \$15,000' and when so amended recommend that the same do pass. W. D. Sweet, Chairman. Mr. Sweet moved that the report be adopted. Which motion prevailed and the report of the committee was adopted."

On page 8, line 10, after the word "pass" insert "Also, Senate Bill No. 106, A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same. Have had the same under consideration and recommend that the same do pass. Also, Senate Bill No. 155, A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904. Have had the same under consideration and recommend that the same do pass."

On page 14, after line 27, strike out lines 28, 29, 30, 31, 32, and 33 and insert in lieu thereof the following: "Senate Bill No. 94, A concurrent

resolution to amend section 182 of the constitution of the state of North Dakota, relating to public debt and public works. Was read the third time. Mr. Phelan moved that Senate Bill No. 94 be indefinitely postponed. Which motion prevailed and the further consideration of the bill was indefinitely postponed."

On page 23, line 23, after the word "culture" insert "which the senate has passed unchanged."

On page 26 after line 31 insert: "Also, House Bill No. 245, A bill for an act to repeal chapter 34 of session laws of 1903, relating to expositions. Have had the same under consideration and recommend that the same do pass as amended."

On page 40, strike out all after the word "also" in line 32, also all of lines 33, 34, 35 and 36, down to and including the word "therefore" and insert in lieu thereof the following: "House Bill No. 222, A bill for an act for the organization and government of cities."

On page 52, strike out all of lines 34 to 37 inclusive and insert in lieu thereof the following: "Also, House Bill No. 286, A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor."

On page 55, after line 41, insert: "Mr. Lyon moved that the vote by which House Bill No. 165 was indefinitely postponed be reconsidered, which motion prevailed."

On page 57 after line 20, insert: "Mr. Rose moved that the motion to reconsider Senate Bill No. 222 be laid on the table."

On page 86, in line 29, after the name "Piper" insert "Purdon, Rice, Richmond, Robillard, Rogers, Rue, Simpson, Spangberg, Stavens of Dickey, Sutherland,"

On page 186, line 11, insert: "Also, Senate Bill No. 82, A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriation therefor. Also, Senate Bill No. 207, A bill for an act to amend sections, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled 'townsites located on public lands,' as published in the revised codes of 1895."

Respectfully submitted,
OTTO SOUGSTAD,
W. A. KELLY,
J. I. ROOP,
Special committee.

INDEX

RECORD OF BILLS IN THE HOUSE

HOUSE BILLS

House Bill No. 1—(Buttz)

A bill for an act making appropriation for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvements and additions thereto and erecting a monument.

Introduced, 57.

Read twice and referred, 96.

Reported back with amendments, 716.

Amendments adopted, 760.

Passed the house, 770.

Received from the senate passed, 1039.

Other action, 1071.

House Bill, No. 2—(Streeter)

A concurrent resolution to amend section 217 of the constitution of North Dakota in relation to the sale or giving away of intoxicating liquors.

Introduced, 92.

Read twice and referred, 96.

Reported back with majority and minority report, 143.

Indefinitely postponed, 145.

House Bill No. 3—(Buttz)

A bill for an act to amend subdivision 2 of section 5653 revised codes of North Dakota for the year 1899, relating to civil actions or proceedings against executors, administrators and heirs at law or next of kin.

Introduced, 92.

Read twice and referred, 96.

House Bill No. 4—(Casey)

A bill for an act to amend sections 6188, 6189, 6190 and 6191, of the revised codes of North Dakota,

House Bill No. 4—Continued.

being article 3 of chapter 1, of the probate code relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in the county judge of an adjoining county to hear the same, by the judge disqualified.

Introduced, 93.

Read twice and referred, 97.

Reported back with amendments, 158.

Amendments adopted, 180.

Passed the house, 191.

Received from the senate, passed, 574.

Other actions, 596.

House Bill No. 5—(Stevens of Burleigh)

A bill for an act to amend section 413 of the revised codes of 1899, and to fix the salary and provide for the payment of necessary expenses for the judges of the district court of the state of North Dakota.

Introduced, 93.

Read twice and referred, 97.

Reported back, 117.

Indefinitely postponed, 164.

House Bill No. 6—(Buttz)

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Introduced, 93.

Read twice and referred, 97.

Re-referred, 221.

Reported back, 258.

Passed the house, 313.

Received from the senate passed, 900.

Other actions, 919.

House Bill No. 7—(Streeter)

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.
 Introduced, 93.
 Read twice and referred, 97.
 Reported back with amendments, 141.
 Amendments adopted, 161.
 Passed the house, 175.
 Received from the senate passed, 352.
 Other action, 278.

House Bill No. 8—(Moore)

A bill for an act to regulate insurance companies and provide for conditions in policies.
 Introduced, 93.
 Read twice and referred, 97.
 Reported back, 447.

House Bill No. 9—(Thoreson)

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for violation thereof.
 Indefinitely postponed, 447.
 Introduced, 93.
 Read twice and referred, 98.
 Reported back with amendments, 142.
 Re-referred, 162.
 Reported back with amendments, 254.
 Amendments adopted, 304.
 Passed the house, 317.
 Received from the senate, passed, 575.
 Other action, 598.

House Bill No. 10—(Buttz)

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."
 Introduced, 94.
 Read twice and referred, 98.
 Re-referred, 299.
 Reported back with amendments, 351.
 Amendments adopted, 402.
 Passed the house, 428.
 Received from the senate, passed, 657.
 Other action, 661.

House Bill No. 11—(Casey)

A bill for an act to prevent corrupt practice in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees and provide penalties and remedies for the violation of this act.
 Introduced, 94.
 Read twice and referred, 98.
 Reported back, 204.
 Indefinitely postponed, 204.

House Bill No. 12—(Jennings)

A bill for an act to provide for the payment and expenses of district judges called out of their district to try cases: An act to provide for the payment and expenses of district judges upon being called out to try a case for a district judge in his district under article 5 of chapter 9 of the code of criminal procedure of the state of North Dakota.
 Introduced, 108.
 Read twice and referred, 108.
 Introduced, 108.
 Read twice and referred, 108.

House Bill No. 13—(Johnson of Ward)

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.
 Reported back with amendments, 143.
 Amendments adopted, 162.
 Passed the house, 176.
 Received from the senate, passed, 575.
 Other action, 597.

House Bill No. 14—(Purdon)

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.
 Introduced, 108.
 Read twice and referred, 108.
 Reported back with amendments, 141.
 Re-referred, 162.

House Bill No. 14—Continued.

Reported back with amendments, 184.
Amendments adopted, 232.
Passed the house, 264.
Received from the senate with amendments, 781.
Amendments concurred in 831.
Other action, 882.

House Bill No. 15—(Mooney)

A bill for an act to encourage elementary education.
Introduced, 108.
Read twice and referred, 108.
Reported back, 134.
Re-referred, 138.
Reported back with amendments, 201.
Amendments adopted, 201.
Re-referred, 201.
Reported back, 757, 803.
Lost, 826.
Reconsidered, 890.
Passed the house, 890.
Received from the senate, passed, 1043.
Other actions, 1075.

House Bill No. 16—(White)

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws of 1901, entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.
Introduced, 108.
Read twice and referred, 108.
Reported back with amendments, 201.
Amendments adopted, 233.
Passed the house, 265.

House Bill No. 17—(Duncan)

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.
Introduced, 109.
Read twice and referred, 109.

House Bill No. 17—Continued.

Reported back with amendments, 472.
Amendments adopted, 511.
Passed the house, 550.
Received from the senate, passed, 942.
Other action, 1011.

House Bill No. 18—(Tofsrud)

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalties for failure to give such notice.
Introduced, 109.
Read twice and referred, 109.
Reported back, 239.
Lost, 267.
Reconsidered, 268.
Passed the house, 268.
Received from the senate, passed, 1045.
Other action, 1076.

House Bill No. 19—(Johnson of Ward)

A concurrent resolution providing for an amendment of the constitution of the state of North Dakota, to the effect that the term of office of the several judges of the district court be increased to six years.
Introduced, 109.
Read twice and referred, 109.

House Bill No. 20—(Stevens of Burleigh)

A bill for an act preventing the adulteration, misbranding and imitation of foods, beverages, candies, drugs and condiments in the state of North Dakota, providing penalty for violation thereof, appointing a pure food commission for the enforcement of the provisions thereof, prescribing the duties of said commissioners and providing an appropriation for the carrying out of the provisions of this act.
Introduced, 109.
Read twice and referred, 109.

House Bill No. 21—(Stevens of Burleigh)

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failure to do so.

Introduced, 109.

Read twice and referred, 109.

Reported back with amendments, 421.

Amendments adopted, 510.

Passed the house, 546.

Received from the senate with amendments, 942.

Amendments concurred in 950.

Other action, 1011.

House Bill No. 22—(Scheer)

A bill for an act to promote forest tree culture.

Introduced, 110.

Read twice and referred, 110.

Reported back with amendments, 239.

Amendments adopted, 273.

Passed the house, 285.

Received from the senate, 493.

Indefinitely postponed, 493.

Returned to the senate, 613.

Received from the senate, passed, 741.

Other action, 763.

House Bill No. 23—(Ellison)

A bill for an act to fix the salary of deputies in county offices.

Introduced, 110.

Read twice and referred, 110.

Reported back with amendments, 368.

Amendments adopted, 402.

Lost, 429.

Reconsidered, 457.

Amended and passed the house, 505.

Received from the senate with amendments, 899.

Amendments concurred in 906.

Other action, 919.

House Bill No. 24—(Stavens)

A bill for an act to amend section 1267 of the revised codes relating to redemptions from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon,

Introduced, 110.

Read twice and referred, 110.

Reported back with amendments, 203.

Amendments adopted, 233.

Passed the house, 266.

Received from the senate, passed, 942.

Other actions, 1011.

House Bill No. 25—(Midgarden)

A bill for an act to provide for the cancellation of judgment against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Introduced, 110.

Read twice and referred, 110.

Reported back, 158.

Passed the house, 177.

Received from the senate with amendments, 741.

Amendments concurred in 829.

Other action, 882.

House Bill No. 26—(Davis)

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Introduced, 110.

Read twice and referred, 110.

Reported back with amendments, 395.

Amendments adopted, 489.

Passed the house, 508.

Received from the senate, passed, 692.

Other action, 706.

House Bill No. 27—(Sweet)

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Introduced, 125.

Read twice and referred, 126.

Reported back, 183.

Re-referred, 183.

Reported back with amendments, 367.

Amendments adopted, 402.

Passed the house, 430.

Received from the senate with amendments, 692.

Amendments concurred in 699.

Other actions, 762.

House Bill No. 28—(Dickinson)

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Experiment Station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Introduced, 126.

Read twice and referred, 126.

Passed the house, 209.

Received from the senate, passed, 414.

Other action, 442.

House Bill No. 29—(Underwood)

A bill for an act prescribing the duties of county register of deeds, in reference to certification of abstracts of chattel mortgages and liens upon personal property and providing a penalty for failure to comply.

Introduced, 126.

Read twice and referred, 126.

Reported back with amendments, 297.

Amendments adopted, 358.

Re-referred, 359.

Indefinitely postponed, 403.

House Bill No. 30.—(Stevens of Burleigh.)

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Introduced, 126.

Read twice and referred, 126.

Reported back, 200.

Amended and passed the house, 225.

Received from the senate, passed, 414.

Other action, 439.

House Bill No. 31—(Fried)

A bill for an act to provide an appropriation of the current and contingent expenses of the state hospital for the insane at Jamestown.

Introduced, 126.

Read twice and referred, 126.

House Bill No. 32—(Eggen)

A bill for an act to amend section 1530, revised codes of 1899, relating to the compensation and expenses of the board of insanity, as amended by chapter 58 of the laws of North Dakota for 1903.

Introduced, 126.

Read twice and referred, 126.

Reported back, 184.

Indefinitely postponed, 184.

House Bill No. 33—(Thoreson)

A bill for an act to regulate the price and sale of the product of the twine and cordage plant of the state penitentiary.

Introduced, 127.

Read twice and referred, 127.

Reported back, 370.

Indefinitely postponed, 370.

House Bill No. 34—(McCrea)

A bill for an act to amend sections 648 and 750 of the revised codes of 1899, relating to education.

Introduced, 127.

Read twice and referred, 127.

Reported back, 200.

Passed the house, 229.

Received from the senate with amendments, 899.

Amendments concurred in 905.

Other action, 919.

House Bill No. 35—(McCrea)

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or any mercantile or agricultural products on margins without any intention of future delivery; to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margins without any intention of future delivery; and to provide a penalty for the violation thereof.

Introduced, 127.

Read twice and referred, 127.

Reported back, 180.

Amended and passed the house, 192.

Received from the senate with amendments, 312.

Amendments concurred in 321.

Other action, 353.

House Bill No. 36—(Vernon)

A bill for an act to amend section 4064, of the revised codes of North Dakota.

Introduced, 127.

Read twice and referred, 127.

Reported back, 199.

Indefinitely postponed, 199.

House Bill No. 37—(Lyon)

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of a highway across, within, under and through the water of Des Lac lake, on township line between townships 161 and 162 in Ward county, North Dakota.

Introduced, 127.

Read twice and referred, 127.

Reported back, 187.

Passed the house, 209.

Received from the senate, passed, 414.

Other action, 439.

House Bill No. 38—(Jennings)

A bill for an act to amend chapter 4 of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure of civil action.

Introduced, 128.

Read twice and referred, 128.

House Bill No. 39—(Purdon)

A bill for an act making an appropriation for erecting a building, furnishing and equipping the same, for the use of the North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Introduced, 128.

Read twice and referred, 128.

House Bill No. 40—(Morgan)

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Introduced, 128.

Read twice and referred, 128.

Reported back, 185.

Re-referred, 225.

Reported back, 237.

Passed the house, 270.

Received from the senate, passed, 995.

Other action, 1022.

House Bill No. 41—(Morgan)

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

Introduced, 128.

Read twice and referred, 128.

Reported back with amendments, 277.

Re-referred, 353.

Reported back, 372.

Amendments adopted, 403.

Passed the house, 433.

Received from the senate, 578.

Indefinitely postponed, 578.

House Bill No. 42—(Treat)

A bill for an act to prevent fraud in the sale of paris green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging the North Dakota Government Agricultural Experiment Station with the duty thereof, and charging the state's attorney with the enforcement thereof.
 Introduced, 128.
 Read twice and referred, 128.
 Reported back, 184.
 Passed the house, 212.
 Received from the senate, passed, 466.
 Other action, 481.

House Bill No. 43—(Sheils)

For an act to provide for commissioner of grain, and for reports and records relating thereto, and providing a penalty for violation thereof.
 Introduced, 129.
 Read twice and referred, 129.

House Bill No. 44—(Watson)

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy a fine and costs.
 Introduced, 129.
 Read twice and referred, 129.
 Reported back with amendments, 259.
 Amendments adopted, 304.
 Passed the house, 319.

House Bill No. 45—(Piper)

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury of any person, or any damage to personal property and prescribing the measure of damages that may be recovered, and prescribing punishment for the violation of the provisions hereof.
 Introduced, 129.
 Read twice and referred, 129.

House Bill No. 45—Continued.

Reported back, 199.
 Amended and passed the house, 227.
 Received from the senate, passed, 352.
 Other actions, 378.

House Bill No. 46—(Oveson)

A bill for an act to amend section 5253 of the revised codes, 1899, relative to the service of summons.
 Introduced, 129.
 Read twice and referred, 129.
 Reported back, 198.
 Indefinitely postponed, 198.

House bill No. 47—(Arnold)

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.
 Introduced, 129.
 Read twice and referred, 129.
 Reported back, 369.
 Amended and passed the house, 408.
 Received from the senate, passed, 783.
 Other action, 786.

House Bill No. 48—(White)

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled "An act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes," as the same was amended by chapter 11 of the laws of 1903.
 Introduced, 129.
 Read twice and referred, 130.
 Reported back, 296.
 Re-referred, 296.
 Reported back with amendments, 716.
 Amendments adopted, 761.
 Amended and passed the house, 773.
 Received from the senate, passed, 942.
 Other action, 1011.

House Bill No. 49—(Scheer)

A bill for an act to amend section one (1) of chapter one hundred and twenty-three (123) session laws nineteen hundred and one (1901), being an act to amend section fifteen forty-nine (1549), revised codes, eighteen ninety-nine (1899), relating to time when lawful for stock to run at large.

Introduced, 130.

Read twice and referred, 130.

Reported back, 258.

Indefinitely postponed, 312.

House Bill No. 50 —(Ryan)

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

Introduced, 135.

Read twice and referred, 135.

Reported back, 581.

Passed the house, 644.

House Bill No. 51—(Ryan)

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Introduced, 135.

Read twice and referred, 135.

Reported back, 581.

Passed the house, 650.

Received from the senate, 891.

Indefinitely postponed, 891.

House Bill No. 52—(Ryan)

A bill for an act to amend chapter 59 of the session laws of 1901, being section 666c, of the revised codes of 1899, relating to garnishee procedure in justice court.

Introduced, 135.

Read twice and referred, 135.

Reported back, 581.

Indefinitely postponed, 650.

House Bill No. 53—(Ryan)

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, re-

House Bill No. 53—Continued.

lating to how summons shall be served in garnishment.

Introduced, 135.

Read twice and referred, 136.

Reported back, 581.

Passed the house, 643.

House Bill, No. 54—(Ryan)

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

Introduced, 136.

Read twice and referred, 136.

Reported back, 580.

Passed the house, 649.

House Bill No. 55—(Ryan)

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Introduced, 136.

Read twice and referred, 136.

Reported back, 199.

Passed the house, 245.

Received from the senate, passed, 1045.

Other action, 1075.

House Bill No. 56—(White)

A bill for an act to amend sections 7160 and 7166 of chapter 27 of the revised codes of 1899, defining rape, abduction, carnal abuse of children and seduction, as the same were amended by chapter 149 of the laws of 1903.

Introduced, 136.

Read twice and referred, 136.

Reported back with amendments, 159.

Amendments adopted, 180.

Passed the house, 193.

Reconsidered, 197.

Re-referred, 224.

Reported back, 420.

Indefinitely postponed, 507.

House Bill No. 57—(Morgan)

A bill for an act to amend section 5848 revised codes, 1899, relating to the filing of mortgage foreclosure papers.

Introduced, 136.

Read twice and referred, 136.

Reported back, 641.

Indefinitely postponed, 641.

House Bill No. 58—(Morgan)

A bill for an act amending and re-enacting section 5861 revised codes, 1899, relating to affidavit of publication and register's receipt filed.

Introduced, 136.

Read twice and referred, 136.

Reported back, 641.

Indefinitely postponed, 641.

House Bill No. 59—(Lemieux)

A bill for an act to amend section 421, revised codes of 1899.

Introduced, 136.

Read twice and referred, 137.

Reported back, 167.

Indefinitely postponed, 167.

House Bill No. 60—(Midgarden)

A bill for an act to amend sections 3605, 3617, 5519 and 6391 of the 1899 revised codes of North Dakota, and section 5518 of the 1899 revised codes of North Dakota as amended by chapter 76 of the 1901 session laws of the state of North Dakota, all of which relate to the exemption of homestead and personal property of the head of the family and also relating to exemption of heirs of deceased persons.

Introduced, 137.

Read twice and referred, 137.

Reported back, 187.

Indefinitely postponed, 208.

House Bill No. 61—(Streeter)

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Introduced, 137.

Read twice and referred, 137.

Reported back, 184.

Amended and passed the house, 211.

Received from the senate with amendments, 466.

Amendments concurred in 513, 567.

Other action, 579.

House Bill No. 62—(Casey)

A bill for an act to amend sections 6677 and 6678 of the revised codes of North Dakota for the year 1899.

Introduced, 137.

Read twice and referred, 137.

Reported back, 198.

Indefinitely postponed, 199.

House Bill No. 63—(Watson)

A bill for an act to repeal section 1549 of the compiled laws of 1899, relating to stock running at large.

Introduced, 137.

Read twice and referred, 137.

Reported back, 238.

Indefinitely postponed, 238.

House Bill No. 64—(Blake)

A bill for an act to repeal chapter 139 of the laws passed by the eighth session of the legislative assembly of the state of North Dakota, entitled "An act to establish a reward for the arrest and conviction of persons violating the provisions of chapter 63 of the penal code of North Dakota, commonly called 'The prohibition law,'" approved March 19, 1903.

Introduced, 151.

Read twice and referred, 151.

Reported back, 200.

Re-referred, 200.

Reported back, 389.

Indefinitely postponed, 390.

House Bill No. 65—(Sheils)

A bill for an act providing for the construction of fences and cattle guards by railroad companies and prescribing their liability for domestic animals killed by reason of their failure or neglect to construct such fences and cattle guards.

Introduced, 152.

Read twice and referred, 152.

House Bill No. 66—(Nicholson)

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

Introduced, 152.

Read twice and referred, 152.

Reported back with amendments, 277.

Amendments adopted, 358.

Passed the house, 385.

House Bill No. 67—(Nicholson)

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Introduced, 152.

Read twice and referred, 152.

Reported back with amendments,

House Bill No. 67—Continued.

203.
 Re-referred, 233.
 Reported back with amendments,
 276.
 Amendments adopted, 358.
 Passed the house, 383.

House Bill No. 68—(Johnson of Richland)

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.
 Introduced, 152.
 Read twice and referred, 152.
 Reported back with amendments, 714.
 Amendments adopted, 761.
 Passed the house, 777.

House Bill No. 69—(Burgum)

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.
 Introduced, 152.
 Read twice and referred, 152.
 Reported back, 348.
 Passed the house, 387.
 Received from the senate, passed, 781.
 Other action, 786.

House Bill No. 70—(Ryan)

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.
 Introduced, 152.
 Read twice and referred, 153.
 Reported back, 297.
 Passed the house, 316.
 Received from the senate, passed, 493.
 Other action, 510.

House Bill No. 71—(Stevens of Burleigh)

A bill for an act making an appropriation for the maintenance of the Florence Crittenton Home of North Dakota, located at the city of Bismarck, North Dakota, and providing for the auditing

House Bill No. 71—Continued.

of the accounts and inspection of said home by the state examiner; also providing for the filing of an annual report with the governor.
 Introduced, 153.
 Read twice and referred, 153.
 Reported back, 537.
 Indefinitely postponed, 537.

House Bill No. 72—(Hemmingson)

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of this state.
 Introduced, 159.
 Read twice and referred, 159.
 Reported back 471.
 Indefinitely postponed, 471.

House Bill No. 73—(Morgan)

A bill for an act for the destruction of all weeds on all graded or cultivated highways.
 Introduced, 159.
 Read twice and referred, 159.
 Reported back with amendments, 186.
 Amendments adopted, 232.
 Amended and passed the house, 262.
 Received from the senate with amendments, 1051.
 Amendments concurred in 1058.
 Other action, 1075.

House Bill No. 74—(Arnold)

A bill for an act limiting the terms for which any person shall be eligible to certain county offices to two successive terms of two years each.
 Introduced, 159.
 Read twice and referred, 160.

House Bill No. 75—(Arnold)

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the

House Bill No. 75—Continued.

fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.
Introduced, 160.
Read twice and referred, 160.
Reported back with majority and minority reports, 185-186.
Re-referred, 225.
Reported back with amendments, 237.
Amendments adopted, 273.
Lost, 286.
Reconsidered, 299.
Amended and passed by house, 299.

House Bill No. 76—(Ryan)

A bill for an act to amend section 6641 of the revised codes of North Dakota, 1899, relating to when summons may be served in other counties.
Introduced, 160.
Read twice and referred, 160.

House Bill No. 77—(Blank)

A bill for an act to correct errors in town, village or city plats.
Introduced, 160.
Read twice and referred, 160.
Reported back with amendments, 278.
Amendments adopted, 358.
Passed the house, 384.
Received from the senate with amendments, 782.
Amendments concurred in 832.
Other action, 882.

House Bill No. 78—(Oveson)

A bill for an act to amend and reenact section 2041 of the revised codes of 1899, relating to election of township officers and their term of office.
Introduced, 160.
Read twice and referred, 160.
Reported back with amendments, 236.
Amendments adopted, 272.
Passed the house, 284.
Received from the senate, passed, 781.
Other action, 786.

House Bill No. 79—(Phelan)

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.
Introduced, 170.
Read twice and referred, 170.
Reported back with amendments, 499.
Amendments adopted, 569.
Passed the house, 599.
Received from the senate, passed, 941.
Other action, 1011.

House Bill No 80—(Phelan)

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.
Introduced, 170.
Read twice and referred, 170.
Reported back with amendments, 278.
Amendments adopted, 358.
Passed the house, 381.

House Bill No. 81—(Morgan)

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.
Introduced, 170.
Read twice and referred, 170.
Reported back with amendments, 277.
Amendments adopted, 358.
Passed the house, 382.
Received from the senate, passed, 1039.
Other action, 1066.

House Bill No. 82—(Peterson)

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.
Introduced, 170.
Read twice and referred, 170.
Reported back, 200.
Passed the house, 228.
Received from the senate, 893.
Indefinitely postponed, 893.

House Bill No. 83—(Stevens of Dickey)

A bill for an act to amend section 2068 of the revised statutes of the state of North Dakota, 1899, relating to the salary of county judge.

Introduced, 170.

Read twice and referred, 170.

Reported back, 371.

Indefinitely postponed, 371.

House Bill No. 84—(Piper)

A bill for an act to define and regulate the sale of matches and to provide a penalty for the violation of this act.

Introduced, 171.

Read twice and referred, 171.

Reported back, 636.

Lost, 688.

House Bill No. 85—(Midgarden)

A bill for an act relating to marriage and providing for issuance of licenses by the clerks of the district court.

Introduced, 171.

Read twice and referred, 171.

Reported back, 298.

Indefinitely postponed, 298.

House Bill No. 86—(Johnson of Ward)

A bill for an act to provide for the levy of a tax in certain counties to aid in the establishment and maintenance of county agricultural fair associations.

Introduced, 171.

Read twice and referred, 171.

Reported back, 635.

Passed the house, 687.

Received from the senate with amendments, 1039.

Amendments concurred in 1041.

Other action, 1076.

House Bill No. 87—(Lillie)

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Introduced, 171.

Read twice and referred, 171.

Reported back with amendments, 717.

Amendments adopted, 761.

Lost, 771.

House Bill No. 87—Continued.

Reconsidered, 784.

Passed the house, 799.

Received from the senate, passed, 1042.

Other action, 1071.

House Bill No. 88—(Purdon)

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Introduced, 171.

Read twice and referred, 171.

Reported back with amendments, 258.

Amendments adopted, 304.

Passed the house, 318.

Received from the senate, passed, 575.

Other actions, 597. (See corrections in appendix.)

House Bill No. 89—(Purdon)

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the state of North Dakota.

Introduced, 171.

Read twice and referred, 172.

Reported back with amendments, 236.

Amendments adopted, 272.

Passed the house, 283.

Received from the senate, passed, 575.

Other actions, 597.

House Bill No. 90—(Tofsrud)

A bill for an act to repeal chapter 123 of the laws of 1901, and section 1549 of the revised codes, relating to time when lawful for stock to run at large.

Introduced, 172.

Read twice and referred, 172.

Reported back, 258.

Indefinitely postponed, 259.

House Bill No. 91—(Purdon)

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey county, North Dakota.

Introduced, 172.

Read twice and referred, 172.

Reported back, 257.

Passed the house, 290.

House Bill No. 92—(Johnson of Richland)

A bill for an act providing for maintaining switch lights at railroad switches and providing a penalty for failure to do so.
Introduced, 172.
Read twice and referred, 172.
Reported back, 661.
Indefinitely postponed, 661.

House Bill No. 93—(Underwood)

A bill for an act amending section 5696 of the revised codes of the State of North Dakota of 1899, relating to records as evidence.
Introduced, 172.
Read twice and referred, 172.

House Bill No. 94—(Underwood)

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.
Introduced, 172.
Read twice and referred, 172.
Reported back, 394.
Passed the house, 435.
Received from the senate, passed, 1046.
Other action, 1023.

House Bill No. 95—(Underwood)

A bill for an act amending section 6648 of the revised codes of North Dakota of 1899, relating to the postponement of trials in justice courts.
Introduced, 173.
Read twice and referred, 173.
Reported back, 350.
Re-referred, 350.
Reported back, 390.
Indefinitely postponed, 390.

House Bill No. 96—(Underwood)

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.
Introduced, 173.
Read twice and referred, 173.
Reported back with amendments, 606.
Amendments adopted, 690.
Passed the house, 738.
Received from the senate, passed, 1046.
Other action, 1022.

House Bill No. 97—(Underwood)

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.
Introduced, 173.
Read twice and referred, 173.
Reported back, 794.
Passed the house, 796.
Received from the senate, passed, 1039.
Other action, 1066.

House Bill No. 98—(Johnson of Ward)

A bill for an act to amend sections 3200 and 3201 of the revised codes of 1899, relating to agricultural fair corporations..
Introduced, 173.
Read twice and referred, 173.
Introduced, 173.
Read twice and referred, 173.

House Bill No. 99—(Phelan)

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians,
Reported back, 238.
Passed the house, 269.
Received from the senate with amendments, 741.
Amendments concurred in 742.
Other action, 762.

House Bill No. 100—(Rice)

A bill for an act to prohibit the use of any free pass or frank, or privilege withheld from any person, for the traveling accommodation or transportation of any person or property or the transmission of any message or communication.
Introduced, 188.
Read twice and referred, 188.

House Bill No. 101—(White)

A bill for an act to define "vagrant" and prescribe the punishment for vagrancy, and to repeal chapter 206 of the laws of 1903, defining vagrancy.
Introduced, 188.
Read twice and referred, 188.
Reported back, 237.
Indefinitely postponed, 237.

House Bill No. 102—(Sowle)

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Introduced, 188.

Read twice and referred, 188.

Reported back, 260.

Re-referred, 260.

Reported back, 389.

Passed the house, 434.

House Bill No. 103—(Watson)

A bill for an act providing for the obtaining of threshing liens.

Introduced, 188.

Read twice and referred, 188.

House Bill No. 104—(Allen)

A bill for an act making it unlawful for any person, firm or corporation to sell so-called "non-intoxicating" liquors as a beverage, unless the bottle or package containing the beverage has affixed thereto a label containing a true and correct analysis of the constituents or ingredients of such beverage.

Introduced, 188.

Read twice and referred, 189.

Reported back, 560.

Indefinitely postponed, 560.

House Bill No. 105—(McLain)

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates of veterinarians.

Introduced, 189.

Read twice and referred, 189.

Reported back with amendments, 471.

Amendments adopted, 511.

Passed the house, 551.

Received from the senate, passed, 1042.

Other action, 1065.

House Bill No. 106—(Purdon)

A bill for an act providing that it shall be a misdemeanor for any person to obtain any barn or stable room, feed, or accommodation of any kind, at any public livery barn or stable, or public feed or boarding barn or

House Bill No. 106—Continued.

stable, without paying therefor, or to obtain any credit or accommodation at any such public livery barn or stable or public feed or boarding barn or stable by use of any false pretense, or to abscond or surreptitiously to remove any property left or placed therein from such public livery barn or stable or public feed or boarding barn or stable without paying for same.

Introduced, 189.

Read twice and referred, 189.

House Bill No. 107—(White)

A bill for an act to repeal section 2, of chapter 38, of the laws of 1903.

Introduced, 189.

Read twice and referred, 189.

House Bill No. 108—(White)

A bill for an act to repeal chapter 79 of the laws of 1903, relating to the importation of dependent children.

Introduced, 189.

Read twice and referred, 189.

House Bill No. 109—(Purdon)

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Introduced, 190.

Read twice and referred, 190.

Reported back, 257.

Passed the house, 288.

Received from the senate, passed, 575.

Other action, 597. (See corrections in appendix)

House Bill No. 110—(Rogers)

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

Introduced, 190.

Read twice and referred, 190.

Reported back, 499.

Passed the house, 564.

House Bill No. 111—(Davis)

A bill for an act providing for the selection of candidates for election by popular vote, and relating to their nomination and the perpetuation of political parties.

Introduced, 190.

Read twice and referred, 190.

House Bill No. 112—(Richmond)

A bill for an act to provide for the filing of satisfaction of mechanics' lien, and penalty for failure to do so.

Introduced, 190.

Read twice and referred, 190.

Reported back with amendments, 444.

Amendments adopted, 510.

Passed the house, 549.

Received from the senate, passed, 1045.

Other action, 1075.

House Bill No. 113—(Richmond)

A bill for an act to cure defective acknowledgments.

Introduced, 190.

Read twice and referred, 190.

Reported back, 349.

Passed the house, 400.

Received from the senate 891.

Indefinitely postponed, 891.

House Bill No. 114—(Dickinson)

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Introduced, 206.

Read twice and referred, 206.

Reported back with amendments, 474.

Re-referred, 570.

Reported back, 911.

Amended and passed the house, 915.

Received from the senate, passed, 1051.

Other action, 1074.

House Bill No. 115—(Adams)

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Introduced, 206.

Read twice and referred, 206.

Reported back, 364.

Passed the house, 406.

Received from the senate with amendments, 782.

Amendments concurred in, 830.

Other action, 882.

House Bill No. 116—(Kyle)

A bill for an act providing for penalty for entering in or upon fenced or cultivated lands.

Introduced, 207.

Read twice and referred, 207.

Introduced, 207.

Read twice and referred, 207.

House Bill No. 117—(Lillie)

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Reported back with amendments, 583.

Amendments adopted, 655.

Passed the house, 682.

Received from the senate, 1050.

Indefinitely postponed, 1050.

House Bill No. 118—(Purdon)

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

Introduced, 207.

Read twice and referred, 207.

Reported back, 257.

Passed the house, 289.

House Bill No. 119—(Martin)

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921 of the revised codes of North Dakota, 1899, relating to the state normal schools.
 Introduced, 207.
 Read twice and referred, 207.
 Reported back, 589.
 Indefinitely postponed, 589.

House Bill No. 120—(Martin)

A bill for an act to fix dates for holding term of district court in the county of Billings.
 Introduced, 207.
 Read twice and referred, 207.
 Reported back with amendments, 298.
 Amendments adopted, 358.
 Passed the house, 386.
 Received from the senate with amendments, 692.
 Amendments concurred in 698.
 Other action, 763.

House Bill No. 121—(Purdon)

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year, and limiting the compensation for collecting the same.
 Introduced, 207.
 Read twice and referred, 207.
 Reported back, 260.
 Re-referred, 260.
 Reported back, 372.
 Re-referred, 428.
 Reported back, 498.
 Passed the house, 565.

House Bill No. 122—(Treat)

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a fel-

House Bill No. 122—Continued.

ony; and to prescribe the punishment therefor.
 Introduced, 208.
 Read twice and referred, 208.
 Reported back, 259.
 Passed the house, 315.
 Received from the senate, passed, 1045.
 Other action, 1022.

House Bill No. 123—(Sheils)

A bill for an act to amend section 6207 of the revised codes of North Dakota for 1899, relating to the service of citations and other papers in probate cases by publication.
 Introduced, 224.
 Read twice and referred, 224.
 Reported back, 393.
 Indefinitely postponed, 394.

House Bill No. 124—(Chapman)

A bill for an act to amend section 2865 of the revised codes of 1899.
 Introduced, 224.
 Read twice and referred, 224.
 Reported back, 259.
 Passed the house, 314.
 Received from the senate with amendments, 575.
 Amendments concurred in 604.
 Other action, 618.

House Bill No. 125—(Stevens of Dickey)

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.
 Introduced, 224.
 Read twice and referred, 224.
 Reported back, 585.
 Re-referred, 585.
 Reported back, 654.
 Passed the house, 681.

House Bill No. 126—(Dahlen)

A bill for an act to amend section 2724 of chapter 4 of the revised codes of 1899, relating to marriages.
 Introduced, 224.
 Read twice and referred, 224.

House Bill No. 127—(Clendening)

A bill for an act to prohibit the probate judge of any county, his clerk or anyone employed in his office from being employed as solicitor, attorney or counselor in any testamentary matters coming before such judge, and fixing the court to hear such matters in case of such probate judge being unable to act.

Introduced, 224.

Read twice and referred, 224.

House Bill No. 128—(Cooper of Stutsman)

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, N. D.

Introduced, 247.

Read twice and referred, 247.

House Bill No. 129—(Gilbert)

Establishing a state board of embalmers.

Introduced, 248.

Read twice and referred, 248.

Reported back with amendments, 421.

Amendments adopted, 510.

Passed the house, 548.

Received from the senate, passed, 782.

Other action, 786.

House Bill No. 130—(Midgarden)

A bill for an act to regulate the use of automobiles and other vehicles propelled by steam, gasoline electricity or other mechanical motive power on the streets and highways of this state.

Introduced, 248.

Read twice and referred, 248.

Reported back, 369.

Indefinitely postponed, 369.

House Bill No. 131—(Burgum)

A bill for an act to amend section 1283 of the revised codes and

House Bill No. 131—Continued.

to repeal chapter 156 of the laws of 1903.

Introduced, 248.

Read twice and referred, 248.

Reported back, 498.

Passed the house, 566.

Received from the senate, passed, 900.

Other action, 920.

House Bill No. 132—(Eggen)

A bill for an act to create the office of state fire marshal; and providing for the appointment of state fire marshal; term; oath; bond; removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal or deputy and duty to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purpose of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

Introduced, 248.

Read twice and referred, 248.

Reported back, 447.

Indefinitely postponed, 448.

House Bill No. 133—(Rose)

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.
 Introduced, 249.
 Read twice and referred, 249.
 Reported back, 421.
 Passed the house, 483.
 Received from the senate, passed, 783.
 Other action 786.

House Bill No. 134—(Rose)

A bill for an act to provide for the selection of candidates for election by popular vote and relating to their nomination.
 Introduced, 249.
 Read twice and referred, 249.
 Introduced, 249.
 Read twice and referred, 249.

House Bill No. 135—(Lyon)

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof, and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.
 Introduced, 249.
 Read twice and referred, 249.

House Bill No. 136—(Underwood)

Concurrent resolution to amend section 176 of the constitution.
 Reported back, 372.
 Passed the house, 426.
 Received from the senate, 891.
 Indefinitely postponed, 891.

House Bill No. 137—(Heglie)

A bill for an act to amend and reenact sections 2058, 2062, 2074, 2078 and 2081 of the revised codes of 1899, and to repeal section 2069.
 Introduced, 249.
 Read twice and referred, 249.
 Reported back, 369.
 Indefinitely postponed, 370.

House Bill No. 138—(Stevens of Burleigh.)

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.
 Introduced, 250.
 Read twice and referred, 250.
 Reported back, 911.
 Passed the house, 914.
 Received from the senate with amendments, 1030.
 Amendments concurred in 1035.
 Other action, 1062.

House Bill No. 139—(Stevens of Burleigh)

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.
 Introduced, 250.
 Read twice and referred, 250.
 Reported back, 791, 803.
 Passed the house, 825.

House Bill No. 140—(Palfrey)

A bill for an act to amend section 7900 of the revised codes of North Dakota, for 1899, relating to the taking of bail in criminal actions.
 Introduced, 250
 Read twice and referred, 250.

House Bill No. 141—(Palfrey)

A bill for an act to amend section 2767 of the revised codes of North Dakota, 1899, relating to the rights and capacities of husband and wife.
 Introduced, 250.
 Read twice and referred, 250.
 Reported back, 363.
 Indefinitely postponed, 402.

House Bill No. 142—(Palfrey)

A bill for an act to amend section 3742 of the revised codes of North Dakota, 1899, relating to succession.
 Introduced, 250.
 Read twice and referred, 250.
 Reported back, 393.
 Indefinitely postponed, 393.

House Bill No. 143—(Mitchell)

A bill for an act to amend section 4737 of the revised codes of 1899, relating to the renewal of chattel mortgages, and to provide for the contents of the affidavit of renewal.

Introduced, 250.

Read twice and referred, 250.

House Bill No. 144—(Cooper of Stutsman)

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

Introduced, 251.

Read twice and referred, 251.

Reported back, 500.

Passed the house, 552.

House Bill No. 145—(Stevens of Dickey)

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Introduced, 251.

Read twice and referred, 251.

House Bill No. 146—(Stevens of Burleigh)

A bill for an act to repeal section 5630 of the revised codes of 1899.

Introduced, 261.

Read twice and referred, 261.

House Bill No. 147—(Sweet)

A bill for an act establishing the state fair, locating it at Fargo and making appropriation therefor.

Introduced, 261.

Read twice and referred, 261.

House Bill No. 148—(Eggen)

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Introduced, 261.

Read twice and referred, 261.

Reported back with amendments, 500.

Amendments adopted, 569.

Passed the house, 598.

Received from the senate, 790.

Indefinitely postponed, 790.

House Bill No. 149—(Martin)

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same with the intention of avoiding the payment of personal property taxes.

Introduced, 262.

Read twice and referred, 262.

Reported back, 443.

Amended and passed the house, 488.

Received from the senate, passed, 1039.

Other action, 1062.

House Bill No. 150—(Heglie)

A bill for an act to amend section 670, 679 and 691 of the revised codes of 1899, relating to education.

Introduced, 280.

Read twice and referred, 280.

Reported back, 373.

Indefinitely postponed, 373.

House Bill No. 151—(Simpson)

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Introduced, 280.

Read twice and referred, 280.

Reported back, 420.

Re-referred, 463.

Reported back, 580.

Passed the house, 676.

House Bill No. 152—(Briden)

A bill for an act to amend and reenact section 681 of the revised codes of 1899, relating to education.

Introduced, 281.

Read twice and referred, 281.

Reported back, 589.

Passed the house, 645.

Received from the senate, passed, 741.

Other action, 762.

House Bill No. 153—(Underwood)

A bill for an act to repeal chapter 122 of the laws of 1903, and section 479a of the revised codes, relating to sales of buildings upon foreclosure of mechanics' liens thereon.
 Introduced, 281.
 Read twice and referred, 281.
 Reported back, 363.
 Passed the house, 405.

House Bill No. 154—(Underwood)

A bill for an act relating to the proof of the execution of written instruments.
 Introduced, 281.
 Read twice and referred, 281.

House Bill No. 155—(Gibbens)

A bill for an act to amend and reenact section 3019 and section 3025 of the revised code of North Dakota of the revision of 1899, relating to furnishing, starting and running cars, and providing for the manner of the distribution of cars, and to prevent unjust discrimination in the distribution of same.
 Introduced, 281.
 Read twice and referred, 281.

House Bill No. 156—(Rice)

A bill for an act to amend section 6615a of the revised codes of North Dakota, relating to practice of judges in county courts having increased jurisdiction.
 Introduced, 281.
 Read twice and referred, 281.

House Bill No. 157—(Braaten)

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.
 Introduced, 281.
 Read twice and referred, 281.
 Reported back with amendments, 394.
 Amendments adopted, 489.
 Amended and passed the house, 507.
 Received from the senate, passed, 1045.
 Other action, 1023.

House Bill No. 158—(Weigel)

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.
 Introduced, 282.
 Read twice and referred, 282.
 Reported back with amendments, 621.
 Amendments adopted, 690.
 Amended and passed the house, 739.
 Received from the senate, passed, 909.
 Other action, 962.

House Bill No. 159—(Belden)

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.
 Introduced, 282.
 Read twice and referred, 282.
 Reported back, 366.
 Passed the house, 407.
 Received from the senate with amendments, 1044.
 Amendments concurred in 1057.
 Other action, 1075.

House Bill No. 160—(Davis)

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.
 Introduced, 282.
 Read twice and referred, 282.
 Reported back, 366.
 Passed the house, 401.
 Received from the senate with amendments, 995.
 Amendments concurred in, 1000.
 Other action, 1022.

House Bill No. 161—(Welo)

A bill for an act to amend section 1, of chapter 53, of session laws of 1901, relating to compensation of county commissioner, and fixing the hours of meeting.
 Introduced, 302.
 Read twice and referred, 302.
 Reported back, 349.
 Indefinitely postponed, 349.

House Bill No. 162—(Vernon)

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.
 Introduced, 302.
 Read twice and referred, 302.
 Reported back, 349.
 Passed the house, 397.
 Received from the senate, passed, 1042.
 Other action, 1071.

House Bill No. 163—(Meidinger)

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.
 Introduced, 302.
 Read twice and referred, 302.
 Reported back, 349.
 Passed the house, 399.
 Received from the senate with amendments, 941.
 Amendments concurred in 946.
 Other action, 1011.

House Bill No. 164—(Arnold)

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on the merits.
 Introduced, 302.
 Read twice and referred, 302.
 Reported back, 351.
 Indefinitely postponed, 351.

House Bill No. 165—(Lyon)

A bill for an act making an appropriation for a bridge across Des Lac lake, in Ward county, North Dakota.
 Introduced, 302.
 Read twice and referred, 302.
 Reported back 717-760.
 Indefinitely postponed, 771.
 Reconsidered, 893.
 Lost 893.

House Bill No. 166—(Peterson)

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

House Bill No. 166—Continued.

Introduced, 302.
 Read twice and referred, 302.
 Reported back with amendments, 372.
 Amendments adopted, 403.
 Passed the house, 433.
 Received from the senate with amendments, 940.
 Amendments concurred in 949.
 Other action, 1012.

House Bill No. 167—(Palfrey)

A bill for an act providing for the election of a surviving spouse of a testator whether to take under the will of the testator or under the statute.
 Introduced, 303.
 Read twice and referred, 303.

House Bill No. 168—(Palfrey)

A bill for an act providing for the granting of limited divorces or a separation from bed and board forever, or for a limited time on complaint of a married woman.
 Introduced, 303.
 Read twice and referred, 303.
 Reported back, 350.
 Indefinitely postponed, 350.

House Bill No. 169—(Palfrey)

A bill for an act to amend section 2770 of the revised codes of North Dakota, 1899, relating to the separate and mutual rights of husband and wife.
 Introduced, 303.
 Read twice and referred, 303.

House Bill No. 170—(White)

A bill for an act to provide an appropriation for the repairing of and an addition to, and the erection of an additional building for the state Normal school at Mayville, North Dakota.
 Introduced, 308.
 Read twice and referred, 308.

House Bill No. 171—(Sheils)

A bill for an act to indemnify parties from a total loss of horses destroyed by the state veterinary.
 Introduced, 308.
 Read twice and referred, 308.

House Bill No. 172—(Ellison)

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Introduced, 308.

Read twice and referred, 308.

Reported back, 499.

Re-referred, 511.

Reported back with amendments, 662.

Amendments adopted, 745.

Passed the house, 768.

House Bill No. 173—(Spangberg)

A bill for an act to amend section 640 of the political codes of the state of North Dakota for 1899, relating to education.

Introduced, 309.

Read twice and referred, 309.

Reported back, 373.

Indefinitely postponed, 373.

House Bill No. 174—(Ellison)

A bill for an act amending section 2581 of the revised codes relating to board of health.

Introduced, 309.

Read twice and referred, 309.

Reported back, 419.

Re-referred, 460.

Reported back with amendments, 621.

Amendments adopted, 745.

Passed the house, 767.

Received from the senate, passed, 942.

Other action, 1012.

House Bill No. 175—(Spangberg)

A bill for an act to amend chapter 85 of the session laws of 1901 relating to the time of examination of teachers by county superintendents.

Introduced, 309.

Read twice and referred, 309.

Reported back, 373.

Indefinitely postponed, 374.

House Bill No. 176—(Spangberg)

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Introduced, 309.

Read twice and referred, 309.

Reported back with amendments, 498.

House Bill No. 176—Continued.

Amendments adopted, 569.

Passed the house, 600.

Received from the senate with amendments, 943.

Amendments concurred in 948.

Other action, 1012.

House Bill No. 177—(Stavens)

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

Introduced, 309.

Read twice and referred, 309.

Reported back, 421.

Passed the house, 482.

House Bill No. 178—(Sheils)

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Introduced, 309.

Read twice and referred, 309.

Reported back, 419.

Passed the house, 461.

Received from the senate, passed, 909.

Other action, 962.

House Bill No. 179—(Buttz)

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Introduced, 310.

Read twice and referred, 310.

Reported back, 421.

Passed the house, 484.

Received from the senate with amendments, 1030.

Amendments concurred in 1031.

Other action, 1081.

House Bill No. 180—(Stevens of Burleigh)

A bill for an act to make provision for the pensioning of state employes who have rendered services as such for ten years.

Introduced, 310.

Read twice and referred, 310.

House Bill No. 181—(Richmond)

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid to judges of county courts, and to repeal chapter 66 of the session laws of 1903.

Introduced, 310.

Read twice and referred, 310.

Reported back with amendments, 585.

Indefinitely postponed, 655.

House Bill No. 182—(Stevens of Burleigh)

A bill for an act to amend section 1922 of the revised codes of 1899, of the state of North Dakota, relating to providing offices in any county where there is no court house.

Introduced, 310.

Read twice and referred, 310.

House Bill No. 183—(Ryan)

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Introduced, 310.

Read twice and referred, 310.

House Bill No. 184—(Sheils)

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Introduced, 353.

Read twice and referred, 353.

Reported back with amendments, 538.

Amendments adopted, 654.

Passed the house, 679.

Received from the senate, passed, 995.

Other action, 1023.

House Bill No. 185—(Sheils)

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Introduced, 353.

Read twice and referred, 353.

Reported back, 592.

House Bill No. 185—Continued.

Re-referred, 676.

Reported back with amendments, 711.

Amendments adopted, 761.

Passed the house, 774.

Received from the senate, passed, 942.

Other action, 1012.

House Bill No. 186—(Sweet)

An act to amend sections 1586 and 1587 of the revised codes of the state of North Dakota, relating to the appointment of agents of societies for the prevention of cruelty to animals, providing for their compensation and the disposition of fines, collected on convictions for cruelty to animals.

Introduced, 353.

Read twice and referred, 353.

Reported back, 472.

Indefinitely postponed, 472.

House Bill No. 187—(Sweet)

A bill for an act providing for advance notice to creditors, of the sale of merchandise stocks made otherwise than in the usual and regular prosecution of a seller's business.

Introduced, 354.

Read twice and referred, 354.

House Bill No. 188—(Micklejohn)

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Introduced, 354.

Read twice and referred, 354.

Reported back, 497.

Passed the house, 563.

Received from the senate, passed, 692.

Other action, 706.

House Bill No. 189—(Meiklejohn)

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personality.

Introduced, 354.

Read twice and referred, 354.

Reported back with majority and minority reports, 581.

Amendments adopted, 655.

Lost, 821.

House Bill No. 190—(White)

A bill for an act to provide a method for the nomination of candidates for office by political parties.

Introduced, 354.

Read twice and referred, 354.

House Bill No. 191—(Ryan)

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Introduced, 354.

Read twice and referred, 354.

House Bill No. 192—(Chapman)

A bill for an act appropriating \$2,000 or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La-Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Introduced, 355.

Read twice and referred, 355.

Reported back with amendments, 669.

Amendments adopted, 745.

Passed the house, 769.

Received from the senate, passed, 1044.

Other action, 1075.

House Bill No. 193—(Ryan)

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the county jail, the court shall, if in his opinion such person is capable of performing

House Bill No. 193—Continued.

manual labor, sentence such person to confinement in the county jail at hard labor.

Introduced, 379.

Read twice and referred, 479.

Reported back, 445.

Amended and passed the house, 485.

House Bill No. 194—(Ryan)

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgement, validating instruments heretofore executed, and enacting other provisions relating thereto.

Introduced, 379.

Read twice and referred, 379.

Reported back, 420.

Passed the house, 462.

Received from the senate, 1051.

Indefinitely postponed, 1051.

House Bill No. 195—(Belden)

A bill for an act requiring railroad corporations to establish and maintain telephones or telegraphones at stations where agents are not kept.

Introduced, 379.

Read twice and referred, 379.

Reported back, 662.

Indefinitely postponed, 662.

House Bill No. 196—(Simpson)

A bill for an act to amend and reenact sections 2082, 2084, 2085, 2086, 2087, 2088 and to repeal section 2083 of the revised codes of North Dakota 1899, relating to sheriffs' fees.

Introduced, 379.

Read twice and referred, 379.

Reported back, 592.

Re-referred, 592.

House Bill No. 197—(Simpson)

A bill for an act providing for the salaries of sheriffs, under sheriffs and deputy sheriffs; providing for the appointment of under sheriffs and deputy sheriffs, prescribing the duties of said officers, and prescribing the penalties for the violation of said duties.

Introduced, 380.

Read twice and referred, 380.

Reported back with amendments, 620.

Indefinitely postponed, 689.

House Bill No. 198—(Clendening)

A bill for an act to provide for the safekeeping of the public funds.

Introduced, 380.

Read twice and referred, 380.

Reported back, 637.

Indefinitely postponed, 637.

House Bill No. 199—(Buttz)

A bill for an act to amend section 6613, revised codes of North Dakota for the year 1899, relating to clerks of district courts in counties having increased jurisdiction.

Introduced, 380.

Read twice and referred, 380.

Reported back, 592.

Indefinitely postponed, 592.

House Bill No. 200—(Chapman)

A bill for an act to amend section 6380 of the revised codes of 1899, relating to inventory and appraisement of estates of deceased persons.

Introduced, 380.

Read twice and referred, 380.

Reported back, 444.

Indefinitely postponed, 444.

House Bill No. 201—(Streeter)

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Introduced, 380.

Read twice and referred, 380.

Reported back, 560.

Amended and passed the house, 603.

Received from the senate, passed, 942.

Other action, 1012.

House Bill No. 202—(Streeter)

A bill for an act to amend section 1936 of the revised codes, relating to the publication of the proceedings of the board of county commissioners.

Introduced, 381.

Read twice and referred, 381.

Reported back, 664.

Indefinitely postponed, 664.

House Bill No. 203—(Simpson)

A bill for an act to appropriate five thousand dollars, for the next two years, to the Morton County Fair association for the purpose of holding a state fair, and providing for premiums for agricultural, horticultural and stock exhibits, and to provide proper accommodations for said exhibits.

Introduced, 397.

Read twice and referred, 397.

House Bill No. 204—(Gibbens)

A bill for an act creating and establishing an agricultural experiment station in Towner county, and providing for its management and making an appropriation therefor.

Introduced, 397.

Read twice and referred, 397.

House Bill No. 205—(Ryan)

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Introduced, 397.

Read twice and referred, 397.

Reported back, 579.

Re-referred, 673.

Reported back, 794.

Passed the house, 794.

House Bill No. 206—(Fried)

A bill for an act to amend section 1893 of the revised codes of North Dakota for 1899, relating to the formation of county commissioner districts, where a majority of votes have been cast in any county to increase the number of county commissioners from three to five, and to provide for the appointment of the additional commissioners by the

House Bill No. 206—Continued.

governor to fill such offices until the next ensuing general election.

Introduced, 423.

Read twice and referred, 423.

Reported back with amendments, 501.

Amendments adopted, 569.

Re-referred, 599.

House Bill No. 207—(Duncan)

A bill for an act relating to the construction of bridges.

Introduced, 423.

Read twice and referred, 423.

Reported back, 587.

Indefinitely postponed 587.

House Bill No. 208—(Briden)

A bill for an act prohibiting the use of firearms by certain minors, and providing a penalty for the violation thereof.

Introduced, 423.

Read twice and referred, 423.

Reported back with amendments, 590.

Indefinitely postponed, 655.

House Bill No. 209—(Tofsrud)

A bill for an act to repeal chapter 127 of the laws of 1903, relating to bonding of certain officers.

Introduced, 424.

Read twice and referred, 424.

House Bill No. 210—(Ovind)

A bill for an act to prohibit the use of dogs in hunting prairie chicken, grouse, and partridges.

Introduced, 424.

Read twice and referred, 424.

Reported back, 805.

Indefinitely postponed, 805.

House Bill No. 211—(Johnson of Ward)

A bill for an act to amend section 5455 of the revised codes of 1899 relating to fees of referees in civil actions.

Introduced, 424.

Read twice and referred, 424.

House Bill No. 212—(Johnson of Ward)

A bill for an act to amend section 6633 of the revised codes of 1899, as amended by chapter 4

House Bill No. 212—Continued.

of the session laws of 1903, relating to proceedings in justice's court in civil actions.

Introduced, 424.

Read twice and referred, 424.

House Bill No. 213—(Johnson of Ward)

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Introduced, 424.

Read twice and referred, 424.

Reported back, 444.

Lost, 488.

Reconsidered, 504.

Passed the house, 545.

House Bill No. 214—(Johnson of Ward)

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

Introduced, 424.

Read twice and referred, 424.

Reported back, 580.

Passed the house, 647.

Received from the senate, 893.

Indefinitely postponed, 893.

House Bill No. 215—(Johnson of Ward)

A bill for an act providing for the taxation as costs of expense of procuring transcripts upon appeal.

Introduced, 425.

Read twice and referred, 425.

House Bill No. 216—(Johnson of Ward)

A bill for an act to amend section 5432 of the revised codes of 1899, relating to instructions to juries in civil actions.

Introduced, 425.

Read twice and referred, 425.

House Bill No. 217—(Johnson of Ward)

A bill for an act repealing section 5454a of the revised codes of 1899, relating to affidavits to prejudice in civil actions.

Introduced, 425.

Read twice and referred, 425.

Reported back, 591.

Indefinitely postponed, 591.

House Bill No. 218—(Dickinson)

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.
Introduced, 425.
Read twice and referred, 425.
Reported back, 500.
Passed the house, 553.

House Bill No. 219—(Johnson of Ward)

A bill for an act to amend section 5630 of the revised codes of 1899, relating to trials in district court without jury, and appeals therefrom.
Introduced, 425.
Read twice and referred, 425.

House Bill No. 220—(Johnson of Ward)

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers and the qualification of officer.
Introduced, 425.
Read twice and referred, 425.
Reported back, 591.
Amended and passed the house, 674.
Received from the senate, passed, 1060.
Other action, 1082.

House Bill No. 221—(Dahl)

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.
Introduced, 426.
Read twice and referred, 426.
Reported back, 592.
Passed the house, 675.

House Bill No. 222—(Ryan)

A bill for an act for the organization and government of cities.
Introduced, 426.
Read twice and referred, 426.
Reported back with amendments, 538.
Amendments adopted, 569.
Amended and passed the house, 601.
Received from the senate, passed, 736.
Other action, 763.

House Bill No. 223—(Underwood)

A bill for an act to amend section 8407 of the revised codes of North Dakota for the year 1899.
Introduced, 426.
Read twice and referred, 426.
Reported back, 591.
Indefinitely postponed, 591.

House Bill No. 224—(Morgan)

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:
Introduced, 426.
Read twice and referred, 426.
Reported back, 636.
Passed the house, 695.

House Bill No. 225—(Richmond)

A bill for an act concerning the transferring of a person's business.
Introduced, 458.
Read twice and referred, 458.
Re-referred, 474.
Reported back, 590.
Amended and passed the house, 671.

House Bill No. 226—(Lillie)

A bill for an act to amend section 3742, revised codes of the state of North Dakota, of 1899, relating to the order of succession.
Introduced, 458.
Read twice and referred, 458.
Reported back, 579.
Indefinitely postponed, 673.

House Bill No. 227—(Lillie)

A bill for an act to amend section 6615 of the revised codes of North Dakota.
Introduced, 459.
Read twice and referred, 459.
Reported back, 580.
Passed the house, 673.
Received from the senate with amendments, 1031.
Amendments concurred in, 1038.
Other action, 1062.

House Bill No. 228—(Swenseid)

A bill for an act to amend section 186 of the revised codes of 1899, relating to the sale of school and other public lands.
 Introduced, 459.
 Read twice and referred, 459.
 Reported back, 635.
 Indefinitely postponed, 635.

House Bill No. 229—(Purdon)

A bill for an act to amend section 1383 of the revised codes of North Dakota, of 1899 relating to the appointment of field and line officers of the national guard of North Dakota.
 Introduced, 459.
 Read twice and referred, 459.

House Bill No. 230—(Davis)

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.
 Introduced, 459.
 Read twice and referred, 459.
 Reported back, 791, 803.
 Passed the house, 824.
 Received from the senate, passed, 1042.
 Other action, 1071.

House Bill No. 231—(Chapman)

A bill for an act to provide for the organization of school districts in unorganized counties.
 Introduced, 459.
 Read twice and referred, 459.
 Reported back, 589.
 Passed the house, 646.

House Bill No. 232—(Ryan)

A bill for an act to amend section 5848, revised codes, 1899, relating to notice of foreclosure of mortgages by advertisement.
 Introduced, 459.
 Read twice and referred, 459.
 Reported back, 641.
 Indefinitely postponed, 641.

House Bill No. 233—(Ryan)

A bill for an act amending section 5908, of chapter 5, of the session laws of 1901, relating to actions to determine adverse claims.
 Introduced, 460.
 Read twice and referred, 460.

House Bill No. 234—(McCrea)

A bill for an act defining language calculated to provoke an assault, making the using of the same a misdemeanor, and providing punishment therefor.
 Introduced, 475.
 Read twice and referred, 475.

House Bill No. 235—(Davis)

A bill for an act to amend sections 3261 and 3265 of the revised codes of the state of North Dakota for the year 1899.
 Introduced, 475.
 Read twice and referred, 475.

House Bill No. 236—(Sweet)

A bill for an act giving landlords, owners of dwellings or business property a lien upon the household furniture, merchandise and chattels of tenants for past due and unpaid rents.
 Introduced, 475.
 Read twice and referred, 475.
 Reported back, 593.
 Indefinitely postponed, 593.

House Bill No. 237—(Eggen)

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota,
 Introduced, 475.
 Read twice and referred, 475.
 Reported back, 791, 803.
 Passed the house, 827.

House Bill No. 238—(Gibbens)

A bill for an act providing for the care of bridges and culverts when used by the owners or operators of traction engines, providing for the liability of such owners or operators, and providing penalty for the violation of the provisions of this act.
 Introduced, 475.
 Read twice and referred, 475.
 Reported back, 587.
 Lost, 652.

House Bill No. 239—(Gibbens)

A bill for an act providing that all persons or companies operating telephone lines or central exchanges and charging fees or rentals, shall not discriminate in giving service of same, also providing penalty for violation of this act.

House Bill No. 239—Continued.

Introduced, 476.
 Read twice and referred, 476.
 Reported back, 587.
 Re-referred, 659.

House Bill No. 240—(Palfrey)

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Introduced, 476.
 Read twice and referred 476.
 Reported back, 755.
 Indefinitely postponed, 755.

House Bill No. 241—(McClure)

A bill for an act to amend section 1936 of the revised codes of North Dakota of 1895, relating to the publication of the proceedings of the board of county commissioners.

Introduced, 476.
 Read twice and referred, 476.

House Bill No. 242—(Rogers)

A bill for an act to amend section 5577, of chapter 13, of the code of civil procedure of the revised codes of North Dakota, 1899.

Introduced, 476.
 Read twice and referred, 476.

House Bill No. 243—(Spangberg)

A bill for an act providing how the lots in townships heretofore entered under the laws of the United States and especially under section 2387 of the revised statutes of the United States, and now held in trust by any city, town, village or school board of any city, may be sold or leased.

Introduced, 476.
 Read twice and referred, 476.

House Bill No. 244—(Phelan)

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Introduced, 504.
 Read twice and referred, 504.
 Reported back with amendments, 586.

Amendments adopted, 655.

Passed the house, 680.

Received from the senate, passed, 1045.

Other action, 1081.

House Bill No. 245—(Phelan)

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Introduced, 504.
 Read twice and referred, 504.
 Reported back with amendments, 666.

Amendments adopted, 746.

Amended and passed the house, 765.

House Bill No. 246—(Phelan)

A bill for an act to amend section 1804, of the revised codes of 1899, relating to official newspapers.

Introduced, 504.
 Read twice and referred, 504.
 Reported back, 663.
 Indefinitely postponed, 663.

House Bill No. 247—(White)

A bill for an act to cure defective acknowledgements.

Introduced, 505.
 Read twice and referred, 505.

House Bill No. 248—(Briden)

A bill for an act to prohibit the use of the automatic shot gun on game birds.

Introduced, 541.
 Read once, 542.
 Indefinitely postponed, 542.

House Bill No. 249—(Ryan)

A bill for an act to amend section 1, of chapter 165, of the session laws of 1903, relating to taxing of the occupation of hawkers and peddlers.

Introduced, 542.
 Read twice and referred, 542.

House Bill No. 250—(Allen)

A bill for an act to amend sections 867, 868, 869, 871, 872 and 873, of the revised codes of 1899, as amended by chapter 81, of the laws of 1899, relating to education, and creating two new sections providing what schools shall receive state aid, and that high schools may be classified as accredited schools of the university of North Dakota; and repealing all acts in conflict therewith.

Introduced, 542.
 Read twice and referred, 542.

House Bill No. 251—(Glasgow)

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.
 Introduced, 543.
 Read twice and referred, 543.
 Reported back, 638.
 Passed the house, 696.
 Received from the senate with amendments, 1030.
 Amendments concurred in, 1033.
 Other action, 1071.

House Bill No. 252—(McCrea)

A bill for an act providing for proposals for loaning city and school funds and defining the duties of the various officers of the city or school districts with reference thereto.
 Introduced, 543.
 Read twice and referred, 543.
 Reported back, 637.
 Passed the house, 683.
 Received from the senate with amendments, 920.
 Amendments concurred in, 920.
 Other action, 962.

House Bill No. 253—(Tofsrud.)

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.
 Introduced, 562.
 Read twice and referred, 562.
 Reported back, 638.
 Passed the house, 684.

House Bill No. 254—(Chapman)

A bill for an act to amend and reenact chapter 179, of the session laws of 1903, of the state of North Dakota, relating to the appointment of state's attorney by the court.
 Introduced, 562.
 Read twice and referred, 562.

House Bill No. 255—(Rose)

A bill for an act to amend and reenact section 1855, revised codes of 1899, relating to the formation of new counties.
 Introduced, 562.
 Read twice and referred, 562.
 Reported back, 794.
 Passed the house, 797.
 Received from the senate, passed, 968.
 Other action, 1012.

House Bill No. 256—(Oveson)

A bill for an act to require railroad companies to provide seats for all persons riding on their passenger trains.
 Introduced, 562.
 Read twice and referred, 562.
 Reported back, 662.
 Indefinitely postponed, 662.

House Bill No. 257—(Phelan)

A bill for an act to amend chapter 165 session laws of 1903, relating to hawkers and peddlers.
 Introduced, 562.
 Read twice and referred, 562.
 Reported back, 642.
 Re-referred, 642.
 Reported back, 792, 803.
 Passed the house, 823.

House Bill No. 258—(Stevens of Burleigh)

A bill for an act to amend section 1447, of the revised codes, as amended by section 1, chapter 79 of the laws of 1899, and as amended by section 1, chapter 80, of the laws of 1903, relating to the establishment, construction and maintenance of drains.
 Introduced, 595.
 Read twice and referred, 595.

House Bill No. 259—(Gibbens)

A bill for an act providing that the fees or charges of physicians and surgeons and veterinarians and other persons who are licensed to practice a profession in this state, shall be equitable and reasonable, and fixing a maximum mileage charge, to be made in making visits and rendering service, and providing penalties for violation of this act.
 Introduced, 595.

Read twice and referred, 595.

House Bill No. 260—(Arnold)

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed and when the judgment of dismissal shall be on its merits.
 Introduced, 595.
 Read twice and referred, 595.
 Reported back, 668.
 Passed the house, 737.

House Bill No. 260—Continued.

Received from the senate, passed, 1045.

Other action, 1074.

House Bill No. 261—(Sweet)

A bill for a concurrent resolution to amend section 57, of the constitution of the state of North Dakota, relating to the introduction of bills in the legislative assembly.

Introduced, 596.

Read twice and referred, 596.

House Bill No. 262—(McCrea)

A bill for an act entitled "An act to amend chapter one hundred and seventy-five of the laws of 1901, relating to the slander of females."

Introduced, 596.

Read twice and referred, 596.

House Bill No. 263—(Oveson)

A bill for an act to amend chapter 152, of the session laws of the state of North Dakota, for the year 1901, relating to property exempt from taxation.

Introduced, 596.

Read twice and referred, 596.

House Bill No. 264—(Treat)

A bill for an act to amend section 7, of chapter 129, of the session laws of 1903, relating to oil inspection.

Introduced, 596.

Read twice and referred, 596.

House Bill No. 265—(Ryan)

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Introduced, 296.

Read twice and referred, 296.

Reported back, 636.

Passed the house, 694.

Received from the senate, passed, 1039.

Other action 1066.

House Bill No. 266—(Sheils)

A bill for an act to amend and reenact chapter 146, of the laws of 1903, being section 30711 of the revised codes of North Da-

House Bill No. 266—Continued.

kota for 1899, relating to the maximum coal rate.

Introduced, 642.

Read twice and referred, 642.

Reported back, 801.

House Bill No. 267—(Belden)

A bill for an act to amend chapter 103 of the session laws of 1903.

Introduced, 642.

Read twice and referred, 642.

Reported back with amendments, 805.

House Bill No. 268—(Arnold)

A bill for an act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

Introduced, 642.

Read twice and referred, 642.

Reported back with amendments, 757.

Indefinitely postponed, 779.

House Bill No. 269—(Martin)

A bill for an act to amend sections 906, 909, 911, 913, 915, 916, 917, 918, 919 and 921, of the revised codes of North Dakota, 1899, relating to the state normal schools.

Introduced, 643.

Read twice and referred, 643.

Reported back, 712, 912.

Lost, 936.

House Bill No. 270—(Ryan)

A bill for an act to amend section 5911, of chapter 5, of the laws of 1901, being an act to provide for making unknown persons parties defendant in certain civil actions, and to amend sections, 5904, 5905, 5906, 5907, 5907a, 5908, 5909, 5910, 5911, 5912, 5913, of the revised codes of North Dakota for 1899, relating to the determination of conflicting claims to real estate and other actions, and enacting other provisions relating thereto.

Introduced, 643.

Read twice and referred, 643.

House Bill No. 271—(Rogers)

A bill for an act to amend section 4818 of the revised codes of 1899, relating to liens for the service of sires.

Introduced, 643.

Read twice and referred, 643.

House Bill No. 272—(Davis)

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Introduced, 652.

Read twice and referred, 652.

Reported back, 711, 761.

Passed the house, 775.

House Bill No. 273—(Stevens of Burleigh)

A bill for an act relating to the sale and disposal of state lands bearing coal, and providing that the commissioner of state lands shall ascertain what state lands bear coal before offering state lands for sale.

Introduced, 652.

Read twice and referred, 652.

House Bill No. 274—(Stevens of Burleigh.)

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Introduced, 670.

Read twice and referred, 670.

Reported back, 715, 761.

Passed the house, 776.

House Bill No. 275—(White)

A bill for an act to provide for the erection and removal of school houses in certain cases by a majority vote of electors.

Introduced, 670.

Read twice and referred, 670.

Reported back, 712.

Indefinitely postponed, 712.

House Bill No. 276—(Lillie)

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

Introduced, 670.

Read twice and referred, 670.

Reported back, 714.

House Bill No. 277—(Lillie)

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Introduced, 671.

Read twice and referred, 671.

Reported back, 714.

Amended and passed the house, 885.

Received from the senate, passed, 994.

Other action, 1030.

House Bill No. 278—(Mitchell)

A bill for an act to repeal section 1807, of article 27, and section 50, of article 4, of the revised codes of 1899.

Introduced, 671.

Read twice and referred, 671.

House Bill No. 279—(Morgan)

A bill for an act to amend and reenact section 2888 of the revised codes of North Dakota of 1899, relating to the manner of voting shares of stock corporations.

Introduced, 691.

Read twice and referred, 691.

House Bill No. 280—(Stevens of Burleigh)

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns, villages, of the state, through their corporate authorities, to become members of water users' association and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Introduced, 691.

Read twice and referred, 691.

Reported back, 761, 783.

Passed the house, 798.

Received from the senate with amendments, 1031.

Amendments concurred in, 1037.

Other action, 1066.

House Bill No. 281—(Ryan)

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

Introduced, 705.

Read twice and referred, 705.

Reported back, 791, 803.

Passed the house, 822.

House Bill No. 282—(Rice)

A bill for an act defining the practice in county courts having increased jurisdiction; fixing the terms of court, compensation of judges and clerks and their duties; and amending sections 6588, 6589, 6591, 6595, 6596, 6597, 6603, 6604, 6609, 6610, 6611, 6615 of the revised codes.

Introduced, 706.

Read twice and referred, 706.

House Bill No. 283—(Mooney)

A bill for an act to amend section 7569 of the revised codes of North Dakota, relating to malicious injury to freehold.

Introduced, 744.

Read twice and referred, 744.

House Bill No. 284—(Cooper of Stutsman)

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Introduced, 744.

Read twice and referred, 744.

Reported back, 754, 793.

Passed the house, 807.

Received from the senate, passed, 1042.

Other action, 1076.

House Bill No. 285—(Mitchell)

A bill for an act making it unlawful to shoot or kill any deer until after the 10th day of November, 1910.

Introduced, 744.

Read twice and referred, 744.

Reported back, 805, 912.

Indefinitely postponed, 917.

House Bill No. 286—(Streeter)

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Introduced, 763.

Read twice and referred, 763.

Reported back, 794.

Passed the house, 809.

Received from the senate with amendments, 898.

Amendments concurred in, 903.

Other action, 919.

House Bill No. 287—(Chapman)

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Introduced, 764.

Read twice and referred, 764.

Reported back, 803.

Passed the house, 811.

Received from the senate with amendments, 995.

Amendments concurred in, 1002.

Other action, 1023.

House Bill No. 288—(Rose)

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota for 1905, providing for the payment and directing the manner of sale of the same.

Introduced, 764.

Read twice and referred, 764.

Reported back, 793.

Passed the house, 808.

Received from the senate, passed, 1051.

Other action, 1082.

House Bill No. 289—(McClure)

A bill for an act to protect beavers in the state of North Dakota.

Introduced, 801.

Read twice and referred, 801.

Reported back, 803.

Passed the house, 810.

Received from the senate with amendments, 1046.

Amendments concurred in, 1034.

Other action, 1066.

House Bill No. 290—(Meiklejohn)

A bill for an act to prevent hunting, killing or destroying of game during the closed season as provided by law, and providing a penalty therefor.

Introduced, 899.

Read twice and referred, 899.

House Bill No. 291—(Stevens of Burleigh)

A bill for an act repealing chapter 88 of the revised codes of 1899,

House Bill No. 291—Continued.

relating to negotiable instruments in general.

Introduced, 911.

Read twice and referred, 911.

Reported back, 937.

Passed the house, 937.

Received from the senate, passed, 1039.

Other action, 1062.

SENATE BILLS**Senate Bill No. 1—(Little)**

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of work for such purposes; providing for a state engineer and an assistant state engineer and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefore, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations

Senate Bill No. 1—Continued.

and ascertaining the rights of priorities of those entitled to water for use for the irrigation of lands and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same.

Received from the senate, 374.

Read twice and referred, 513.

Reported back, 657.

Passed the house, 724.

Other action, 837.

Senate Bill No. 2—(Plain)

A bill for an act concerning land titles.

Received from the senate, 892.

Read twice and referred, 909.

Senate Bill No. 3—(Simpson)

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district courts of the state of North Dakota.
Received from the senate, 678.
Read twice and referred, 704.
Returned to the senate, 714.

Senate Bill No. 4—(Hanna)

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota agricultural college and experiment station at Fargo.
Received from the senate, 615.
Read twice and referred, 624.
Reported back, 722, 843.
Passed the house, 873.
Other action, 968.

Senate Bill No. 6—(Kraabel)

A bill for an act to amend section 2876 of the revised codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and transfer thereof.
Received from the senate, 213.
Read twice and referred, 231.

Senate Bill No. 7—(Kraabel)

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.
Received from the senate, 573.
Read twice and referred, 609.
Reported back, 715, 932.
Passed the house, 1014.
Other action, 1071.

Senate Bill No. 8—(Kraabel)

A bill for an act to provide police for towns and villages not organized for civil government and to provide revenue to support the same.
Received from the senate, 247.
Read twice and referred, 252.
Reported back, 278.
Passed the house, 355.
Other action, 433.

Senate Bill No. 9—(LaMoure)

A bill for an act making an appropriation of \$1,500.00 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner, in defending a suit brought against him by an association of food manufacturers.
Received from the senate, 247.
Read twice and referred, 252.
Reported back, 367.
Passed the house, 523.
Other action, 571.

Senate Bill No. 10—(Sharpe)

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.
Received from the senate, 311.
Read twice and referred, 323.
Reported back with amendments, 470.
Amendments adopted, 511.
Passed the house, 726.
Other action, 786.

Senate Bill No. 11—(Pierce)

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.
Received from the senate, 125.
Read twice and referred, 138.
Reported back, 158.
Passed the house, 178.
Other action, 356.

Senate Bill No. 12—(Taylor)

A bill for an act providing for the creating of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.
Received from the senate, 615.
Read twice and referred, 623.
Reported back, 722, 843.
Passed the house, 874.
Other action, 971.

Senate Bill No. 13—(Pierce)

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.
Received from the senate, 205.
Read twice and referred, 211.

Senate Bill No. 16—(Little)

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.
Received from the senate, 617.
Read twice and referred, 626.
Reported back, 720, 840.
Passed the house, 850.
Other action, 919.

Senate Bill No. 17—(Sharpe)

A bill for an act to provide for the licensing of auctioneers.
Received from the senate, 213.
Read twice and referred, 231.
Reported back with amendments, 593.
Amendments adopted, 689.
Lost, 962.

Senate Bill No. 18—(Regan)

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.
Received from the senate, 362.
Read twice and referred, 514.
Reported back, 622, 902.
Passed the house, 961.
Other action, 1069.

Senate Bill No. 19—(Regan)

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.
Received from the senate, 140.
Read twice and referred, 161.
Reported back with amendments, 392.
Amendments adopted, 489.
Amended and passed the house, 612.
Other action, 735.

Senate Bill No. 21—(Little)

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.
Received from the senate, 205.
Read twice and referred, 211.
Reported back, 255.
Passed the house, 292.
Other action, 303.

Senate Bill No. 22—(Cashel)

A bill for an act to amend section 2365 of the revised codes of 1899, relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.
Received from the senate, 230.
Read twice and referred, 231.
Reported back with amendments, 364.
Amendments adopted, 403.
Passed the house, 526.
Other action, 685.

Senate Bill No. 23—(Cashel)

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.
Received from the senate, 301.
Read twice and referred, 324.
Reported back with amendments, 723.
Amendments adopted, 840.
Passed the house, 849.
Other action, 969.

Senate Bill No. 24—(Fox)

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.
Received from the senate, 311.
Read twice and referred, 323.
Reported back, 445.
Re-referred, 530.
Reported back, 537.
Amended and passed the house, 554.
Other action, 598.

Senate Bill No. 26.—(Hagen)

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Received from the senate, 311.

Read twice and referred, 323.

Reported back, 366.

Passed the house, 521.

Other action, 597.

Senate Bill No. 27.—(Hanna)

A bill for an act to amend and reenact sections 1, 2 and 3 of chapter 8 of the session laws of 1903, the same being an act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, proscribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota Government Agricultural Experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making appropriation therefor.

Received from the senate, 291.

Read twice and referred, 322.

Reported back, 419.

Passed the house, 527.

Other action, 597.

Senate Bill No. 29.—(Secretary of State)

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Received from the senate, 247.

Read twice and referred, 252.

Reported back, 367.

Amended and passed the house, 706.

Other action, 836.

Senate Bill No. 31.—(Hanna)

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Received from the senate, 616.

Read twice and referred, 624.

Reported back, 718, 843.

Passed the house, 876.

Other action, 970.

Senate Bill No. 32.—(Pierce)

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Received from the senate, 213.

Read twice and referred, 231.

Reported back, 236.

Indefinitely postponed, 292.

Senate Bill No. 33.—(Johnson of McLean)

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Received from the senate, 413.

Read twice and referred, 515.

Reported back, 592, 900.

Passed the house, 922.

Other action, 1064.

Senate Bill No. 34.—(Stade)

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Received from the senate, 617.

Read twice and referred, 626.

Reported back with amendments, 723.

Amendments adopted, 840.

Passed the house, 854.

Other action, 970.

Senate Bill No. 35.—(Fox)

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Received from the senate, 573.

Read twice and referred, 652.

Reported back, 902.

Passed the house, 964.

Other action, 1063.

Senate Bill No. 36.—(Steele)

A bill for an act providing for establishment of grades and highways in certain cases.

Received from the senate, 311.

Read twice and referred, 323.

Reported back, 394.

Passed the house, 524.

Other action, 597.

Senate Bill No. 37—(Cashel)

A bill for an act to provide an apportionment for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Received from the senate, 617.
Read twice and referred, 625.
Reported back, 722, 842.
Passed the house, 867.
Other action, 969.

Senate Bill No. 39—(Sharpe)

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Received from the senate, 247.
Read twice and referred, 251.
Reported back, 263.
Passed the house, 522.
Other action, 598.

Senate Bill No. 41—(Sifton)

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.

Received from the senate, 617.
Read twice and referred, 626.
Reported back, 719, 840.
Passed the house, 855.
Other action, 971.

Senate Bill No. 43—(Wagner)

A bill for an act regulating the fees to be charged and collected by the register of deeds.

Received from the senate, 247.
Read twice and referred, 251.
Reported back, 370.
Indefinitely postponed, 370.

Senate Bill No. 46—(Talcott)

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Received from the senate, 466.
Read twice and referred, 517.
Re-referred, 525.
Reported back, 589, 930.
Passed the house, 984.
Other action, 1064.

Senate Bill No. 48—(Young)

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Received from the senate, 441.
Read twice and referred, 516.
Reported back with amendments, 622.
Amendments adopted, 745.

Senate Bill No. 49—(McArthur)

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Received from the senate, 311.
Read twice and referred, 323.
Reported back, 590, 932.
Passed the house, 1006.
Other action, 1070.

Senate Bill No. 50—(Stade)

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Received from the senate, 214.
Read twice and referred, 231.
Reported back, 364.
Passed the house, 519.
Other action, 597.

Senate Bill No. 51—(Cashel)

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for feeble minded and provide for its support and management.

Received from the senate, 413.
Read twice and referred, 515.
Reported back, 669, 840.
Passed the house, 853.
Other action, 918.

Senate Bill No. 52—(Sharpe)

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Received from the senate, 615.
Read twice and referred, 624.
Reported back, 636, 843.
Passed the house, 872.
Other action, 971.

Senate Bill No. 53—(Simpson)

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.
Received from the senate, 352.
Read twice and referred, 355.
Reported back, 500.
Passed the house, 571.
Other action, 686.

Senate Bill No. 54—(Johnson of McLean)

A bill for an act to amend and re-enact section 5887, revised codes of 1899, providing for sale of personal property under foreclosure of mortgage.
Received from the senate, 214.
Read twice and referred, 231.
Reported back, 363.
Amended and passed the house, 437.
Other action, 481.

Senate Bill No. 55—(Johnson of McLean)

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.
Received from the senate, 492.
Read twice and referred, 517.
Reported back, 580, 901.
Passed the house, 926.
Other action, 1065.

Senate Bill No. 56—(Garnet)

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.
Received from the senate, 214.
Read twice and referred, 232.
Reported back, 420.
Amended and passed the house, 528.
Other action, 686.

Senate Bill No. 58—(Young)

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.
Received from the senate, 301.
Read twice and referred, 324.
Reported back, 448.
Indefinitely postponed, 448.

Senate Bill No. 61—(Pierce)

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.
Received from the senate, 311.
Read twice and referred, 323.
Reported back, 364.
Passed the house, 520.
Other action, 597.

Senate Bill No. 62—(Simpson)

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.
Received from the senate, 618.
Read twice and referred, 627.
Reported back, 721, 842.
Passed the house, 868.
Other action, 908.

Senate Bill No. 63—(Simpson)

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.
Received from the senate, 649.
Read twice and referred, 651.
Reported back with amendments, 932.
Amendments adopted, 1013.
Passed the house, 1013.
Referred to conference committee, 1026.
Reported back, 1048.
Report rejected, 1049.
Re-referred, 1050.
Reported back with amendments, 1079.
Amendments adopted, 1079.
Other action, 1083.

Senate Bill No. 64—(Hagen)

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.
Received from the senate, 301.
Read twice and referred, 324.
Reported back, 371.
Indefinitely postponed, 371.

Senate Bill No. 65—(Spoonheim)

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Received from the senate, 413.
Read twice and referred, 515.
Reported back, 792.
Indefinitely postponed, 792.

Senate Bill No. 67—(Game and Fish Committee)

A bill for an act for the protection of fish, game, wild birds, and furbearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Received from the senate, 705.
Read twice, 787.
Indefinitely postponed, 787.

Senate Bill No. 69—(Kirkeide)

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making appropriation therefor.

Received from the senate, 618.
Read twice and referred, 626.
Reported back, 721, 842.
Passed the house, 869.
Other action, 970.

Senate Bill No. 70—(Simpson)

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Received from the senate, 352.
Read twice and referred, 355.
Reported back, 718, 930.
Lost 981.

Senate Bill No. 71—(Taylor)

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

Received from the senate, 686.
Read twice and referred, 703.

Senate Bill No. 72—(Taylor)

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Received from the senate, 357.
Read twice and referred, 514.
Reported back, 586.
Passed the house, 730.
Other action, 837.

Senate Bill No. 73—(Carroll)

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Received from the senate, 311.
Read twice and referred, 324.
Reported back, 637, 900.
Passed the house, 924.
Other action, 1065.

Senate Bill No. 74—(Talcott)

A bill for an act to amend section 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

Received from the senate, 656.
Read twice and referred, 701.
Reported back, 756.
Indefinitely postponed, 756.
Reconsidered, 784.

Senate Bill No. 77—(LaMoure)

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the deaf and dumb asylum at Devils Lake and the industrial school and school for manual training at Ellendale.

Received from the senate, 246.
Read twice and referred, 251.
Reported back, 717, 839.
Passed the house, 846.
Other action, 919.

Senate Bill No. 78—(LaMoure)

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same and to provide for its maintenance and operation.

Received from the senate, 246.
Read twice and referred, 251.
Reported back, 722, 839.
Passed the house, 847,
Other action, 919.

Senate Bill No. 79—(LaMoure)

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Received from the senate, 246.
Read twice and referred, 251.
Reported back, 721, 839.
Passed the house, 849.
Other action, 918.

Senate Bill No. 80—(Stade)

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Received from the senate, 311.
Read twice and referred, 324.
Reported back, 392.
Passed the house, 525.
Other action, 598.

Senate Bill No. 82—(Bacon)

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Received from the senate, 618.
Read twice and referred, 624.
Reported back with amendments, 813.
Amendments adopted, 818.
Passed the house, 818.
Other action, 972. (See corrections in appendix.)

Senate Bill No. 84—(Movius)

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearances in justice courts.

Received from the senate, 311.
Read twice and referred, 323.
Reported back, 370.
Indefinitely postponed, 371.

Senate Bill No. 85—(Movius)

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearances in county courts.

Received from the senate, 441.
Read twice and referred, 516.
Reported back, 622.
Indefinitely postponed, 735.

Senate Bill No. 86—(Voss)

A bill for an act to amend and re-enact section 2358 of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

Received from the senate, 820.
Read twice and referred, 836.

Senate Bill No. 88—(Sharpe by request)

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties.

Received from the senate, 301.
Read twice and referred, 324.
Reported back with amendments, 449.
Amendments adopted, 477.
Amended and passed the house, 479.
Other action, 571.

Senate Bill No. 93—(Little)

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Received from the senate, 312.
Read twice and referred, 322.
Reported back, 367.
Passed the house, 436.
Other action, 481.

Senate Bill No. 94—(Pierce)

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to public debt and public works.

Received from the senate, 312.
Read twice and referred, 322.
Reported back, 420.
Lost, 529.
Reconsidered, 561.
Indefinitely postponed, 729.

Senate Bill No. 95—(Gulack)

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.
Received from the senate, 573.
Read twice and referred, 609.

Senate Bill No. 97—(Johnson of McLean)

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.
Received from the senate, 492.
Read twice and referred, 517.
Reported back, 585.
Passed the house, 732.
Other action, 836.

Senate Bill No. 99—(Pierce)

A bill for an act to legalize the execution and acknowledgement of certain deeds, mortgages and other instruments in writing and the record thereof, and making the same or certified copies thereof admissible in evidence.
Received from the senate, 532.
Read twice and referred, 607.
Reported back, 638, 902.
Passed the house, 963.
Other action, 1069.

Senate Bill No. 100—(Thatcher)

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Senate Bill No. 100—Continued.

Received from the senate, 617.
Read twice and referred, 626.
Reported back, 719, 843.
Passed the house, 875.
Other action, 971.

Senate Bill No. 103—(Sifton)

A bill for an act to amend and reenact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.
Received from the senate, 413.
Read twice and referred, 515.
Reported back, 560.
Passed the house, 728.
Other action, 837.

Senate Bill No. 104—(Sifton)

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.
Received from the senate, 616.
Read twice and referred, 625.
Reported back, 722, 841.
Passed the house, 856.
Other action, 969.

Senate Bill No. 105—(Steele)

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof, and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.
Received from the senate, 533.
Read twice and referred, 608.

Senate Bill No. 106—(Voss)

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.
Received from the senate, 616.
Read twice and referred, 625.
Reported back, 719, 841.
Passed the house, 857.
Other action, 969.

Senate Bill No. 107—(Main)

A bill for an act relating to the expenditure of county funds.
Received from the senate, 442.
Read twice and referred, 516.
Reported back, 639.

Senate Bill No. 108—(Macdonald)

A bill for an act to prevent monopoly and for the protection of traders.
Received from the senate, 413.
Read twice and referred, 515.

Senate Bill No. 110—(Movius)

A bill for an act to limit the time within which an action may be commenced, or a defense or counter claim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.
Received from the senate, 414.
Read twice and referred, 515.
Reported back, 638, 901.
Passed the house, 928.
Other action, 1064.

Senate Bill No. 112—(Senate Committee on Appropriations)

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.
Received from the senate, 615.
Read twice and referred, 623.
Reported back, 720, 840.
Passed the house, 851.
Other action, 918.

Senate Bill No. 113—(Thatcher)

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.
Received from the senate, 617.
Read twice and referred, 626.
Reported back, 720, 843.
Passed the house, 877.
Other action, 971.

Senate Bill No. 114—(Wagner)

A bill for an act to amend chapter

Senate Bill No. 114—Continued.

73, section 4716 of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.
Received from the senate, 573.
Read twice and referred, 609.
Reported back, 640.
Indefinitely postponed, 640.

Senate Bill No. 115—(Wagner)

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.
Received from the senate, 574.
Read twice and referred, 609.
Reported back, 637, 901.
Passed the house, 943.
Other action, 1064.

Senate Bill No. 116—(Little)

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.
Received from the senate, 357.
Read twice and referred, 514.
Reported back, 590, 900.
Passed the house, 923.
Other action, 1064.

Senate Bill No. 117—(Little)

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.
Received from the senate, 357.
Read twice and referred, 514.
Reported back with amendments, 576.
Amendments adopted, 610.
Passed the house, 610.
Other action, 685.

Senate Bill No. 119—(Movius)

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.
Received from the senate, 533.
Read twice and referred, 607.
Reported back, 637, 901.
Passed the house, 945.
Other action, 1065.

Senate Bill No. 120—(Movius)

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.
 Received from the senate, 442.
 Read twice and referred, 516.
 Reported back, 590, 901.
 Passed the house, 944.
 Other action, 1063.

Senate Bill No. 121—(Movius)

A bill for an act to repeal section 3924 of the revised codes, 1899.
 Received from the senate, 574. ●
 Read twice and referred, 609.
 Reported back, 640.
 Indefinitely postponed, 640.
 Reconsidered, 121.
 Re-referred, 121.
 Received from the senate, 748.
 Reported back, 791.

Senate Bill No. 122—(Swenson)

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.
 Received from the senate, 691.
 Read twice and referred, 702.
 Reported back, 793.
 Indefinitely postponed, 793.
 Reconsidered, 794, 932.
 Passed the house, 1008.
 Other action, 1070.

Senate Bill No. 123—(Cashel)

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.
 Received from the senate, 615.
 Read twice and referred, 624.
 Reported back, 718, 841.
 Passed the house, 858.
 Other action, 970.

Senate Bill No. 125—(Talcott)

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.
 Received from the senate, 705.
 Read twice and referred, 788.
 Reported back, 1016.
 Passed the house, 1053.
 Other action, 1083.

Senate Bill No. 127—(Herbrandson)

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.
 Received from the senate, 574.
 Read twice and referred, 609.

Senate Bill No. 128—(Kraabel)

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.
 Received from the senate, 492.
 Read twice and referred, 517.

Senate Bill No. 130—(Sifton)

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.
 Received from the senate, 657.
 Read twice and referred, 702.
 Reported back 993.
 Passed the house, 1021.
 Other action, 1083.

Senate Bill No. 132—(Little)

A bill for an act to amend section 2911 of the revised codes relating to changing corporate headquarters.
 Received from the senate, 492.
 Read twice and referred, 518.
 Reported back, 587.
 Passed the house, 729.
 Other action, 836.

Senate Bill No. 133—(Hanna)

A bill for a concurrent resolution amending the constitution of the state of North Dakota relating to the sale of university and school lands.
 Received from the senate, 442.
 Read twice and referred, 517.
 Reported back, 636, 901.
 Passed the house, 957.
 Other action, 1070.

Senate Bill No. 134—(Plain)

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments or section corners.
Received from the senate, 492.
Read twice and referred, 518.
Reported back with amendments, 935.
Amendments adopted, 935.
Passed the house, 1020.
Other action, 1070.

Senate Bill No. 135—(Kraabel)

A bill for an act to provide an appropriation for the repairing of and an addition to and the erection of an additional building for the state normal school at Mayville, North Dakota.
Received from the senate, 616.
Read twice and referred, 625.
Reported back, 723, 844.
Passed the house, 880.
Other action, 972.

Senate Bill No. 136—(Kraabel)

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.
Received from the senate, 492.
Read twice and referred, 518.
Reported back, 580.
Passed the house, 733.
Other action, 837.

Senate Bill No. 137.—(Cashel)

A bill for an act defining the status and providing for the duties of the State Historical Society, of North Dakota and making appropriation therefor.
Received from the senate, 616.
Read twice and referred, 625.
Reported back, 720, 842.
Passed the house, 871.
Other action, 970.

Senate Bill No. 138—(Cashel)

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper and defining certain duties.
Received from the senate, 442.
Read twice and referred, 517.
Reported back, 664.
Indefinitely postponed, 664.

Senate Bill No. 139—(LaMoure)

A bill for an act authorizing the board of capitol commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.
Received from the senate, 493.
Read twice and referred, 518.
Reported back, 588.
Passed the house, 731.
Other action, 786.

Senate Bill No. 140—(Sharpe)

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.
Received from the senate, 573.
Read twice and referred, 608.
Reported back, 712, 901.
Passed the house, 925.
Other action, 1064.

Senate Bill No. 142—(Hanna)

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.
Received from the senate, 441.
Read twice and referred, 516.
Reported back, 538.
Passed the house, 727.
Other action, 836.

Senate Bill No. 143—(Hanna)

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.
Received from the senate, 493.
Read twice and referred, 518.
Reported back, 620, 931.
Passed the house, 988.
Other action, 1063.

Senate Bill No. 144—(Hanna)

A bill for an act to amend sections 1, 2, 4, 5, 8, 13, and 16, of chapter 130, of the session laws relating practice of optometry.
 Received from the senate, 573.
 Read twice and referred, 609.
 Reported back, 711, 902.
 Passed the house, 958.
 Other action, 1065.

Senate Bill No. 145—(Hanna)

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.
 Received from the senate, 686.
 Read twice and referred, 703.
 Reported back, 756, 931.
 Passed the house, 990.
 Other action, 1069.

Senate Bill No. 148—(Macdonald)

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.
 Received from the senate, 765.
 Read twice and referred, 788.
 Reported back, 842.
 Passed the house, 870.
 Other action, 969.

Senate Bill No. 149—(Pierce)

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.
 Received from the senate, 572.
 Read twice and referred, 608.
 Reported back with amendments, 639.
 Amendments adopted, 979.
 Passed the house, 979.
 Other action, 1070.

Senate Bill No. 150—(Taylor)

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in

Senate Bill No. 150—Continued.

the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.
 Received from the senate, 533.
 Read twice and referred, 607.
 Reported back, 639, 902.
 Passed the house, 959.
 Other action, 1069.

Senate Bill No. 151—(Taylor)

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and reenact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggists' permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.
 Received from the senate, 748.
 Read twice and referred, 789.
 Reported back, 929.
 Passed the house, 966.
 Other action, 1065.

Senate Bill No. 152—(Taylor)

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.
 Received from the senate, 656.
 Read twice and referred, 701.
 Reported back, 792, 929.
 Passed the house, 977.
 Other action, 1069.

Senate Bill No. 153—(Taylor)

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.
 Received from the senate, 615.
 Read twice and referred, 624.
 Reported back, 719, 841.
 Lost, 860.
 Reconsidered, 896.
 Passed the house, 896.
 Other action, 972.

Senate Bill No. 154—(Simpson)

A bill for an act appropriating to James G. Campbell, state's attorney of Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.
Received from the senate, 648.
Read twice and referred, 651.
Reported back, 721, 844.
Passed the house, 879.
Other action, 971.

Senate Bill No. 155—(Simpson)

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.
Received from the senate, 648.
Read twice and referred, 652.
Reported back, 719, 843.
Passed the house, 878.
Other action, 971.

Senate Bill No. 156—(LaMoure)

A bill for an act authorizing the secretary of state to secure a copyright of session laws:
Received from the senate, 574.
Read twice and referred, 610.
Reported back, 663, 930.
Passed the house, 986.
Other action, 1069.

Senate Bill No. 157—(Hanna)

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.
Received from the senate, 614.
Read twice and referred, 623.
Reported back, 718.
Lost, 861.
Reconsidered, 894.
Passed the house, 894.
Other action, 969.

Senate Bill No. 158—(Stade)

A bill for an act to amend section 1 of chapter 162 of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtedness has accrued against such county.
Received from the senate, 573.
Read twice and referred, 608.

Senate Bill No. 160—(Cashel)

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.
Received from the senate, 574.
Read twice and referred, 610.
Reported back, 639.
Indefinitely postponed, 735.

Senate Bill No. 161—(Pierce by request)

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.
Received from the senate, 556.
Read twice and referred, 608.
Reported back with amendments, 887.
Passed the house, 888.
Referred to conference committee, 908.
Reported back with amendments, 953.
Amendments rejected, 954.
Re-referred, 955.
Reported back, 972.
Report rejected, 972.
Reported back, 1009.
Re-referred, 1010.
Reported back with amendments, 1027.
Amendments adopted, 1028.
Other action, 1083.

Senate Bill No. 163—(Young)

A bill for an act to provide for the making of tests of wheat and flour to determine the compara-

Senate Bill No. 163—Continued.

tive milling values of the different grades of wheat.

Received from the senate, 656.
Read twice and referred, 701.
Reported back, 758, 1016.
Passed the house, 1046.
Other action, 1083.

Senate Bill No. 164—(Regan)

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Received from the senate, 736.
Read twice and referred, 790.
Reported back, 840.
Passed the house, 852.
Other action, 969.

Senate Bill No. 165—(Committee on state affairs)

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county and for transcribing a portion of the records of Stark and Williams counties, and for terms of the district court therein.

Received from the senate, 735.
Read twice and referred, 788.
Reported back with amendments, 804.
Amendments adopted, 834.
Passed the house, 834.
Referred to conference committee, 908.
Reported back with amendments, 951.
Amendments adopted, 952.
Other action, 1064.

Senate Bill No. 166—(Little)

A bill for a concurrent resolution amending the state constitution.

Received from the senate, 574.
Read twice and referred, 610.
Reported back, 635, 902.
Passed the house, 960.
Other action, 1069.

Senate Bill No. 167—(LaMoure)

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabies.

Received from the senate, 615.
Read twice and referred, 624.
Reported back, 720, 841.
Passed the house, 859.
Other action, 970.

Senate Bill No. 168—(Movius)

A bill for an act making an appropriation for erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Received from the senate, 616.
Read twice and referred, 625.
Reported back, 720, 841.
Passed the house, 862.
Other action, 970.

Senate Bill No. 169—(Young)

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Received from the senate, 618.
Read twice and referred, 627.
Reported back, 718, 842.
Passed the house, 865.
Other action, 969.

Senate Bill No. 171—(Main)

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Received from the senate, 656.
Read twice and referred, 701.
Reported back with amendments, 755.
Amendments adopted, 1043.
Passed the house, 1043.
Other action, 1083.

Senate Bill No. 174—(Taylor)

A bill for an act to amend section 277 and section 280, of chapter 4, of article 6, of the revised codes, relating to the practice of medicine, surgery and obstetrics. Received from the senate, 742. Read twice and referred, 788. Reported back, 929. Passed the house, 974.

Senate Bill No. 175—(Herbrandson)

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education. Received from the senate, 736. Read twice and referred, 788.

Senate Bill No. 176—(Senate Joint Special Committee)

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor. Received from the senate, 617. Read twice and referred, 627. Reported back, 669, 839. Passed the house, 845. Other action, 918.

Senate Bill No. 177—(Young)

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years. Received from the senate, 892. Read twice and referred, 909. Reported back, 931. Passed the house, 987. Other action, 1063.

Senate Bill No. 180—(Bacon)

A bill for an act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof. Received from the senate, 691. Read twice and referred, 703. Reported back, 932. Passed the house, 1004. Other action, 1082.

Senate Bill No. 183—(Little)

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands. Received from the senate, 533. Read twice and referred, 607. Reported back, 713. Indefinitely postponed, 713. Reconsidered, 784. Received from the senate, 806. Reported back, 930. Passed the house, 982. Other action, 1068.

Senate Bill No. 184—(Bacon)

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgement, validating instruments heretofore executed and enacting other provisions relating thereto. Received from the senate, 687. Read twice and referred, 704. Reported back, 1016. Passed the house, 1047. Other action, 1082.

Senate Bill No. 185—(Steele)

A bill for an act to amend section 3574 of article 3, of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments. Received from the senate, 656. Read twice and referred, 701.

Senate Bill No. 186—(Sifton)

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors. Received from the senate, 656. Read twice and referred, 701. Reported back, 930. Passed the house, 985. Other action, 1063.

Senate Bill No. 187—(LaMoure)

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Received from the senate, 574.

Read twice and referred, 610.

Reported back, 635.

Re-referred, 659.

Reported back with amendments, 668.

Amendments adopted, 746.

Passed the house, 866.

Other action, 1070.

Senate Bill No. 191—(McArthur)

A bill for an act to amend and reenact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

Received from the senate, 764.

Read twice and referred, 789.

Senate Bill No. 192—(Hanna)

A bill for an act establishing and naming a state flower for the state of North Dakota.

Received from senate, 657.

Read twice and referred, 702.

Senate Bill No. 193—(Crane)

A bill for an act to amend section 1. of chapter 53, of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Received from the senate, 687.

Read twice and referred, 704.

Reported back with amendments, 755.

Amendments adopted, 931.

Lost. 1003.

Senate Bill No. 205—(Kirkeide)

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioner of university and school lands.

Received from the senate, 657.

Read twice and referred, 702.

Reported back, 757, 930.

Passed the house, 978.

Other action, 1069.

Senate Bill No. 206—(Young)

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Received from the senate, 686.

Read twice and referred, 703.

Reported back, 754, 932.

Passed the house, 1007.

Other action, 1071.

Senate Bill No. 207—(Little)

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "town-sites located on public lands," as published in the revised codes of 1895.

Received from the senate, 657.

Read twice and referred, 702.

Reported back with amendments, 749.

Amendments adopted, 897.

Passed the house, 897.

Other action, 972. (See corrections in appendix.)

Senate Bill No. 208—(Young)

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Received from the senate, 736.

Read twice and referred, 790.

Senate Bill No. 209—(Pierce)

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Received from the senate, 656.

Read twice and referred, 702.

Reported back, 791, 902.

Passed the house, 975.

Other action, 1063.

Senate Bill No. 211—(Little)

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.
Received from the senate, 736.
Read twice and referred, 788.
Reported back, 932.
Passed the house, 1005.
Other action, 1071.

Senate Bill No. 212—(Main)

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.
Received from the senate, 686.
Read twice and referred, 703.
Reported back, 756.

Senate Bill No. 213—(LaMoure)

A bill for an act to amend section 707 of the revised codes of 1899.
Received from the senate, 678.
Read twice and referred, 704.
Reported back, 756, 931.
Passed the house, 996.
Other action, 1070.

Senate Bill No. 214—(Hanna)

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.
Received from the senate, 678.
Read twice and referred, 703.
Reported back, 749, 929.
Passed the house, 976.
Other action, 1064.

Senate Bill No. 215—(Carroll)

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and prescribing his powers, duties and compensation.
Received from the senate, 692.
Read twice and referred, 703.
Reported back, 754, 901.
Passed the house, 926.
Other action, 1065.

Senate Bill No. 216—(Simpson)

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.
Received from the senate, 764.
Read twice and referred, 789.
Reported back, 1017.
Passed the house, 1056.
Other action, 1082.

Senate Bill No. 217—(Talcott)

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.
Received from the senate, 820.
Read twice and referred, 835.

Senate Bill No. 218—(Sharpe)

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.
Received from the senate, 820.
Read twice and referred, 835.

Senate Bill No. 221—(Committee on Education)

A bill for an act to amend sections 670 and 674 of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.
Received from the senate, 820.
Read twice and referred, 835.
Reported back, 1016.
Passed the house, 1023.
Other action, 1082.

Senate Bill No. 222—(Plain)

A bill for an act to amend section 1 of chapter 123, session laws of 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.
Received from the senate, 764.
Read twice, 787.
Indefinitely postponed, 787.

Senate Bill No. 224—(Young)

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases and prescribing penalties therefor.
Received from the senate, 820.
Read twice and referred, 836.

Senate Bill No. 227—(Steele)

A bill for an act to amend section 2947 of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.
Received from the senate, 781.
Read twice and referred, 789.

Senate Bill No. 229—(Young)

A bill for an act to amend chapter 88 of the session laws of 1901, relating to desecration of the flag.
Received from the senate, 765.
Read twice and referred, 789.
Received from the senate, 820.
Read twice and referred, 835.
Reported back, 931.
Passed the house, 989.
Other action, 1063.

Senate Bill No. 230—(LaMoure)

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Senate Bill No. 231—(Crane)

A bill for an act to amend section 3023 of the revised codes of 1899 and chapter 13 of the session laws of 1903, relating to

Senate Bill No. 231—Continued.

long and short hauls upon railroads and common carriers.
Received from the senate, 892.
Read twice and referred, 909.

Senate Bill No. 232—(Spoonheim)

A bill for an act to amend section 7569 of revised codes of 1899, relative to malicious injury to freehold.
Received from the senate, 781.
Read twice and referred, 789.
Reported back, 1017.
Passed the house, 1055.
Other action, 1082

Senate Bill No. 234—(LaMoure)

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.
Received from the senate, 806.
Read twice and referred, 835.
Reported back, 929.
Passed the house, 973.
Other action, 1063.

Senate Bill No. 235—(Thatcher)

A bill for an act prescribing duties of state depositories.
Received from the senate, 956.
Read twice and referred, 1015.
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