

STATE OF NORTH DAKOTA.

JOURNAL OF THE HOUSE

OF THE

First Legislative Assembly

BEGUN AND HELD

AT THE CAPITOL AT BISMARCK,

NOVEMBER 19, 1889 TO MARCH 18, 1890.

BISMARCK, DAK.:
TRIBUNE, PRINTERS AND BINDERS.
1890.

MEMBERS AND OFFICERS

OF THE

House of Representatives of North Dakota

FOR THE

FIRST LEGISLATIVE SESSION, 1889-90.

MEMBERS.

<i>Name.</i>	<i>District.</i>	<i>County.</i>	<i>Postoffice.</i>
Allen, W. B., <i>r</i>	Twenty-fifth	Dickey	Ludden
Balkan, Chris., <i>r</i>	Sixteenth	Griggs	Cooperstown
Beard, W. W., <i>r</i>	Eleventh	Cass	Hunter
Belden, W. L., <i>r</i>	Twenty-sixth	Logan	Napoleon
Bowen, E. W., <i>r</i>	Thirteenth	Sargeant	Forman
Brittin, James, <i>r</i>	Nineteenth	Towner	Cando
Buchanan, W. S., <i>r</i>	Thirteenth	Sargent	Newark
Bye, John O., <i>r</i>	Tenth	Cass	Hickson
Christianson, C. J., <i>r</i>	Fifteenth	Barnes	Dazey
Cole, A. T., <i>r</i>	Twenty-fifth	Dickey	Ellendale
Court, H. D., <i>r</i>	Eleventh	Cass	Buffalo
Currier, C. A., <i>r</i>	Twenty-first	Ramsey	Devils Lake
Estabrook, Franklin, <i>r</i>	Fifth	Grand Forks	Inkster
Foss, A. N., <i>r</i>	Third	Walsh	Praha
Green, J. L., <i>r</i>	Fourteenth	Ransom	Sheldon
Gronli, Ole T., <i>r</i>	Seventh	Grand Forks	Northwood
Hankinson, R. H., <i>r</i>	Twelfth	Richland	Hankinson
Haugen, A. F., <i>r</i>	Seventh	Grand Forks	Reynolds
Haugernd, O. O., <i>r</i>	Fourth	Walsh	Grafton
Heglie, A. O., <i>r</i>	Twelfth	Richland	Walcott
Hoyt, A. W., <i>r</i>	Thirtieth	Morton	Mandan
Ingebretsen, G. E., <i>r</i>	Twentieth	Benson	Church's Ferry
Ink, R. N., <i>r</i>	Twelfth	Richland	Wahpeton
Jahr, O. T., <i>d</i>	Eighth	Traill	Portland
Johnson, R. J., <i>r</i>	Eighth	Traill	Blanchard
Langer, F. J., <i>r</i>	Eleventh	Cass	Everest
Lilly, Geo. W., <i>r</i>	Twenty-sixth	McIntosh	Ashley
Lntz, Geo., <i>d</i>	Twenty-third	Stutsman	Jamestown
McCormick, James, <i>r</i>	Twenty-first	Ramsey	Renn
McCullough, J. H., <i>r</i>	Third	Walsh	Park River
McDonald, Duncan, <i>r</i>	Fifteenth	Barnes	Valley City
McIntyre, E. D., <i>r</i>	Tenth	Cass	Mapleton
Milsted, John, <i>r</i>	Twenty-third	Stutsman	Jamestown
Moore, C. C., <i>r</i>	Thirty-first	Mercer	Stanton
Montgomery, John, <i>r</i>	Fourth	Walsh	Ardock
Murphy, M. H., <i>d</i>	Eighteenth	Cavalier	Elkwood
Nedrud, A. C., <i>r</i>	Twenty-ninth	Ward	Minot
Norton, H. L., <i>d</i>	Second	Pembina	Hamilton
Olgsgard, Ole E., <i>r</i>	Seventeenth	Nelson	Bue
Pinkham, N. B., <i>r</i>	Tenth	Cass	Fargo
Rawlings, Geo. W., <i>r</i>	Twenty-Seventh	Burleigh	Sterling
Reed, James E., <i>r. s.</i>	Twenty-eighth	McHenry	Towner
Renaud, F. E., <i>d</i>	Eighteenth	Cavalier	Olga
Richardson, R. B., <i>r</i>	First	Pembina	Drayton
Roney, W. H. H., <i>r</i>	Sixteenth	Steele	Clifford
Selby, J. F., <i>r</i>	Eighth	Traill	Hillsboro
Stadleman, John, <i>r</i>	Second	Pembina	Cavalier
Stevens, R. N., <i>r</i>	Fourteenth	Ransom	Lisbon
Strom, H. H., <i>r</i>	Eighth	Traill	Hillsboro
Tandberg, Nels, <i>r</i>	Fifth	Grand Forks	Northwood
Thomas, D. P., <i>r</i>	Twentieth	Pierce	Rugby
Thompson, F. J., <i>r</i>	Ninth	Cass	Fargo
Thomson, Alex., <i>r</i>	Fourth	Walsh	Minto
Tyler, E. S., <i>r</i>	Ninth	Cass	Fargo

<i>Name.</i>	<i>District.</i>	<i>County.</i>	<i>Postoffice.</i>
Ueland, L. A., <i>r</i>	Twenty-Fourth	LaMoure.....	Edgeley
Walsh, Geo. H., <i>r</i>	Sixth	Grand Forks.....	Grand Forks
Walton, L. L., <i>r</i>	Twenty second	Foster.....	Carrington
Watt, J. H., <i>r</i>	First	Pembina.....	Bathgate
Wickham, P. B., <i>r</i>	Thirtieth	Morton.....	Glen Ullin
Williams, E. A., <i>r</i>	Twenty-seventh	Burleigh.....	Bismarck
Zimmer, L. J., <i>d</i>	Sixth	Grand Forks.....	Manvel
Wellman, D. B., <i>r</i>	Twenty-second	Eddy.....	New Rockford

MEMBERS.

Speaker—DAVID B. WELLMAN, New Rockford, Eddy County.
Chief Clerk—JOHN G. HAMILTON, Grand Forks, Grand Forks County.
Assistant Clerk—E. H. SANDFORD, Jamestown, Stutsman County.
Bill Clerk—W. D. McCLINTOCK, McHenry County.
Sergeant-at-Arms—FRED. SNORE, Minnewaukan, Benson County.
Assistant Sergeant-at-Arms—ROBERT THACKER, Pembina County.
Enrolling and Engrossing Clerk—W. G. HAYDEN, Fargo, Cass County.
Assistant Enrolling and Engrossing Clerk—F. W. KELLY, Traill County.
Messenger—STUART WALSH, Grand Forks County
Postmaster—JAMES E. STOCKWELL, Sargent County.
Doorkeeper—JAMES THOMPSON, Dickey County.
Watchman—W. L. HARPER, Morton County.
Chaplain—REV. J. M. ANDERSON, Burleigh County.
Official Stenographer—R. M. TUTTLE, Morton County.

ERRATA—On page 76 read “Mr. McCormick moved to lay on the table” instead of “Mr. Milsted moved to lay on the table.”

Journal of the House.

FIRST SESSION.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 19, 1889.

At the hour of 2 p. m. on Tuesday the 19th day of November, A. D. 1889, being the day and hour designated in the proclamation of the Governor of the State convening the Legislative Assembly of the State of North Dakota, the members elect of the House of Representatives of the first session of the Legislative Assembly of the State of North Dakota, assembled in the Capitol at Bismarck and were called to order by J. G. Hamilton, Chief Clerk of the 18th session of the Legislative Assembly of the Territory of Dakota.

The session was opened with prayer by the Rev. J. M. Anderson of Bismarck.

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

From the—

First District—John A. Watt and R. B. Richardson of Pembina.

Second District—H. L. Norton and John Stadleman of Pembina.

Third District—John H. McCullough and A. N. Foss of Walsh.

Fourth District—John Montgomery, O. O. Haugerud and Alex. Thomson of Walsh.

Fifth District—Franklin Estabrook and Nels Tandberg of Grand Forks.

Sixth District—Geo. H. Walsh and L. J. Zimmer of Grand Forks.

Seventh District—A. P. Haugen and Ole T. Gronli of Grand Forks.

Eighth District—Roderick J. Johnson, O. T. Jahr, J. F. Selby and H. H. Strom of Traill.

Ninth District—E. S. Tyler and Frank J. Thompson of Cass.

Tenth District—Eli D. McIntyre, N. B. Pinkham and John O. Bye of Cass.

Eleventh District—H. D. Court, Frank J. Langer and W. W. Beard of Cass.

Twelfth District—R. H. Hankinson, R. N. Ink and A. O. Heglie of Richland.

Thirteenth District—E. W. Bowen of Sargent and W. S. Buchanan, of Marshall.

Fourteenth District—R. N. Stevens and J. L. Green of Ransom.

Fifteenth District—Duncan McDonald and C. J. Christianson of Barnes.

Sixteenth District—W. H. H. Roney of Steele and C. F. Balkan of Griggs.

Seventeenth District—Ole E. Olsgard of Nelson.

Eighteenth District—W. H. Murphy and F. E. Renaud of Cavalier.

Nineteenth District—James Brittin of Towner.

Twentieth District—G. E. Ingebretson, Jr., of Benson and D. P. Thomas of Pierce.

Twenty-first District—James McCormick and C. A. Currier of Ramsey.

Twenty-second District—D. B. Wellman of Eddy and Luther L. Walton of Foster.

Twenty-third District—George Lutz and John Milsted of Stutsman.

Twenty-fourth District—L. A. Ueland of LaMoure.

Twenty-fifth District—W. B. Allen and A. T. Cole of Dickey.

Twenty-sixth District—George W. Lilly of McIntosh and W. L. Belden of Logan.

Twenty-seventh District—E. A. Williams and George W. Rawlings of Burleigh.

Twenty-eighth District—James E. Reed of McHenry.

Twenty-ninth District—A. C. Nedrud of Ward.

Thirtieth District—A. W. Hoyt and P. B. Wickham of Morton.

Thirty-first District—C. C. Moore of Mercer.

The oath of office, administered by Hon. W. S. Lauder, Judge of the Fourth Judicial District of the State of North Dakota, was then taken and subscribed by the members-elect.

Mr. Ink nominated D. B. Wellman of Eddy, for Speaker.

Mr. Zimmer nominated W. H. Murphy of Cavalier.

Messrs. Hoyt and Brittin were designated as tellers.

The roll being called there were 62 votes cast, of which number Mr. Wellman received 56 and Mr. Murphy 6.

Those voting for Mr. Wellman were:

Messrs. Allen, Balkan Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Johnson, Langer, Lilly, McCullough, McCormick, McDonald, McIntyre, Milsted, Moore, Montgomery, Murphy, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wickham, Williams.

Those voting for Mr. Murphy were:

Messrs. Jahr, Lutz, Norton, Renaud, Wellman, Zimmer.

Mr. Wellman having received a majority of the votes of the members-elect, was declared the duly elected Speaker of the House.

Messrs. Stevens and Selby were appointed to escort the Speaker to the chair.

The oath of office was then administered to the Speaker by the Hon. W. S. Lauder, Judge of the Fourth Judicial District of the State of North Dakota.

Mr. Stevens moved that the House do now proceed to complete its organization by the election of the officers of the House.

Which motion prevailed, and the House proceeded to the election of a Chief Clerk.

Mr. Walsh nominated John G. Hamilton of Grand Forks, for Chief Clerk.

The roll being called there were 60 votes cast, of which Mr. Hamilton received 60.

Those who voted for Mr. Hamilton were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, Langer, Lilly, McCullough, McCormick, McDonald, McIntyre, Milsted, Moore, Montgomery, Murphy, Nedrud, Norton, Olsgard, Pinkham, Rawlings, Reed, Renaud, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson

of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams, Zimmer.

Absent and not voting:

Messrs. Hoyt, Jahr and Lutz.

Mr. Hamilton having received a majority of all the votes cast, was declared duly elected Chief Clerk.

Mr. Milstad nominated E. H. Sanford of Stutsman, for Assistant Clerk.

The roll being called there were 56 votes cast, of which Mr. Sanford received 56.

Those who voted for Mr. Sanford were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Jahr, Johnson, Langer, Lilly, Lutz, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Renaud, Richardson, Roney, Selby, Stadleman, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams, Tyler.

Absent and not voting:

Messrs. Christianson, Hankinson, Ink, Murphy, Norton and Zimmer.

Mr. Sanford having received a majority of all the votes cast was declared duly elected Assistant Clerk.

Mr. Selby nominated W. D. McClintock of McHenry, for Bill Clerk.

Mr. Renaud nominated H. E. Dorval of Cavalier.

The roll being called, there were 60 votes cast, of which Mr. McClintock received 55 and Mr. Dorval 5.

Those who voted for Mr. McClintock were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Jahr, Johnson, Langer, Lilly, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Those who voted for Mr. Dorval were:

Messrs. Lutz, Murphy, Norton, Renaud, Zimmer.

Absent and not voting:

Messrs. McCullough and Stevens.

Mr. McClintock having received a majority of all the votes cast, was declared duly elected Bill Clerk.

Mr. Tyler nominated W. G. Hayden of Cass, for Enrolling and Engrossing Clerk.

Mr. Zimmer nominated Mr. Sulzbach of Grand Forks.

The roll being called there were 58 votes cast, of which Mr. Hayden received 52 and Mr. Sulzbach 6.

Those who voted for Mr. Hayden, were:

Messrs. Allen, Balkan, Beard Belden, Bowen, Brittin, Buchanan, Bye, Cole, Court, Currier, Estabrook, Green Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink Johnson, Langer, Lilly, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Williams.

Those who voted for Mr. Sulzbach were:

Messrs. Jahr, Lutz, Murphy, Norton, Renaud, Zimmer.

Absent and not voting:

Messrs. Christianson, Foss, Stevens and Wickham.

Mr. Hayden having received a majority of all the votes cast was declared duly elected Enrolling and Engrossing Clerk.

Mr. Selby nominated W. A. Kelley of Traill, for Assistant Enrolling and Engrossing Clerk.

The roll being called there were 57 votes cast, of which Mr. Kelley received 57.

Those voting for Mr. Kelley were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Jahr, Johnson, Langer, Lilly, Lutz, McCormick, McCullough, McDonald, McIntyre, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams, Tyler.

Absent and not voting:

Messrs. Hankinson, Murphy, Norton, Renaud and Zimmer.

Mr. Kelley having received a majority of all the votes cast was declared duly elected Assistant Enrolling and Engrossing Clerk.

Mr. Lutz nominated W. V. Wells of Stutsman, for Clerk of the Judiciary Committee.

Mr. Williams nominated W. H. Bratton of Burleigh.

The roll being called there were 57 votes cast, of which number Mr. Bratton received 55, and Mr. Wells 2.

Those who voted for Mr. Bratton were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hank-

inson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Johnson, Langer, Lilly, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Those who voted for Mr. Wells were:

Messrs. Jahr and Lutz.

Absent and not voting:

Messrs. Christianson, Murphy, Norton, Renaud and Zimmer.

Mr. Bratton having received a majority of all the votes cast, was declared duly elected Clerk of the Judiciary Committee.

Mr. Williams nominated Fred Snore of Benson, for Sergeant-at-Arms.

The roll being called those who voted for Mr. Snore were:

Messrs. Allen, Balkan, Bread, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Jahr, Johnson, Langer, Lutz, Lilly, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Absent and not voting:

Messrs. Murphy, Norton, Renaud and Zimmer.

Mr. Snore having received a majority of all the votes cast was declared duly elected Sergeant-at-Arms.

Mr. Watt nominated Robert Thacker of Pembina, for Assistant Sergeant-at Arms.

Mr. Zimmer nominated C. M. Lund of Grand Forks.

Those who voted for Mr. Thacker were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Eastbrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Johnson, Langer, McCullough, McDonald, McIntyre, McCormick, Lilly, Milsted, Montgomery, Nedrud, Norton, Olsgard, Pinkham, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Ueland, Walsh, Walton, Watt, Wickham, Tyler.

Mr. Zimmer voting for Mr. Lund.

Absent and not voting:

Messrs. Jahr, Lutz, Moore, Murphy, Rawlings, Renaud and Williams.

Mr. Thacker having received a majority of the votes cast was declared duly elected Assistant Sergeant-at-Arms.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
November, 19, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate of North Dakota, for the first Legislative Session, has been organized with the following officers, and is now ready for the transaction of business:

Secretary—C. C. Bowsfield.
Assistant Secretary—P. J. McClory.
Sergeant-at-Arms—A. E. Wood.
Assistant Sergeant-at-Arms—J. H. Bailey.
Enrolling Clerk—W. F. Okey.
Engrossing Clerk—C. J. Hutchinson.
Messenger—W. H. Topping.
Postmaster—G. H. Estabrook.
Bill Clerk—James M. Rowe.
Doorkeeper—E. S. Coleman.
Chaplain—Rev. J. C. Perrault.
Official Stenographer—Frank W. Bridge.

C. C. BOWSFIELD,
Secretary.

Mr. Esterbrook nominated Stewart Walsh of Grand Forks, for Messenger.

The roll being called, those who voted for Mr. Walsh were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Johnson, Langer, Lilly, McCullough, McCormick, McDonald, McIntyre, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Storm, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Absent and not voting:

Messrs. Jahr, Lutz, Murphy, Norton, Renaud and Zimmer.

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

Mr. Bowen nominated James Stockwell of Sargent, for Postmaster.

Mr. Lutz nominated J. S. Drycorn of Traill.

The roll being called there were 59 votes cast, of which Mr. Stockwell received 53 and Mr. Drycorn 6.

Those who voted for Mr. Stockwell were:

Messrs. Allen, Beard, Belden, Bowen, Brittin, Buchanan, Bye,

Christianson, Cole, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Hoyt, Ingebretson, Ink, Johnson, Langer, Lilly, McCormick, McCullough, McDonald, McIntyre, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Those who voted for Mr. Drycorn were:

Messrs. Jahr, Lutz, Murphy, Norton, Renaud, Zimmer.

Absent and not voting:

Messrs. Balkan, Court and Heglie.

Mr. Stockwell having received a majority of all the votes cast was declared duly elected Postmaster.

Mr. Cole nominated James Thompson of Dickey, for Doorkeeper.

The roll being called, those who voted for Mr. Thompson were:

Messrs. Allen, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Jahr, Johnson, Langer, Lilly, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stephens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham and Williams.

Absent and not voting:

Messrs. Balkan, Lutz, Murphy, Norton, Renaud and Zimmer.

Mr. Thompson having received a majority of all the votes cast was declared duly elected Doorkeeper.

Mr. Williams nominated Rev. J. M. Anderson of Burleigh, for Chaplain.

The roll being called,

Those who voted for Mr. Anderson were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Gronli, Hankinson, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, Langer, Lilly, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Rawlings, Reed, Renaud, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Absent and not voting:

Messrs. Green, Hoyt, Jahr, Lutz, Murphy, Norton, Pinkham, and Zimmer.

Mr. Anderson having received a majority of all the votes cast, was declared duly elected Chaplain.

Mr. Wickham nominated W. L. Harper of Morton, for Watchman.

The roll being called,

Those who voted for Mr. Harper were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Johnson Langer, Lilly, McCullough, McDonald, McIntyre, McCormick, Milsted, Moore, Montgomery, Nedrud, Olsgard, Pinkham, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wellman, Wickham, Williams.

Absent and not voting:

Messrs. Jahr, Lutz, Murphy, Norton, Rawlings, Renaud, Zimmer.

Mr. Harper having received a majority of all the votes cast was declared duly elected Watchman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
November 19, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith,
Senate File No. 1,

A Joint Resolution authorizing the Secretary of State to provide stationery and necessary supplies for the use of the First Legislative Assembly of the State of North Dakota,

Which has been passed under a suspension of the rules, and in which the House is respectfully asked to concur.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved that a committee of three be appointed to wait on the Governor and inform him that the House is now organized and ready to receive any communications he may have to offer,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Williams, Murphy and Hankinson.

Senate Joint Resolution No. 1 was read the first time.

Mr. Walsh moved

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

Which motion was withdrawn.

Mr. Stevens moved

That the rules of the House of Representatives of the last Territorial Legislature of Dakota be adopted by this House until otherwise changed,

Which motion prevailed, and

Mr. Walsh renewed his motion,

Which motion prevailed, and

Senate Joint Resolution No. 1,

A Joint Resolution authorizing the Secretary of State to provide stationery and necessary supplies for the use of the first Legislative Assembly of the State of North Dakota,

Was read the second time.

Mr. Williams moved

That further consideration of the Joint Resolution be postponed until to-morrow,

Which motion prevailed.

Mr. Walsh introduced—

House Joint Resolution No. 1,

A Joint Resolution authorizing the Secretary of State to procure stationery and supplies for the officers and members of the Legislative Assembly and appropriating funds therefor.

Mr. Walsh moved.

That the resolution be read the first and second times,

Which motion prevailed, and

Joint Resolution No. 1 was read the first and second times.

The committee appointed to wait on the Governor reported that the Governor would be prepared to deliver his message at 2:30 p. m. to-morrow.

Mr. Williams moved to adjourn until to-morrow at 2 p. m.,

Which motion was withdrawn.

Mr. Milsted introduced the following resolution:

WHEREAS, Section 17 of the Schedule of the Constitution provides only for the election of United States Senators at this session; and,

WHEREAS, Section 53 of Article 2, Legislative Department, provides that the Legislative Assembly shall assemble on the first Tuesday after the first Monday in January following the election; therefore, be it

Resolved, That a committee be appointed by the Chair to call upon the Attorney General for his official opinion as to whether in the compliance with the Constitution the Legislative Assembly may remain in session after the election of United States Senators.

Mr. Williams moved that the resolution be laid over until to-morrow,

Which motion prevailed.

The Speaker appointed as pages Harry L. Call of Burleigh, and Walter S. Ward of Stutsman.

Mr. Williams moved to adjourn, until 2 o'clock p. m., tomorrow.

Which motion prevailed, and

The House adjourned

J. G. HAMILTON,
Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 20, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present.

The Journal of the preceding day was read, and

Mr. Selby moved

That the further reading of the names on roll calls be dispensed with,

Which motion prevailed, and

The Journal as corrected was approved.

Mr. Stevens moved

That the House do now proceed to the election of a United States Senator; that the Chief Clerk do call the roll, and that as the names are called the members respond with a *viva voce* vote,

Which motion prevailed, and

Nominations for United States Senator being declared in order,

Mr. Williams nominated Gilbert A. Pierce of Burleigh.

Mr. Zimmer nominated M. L. McCormack of Grand Forks.

The roll being called there were 62 votes cast, of which number Mr. Pierce received 56 and Mr. McCormack 6.

Those who voted for Gilbert A. Pierce were:

Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Johnson, Langer, Lilly, McCormick, McCullough, McDonald, McIntyre, Milsted, Moore, Montgomery, Ned-

rud, Olsgard, Pinkham, Rawlings, Reed, Richardson, Roney, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thomson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wickham, Williams, Mr. Speaker.

Those who voted for M. L. McCormack were:

Messrs. Jahr, Lutz, Murphy, Norton, Renaud, Zimmer.

Gilbert A. Pierce having received a majority of all the votes cast in the House, was declared the choice of the House for Senator.

Mr. Stevens introduced the following resolution and moved its adoption:

WHEREAS, Hon. Gilbert A. Pierce, the unanimous choice of the Republican Representatives of the House of Representatives of the State of North Dakota, has been chosen by vote of the House one of the United States Senators to represent said State in the Congress of the United States;

Be it Resolved by the House of Representatives, That he be and hereby is designated to represent the State of North Dakota in the Congress of the United States as United States Senator for the long term.

Which motion prevailed, and
The resolution was adopted.

Mr. Williams moved

That the Speaker appoint a committee of three to notify the Senate that the House is ready to receive them in Joint Session,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Walsh, Lutz and Thompson of Cass.

The House took an informal recess for ten minutes, and the Special Committee to wait upon the Senate reported that they had performed that duty, and that the Senate and officers thereof were prepared to sit in Joint Session.

The Sergeant-at-Arms announced the members of the Senate and officers thereof in waiting.

JOINT SESSION.

The Joint Session of the two houses was called to order by the Speaker of the House, who introduced the Lieutenant Governor, the President of the Senate.

Mr. Dodds moved

That the President appoint a Joint Committee of the Senate and House to inform the Governor that the two houses are in Joint session and ready to receive his message,

Which motion was withdrawn.

The roll of the members of the House and Senate was then called.

All the members being present.

Mr. Dodds renewed his motion,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Williams, Ink and McCullough from the House, and Messrs. Dodds, Winship and Appleton from the Senate.

The committee reported to the Joint Session that the Governor and State officials were in waiting, and the President introduced the Hon. John Miller, Governor, who delivered the following message:

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives:

In compliance with the requirements of the Constitution, I have the honor to herewith transmit, by message, a statement of the public affairs of the State, and also to offer some suggestions for your consideration as to legislation on a few of the more important questions affecting the commonwealth.

The convening of this, the first Legislative Assembly of the new State, is an event of peculiar interest, and attended with circumstances that give the occasion a national importance. Thirteen years have elapsed since the doors of the Union were opened for the admission of a new State, Colorado, our Centennial sister, taking her place in the Federal Union on the Fourth day of July, 1876. After such a lapse of time the admission of one state would be an event of especial importance, but when those doors are opened for the entrance at one time of four fair daughters, the twin sisters of North and South Dakota, with Montana and Washington, the event is one unprecedented in the history of our country, and a striking exemplification of the capacity for growth, adaptability and comprehensiveness of our republican form of government. The contiguity of the new States just admitted is significant of the fact that the wealth of the varied resources of the great Northwest has, during the last decade, attracted to its territory an influx of emigration leading to a growth in population and industrial development that is unparalleled.

The history of that portion of the Northwest which is now included within the boundaries of the State of North Dakota, contains much to inspire confidence in the future of our commonwealth. Little more than a decade has passed since the Indian and buffalo were driven from her fertile plains. In 1880 its sparse population was confined to a few counties along the Red River and the line of the

Northern Pacific Railway. But the fame of the rich fertility of her soil, and especial adaptability to the production of a peculiar variety of wheat of superior excellence, and the healthfulness of our climate, spread rapidly throughout our own land and to foreign shores. Then came a period of growth and development that has scarcely been equaled in the early history of the progress of any other State or Territory. Many thousands of our countrymen, and hardy and industrious citizens of lands beyond the seas, found in North Dakota new homes.

Thus, within a brief period, we find our population increased to 225,000, a population unsurpassed for intelligence and thrift, representing all the enterprise and push of the young men of the most progressive communities of the east, energized by the vigor of our incomparable climate, each year adding thousands of acres to our cultivated fields and demonstrating the adaptability of our soil and climate to a greater diversity of crops and agricultural pursuits.

Our railroad system that in 1880, comprised one Company with only one line extending partly across the state, now includes nearly 2,000 miles of completed road, traversing her domain in all directions, two great trans-continental lines running through her territory, making many of our new cities and towns as favorable railroad centers as some of the older cities of the east.

Nature has indeed been bounteous in her gifts to our state. Our undeveloped resources of wealth are beyond computation, and far exceed the most sanguine hopes. The judicious application of that capital which such resources must attract, intelligently and harmoniously cooperating with the tireless energies of our people, cannot fail to work out for the new state of North Dakota a grand destiny.

One of the highest obligations devolving upon the citizen, is to faithfully and loyally serve the State and country, and to be called upon by our fellow men to make and administer our laws, should be esteemed a high honor. The period through which we are now passing is a formative one, and much in the future of our new state depends upon the character of the legislation and administration of our State affairs for the few coming years. It is therefore needless for me to remind you that the manner in which you shall perform the duties of your representative posi-

tion as the law making body of our new commonwealth is worthy of your serious thought and reflection.

Prominent among the duties for which you are convened is the selection of two of your fellow citizens to represent the State of North Dakota in the Senate of the United States the highest legislative council of the Nation. May your discharge of this responsibility be characterized by such wisdom and patriotism as shall reflect honor upon yourselves and the State.

FINANCES OF THE STATE.

I beg leave to call your attention to our financial condition.

Owing to the fact that the reports of the outgoing Territorial officers have not yet been submitted, and owing further to the limited time intervening between the installation of the present State officers and the meeting of the Legislature, and to the delay consequent upon the division of the assets and liabilities between the two States, it is impossible to prepare as complete, detailed, and exhaustive statement of the financial condition of the State as I should desire, but the reports of the Territorial officers will be forthcoming later on, and will probably be available before your session closes.

The total bonded indebtedness to date is \$539,807.46, being the amount assumed by the State of North Dakota as provided by section five of the report of the Joint Commission, and approved by the people of North and South Dakota. The above indebtedness was incurred for the purpose of building and founding the following institutions:

Date of Issue.	Purpose of Issue.	Rate.	Maturity.	Amount.
May 1, 1883	University of Grand Forks.....	6	10-20	\$ 30,000 00
July 1, 1885	University of Grand Forks.....	6	10-20	24,000 00
May 1, 1887	University of Grand Forks.....	4	10	20,000 00
May 1, 1883	Penitentiary, Bismarck.....	6	5-20	50,000 00
July 1, 1885	Penitentiary, Bismarck.....	6	10-20	14,600 00
May 1, 1887	Penitentiary, Bismarck.....	4½	10-30	29,000 00
May 1, 1884	Insane Hospital, Jamestown....	6	10-20	50,000 00
May 1, 1885	Insane Hospital, Jamestown....	6	5-20	63,000 00
May 1, 1887	Insane Hospital, Jamestown....	4½	15	153,000 00
Mar. 9, 1889	Capital refunding warrants.....	5	2-5	8,296 22
April 1, 1889	Capital refunding warrants.....	5	5	75,211 24
May 1, 1889	Grand Forks University repairs..	4	10	22,700 00
				\$539,807 46

The Capitol refunding warrants, bearing 5 per cent. interest, were issued for the refunding of warrants issued against the Capitol fund in payment of claims for building the Capitol which were bearing interest at the rate of 10 per cent.

In the foregoing tabulated statement of our bonded indebtedness it will be seen that, of the outstanding bonds, \$231,600 bear interest at 6 per cent. per annum, and \$182,000 at $4\frac{1}{2}$ per cent., and \$42,700 at 4 per cent., and the \$83,507.46 refunding warrants 5 per cent., making the total amount paid annually as interest upon our bonded debt \$27,969.35. The bonds issued last April for the repairs of the University at Grand Forks were 4 per cent. bonds and were negotiated at a premium of $3\frac{1}{2}$ per cent., which was a very gratifying indication of the credit of our late Territory. It is, however, believed with wise and careful legislation looking to the care of our credit, that our State will be able to negotiate her bonds even at a lower rate.

Fifty thousand dollars of the 6 per cent. bonds are subject to the call of the State and \$63,000 more will be subject to call April next. Provision for the calling in of these bonds should be made as soon as possible. Owing to the short time elapsing before the State will have the option of calling in a large share of the remainder of the 6 per cent. bonds, it is believed that they could at this time be called, by offering to exchange therefor long time bonds bearing not to exceed 4 per cent. interest.

I would, therefore, suggest such legislation as will authorize the State to refund all the outstanding bonded indebtedness possible at a rate not to exceed 4 per cent. The accomplishment of the refunding of our entire bonded indebtedness into 4 per cent. bonds negotiated at par, will save to the State the annual sum of \$5,000.

TREASURER'S REPORT.

The following is the report of the State Treasurer of the amount received from the outgoing Territorial Treasurer.

North Dakota University fund.....	\$	1,705 99
Jamestown Hospital do		2,531 58
Bismarck Penitentiary do		7,000 00
School fund.....		240 26
R. R. Commissioner		1 35
General fund.....		30,290 07
Stock Indemnity fund.....		1,083 82
Interest.....		14,660 34
Total.....		<u>\$57,513 41</u>

The final settlement between the States of North and South Dakota as provided by the report of the Joint Commission has not been made but from data at hand it is approximately estimated that North Dakota will have to assume \$24,841.62 of the Territorial indebtedness, and in addition thereto her share of the unaudited outstanding bills against the Territory not payable until final adjustment and the amount of which we have no means of ascertaining. The outstanding indebtedness assumed by the State, is payable out of the General Fund, leaving on hand available at present for paying the current expenses of the State \$5,448.45.

I also herewith submit an estimate of the probable revenue and expenditures of the State for the coming year, based upon information courteously furnished by the outgoing Territorial Auditor J. C. McManima.

The item of direct tax which is the tax upon the assessed valuation, will not, however, all be available as hereafter shown. The levy has already been made by the Territorial Board, three mills being the limit under the old Territorial law. The amount given as from railroads and other sources is estimated upon the amount obtained from same sources last year.

ESTIMATED RECEIPTS.

Direct tax.....	\$200,672 31
Gross earnings tax, Railroads.....	62,260 00
Gross earnings tax, Insurance Companies.....	8,466 24
Gross earnings tax, Telegraph Companies.....	500 00
Total.....	\$271,898 55

ESTIMATED EXPENSES.

Salaries of Judges and State officers.....	\$ 51,000 00
Session of Legislature.....	100,000 00
Adjutant General (salary and expenses).....	3,000 00
Attorney General's expenses.....	500 00
Auditor's expenses.....	1,500 00
Agricultural Board.....	6,000 00
Board of Health.....	700 00
Board of Education.....	4,000 00
Burial of soldiers.....	600 00
Blind.....	500 00
Bureau of Statistics.....	1,500 00
Commissioner of Immigration.....	9,000 00
Court expenses unorganized counties.....	1,500 00
Convicts, Transportation to Penitentiary.....	1,700 00
Convicts, Transportation to Reform School.....	300 00
Counties, Expense of Organizing.....	100 00
Capitol, Maintenance of Offices.....	5,000 00
Executive Offices, Incidental Expenses.....	300 00
Fire Dept. Aid from Ins. Tax.....	6,500 00

Insane—Transportation of.....	7,000 00
Insanity—Commissioners of.....	100 00
Insurance on Public Buildings.....	2,000 00
Land Lists for Assessment.....	500 00
Library—Care and Custody.....	250 00
Militia.....	8,000 00
Printing Reports.....	5,000 00
Public Examiner.....	2,750 00
R. R. Commission, Expense Secretary.....	3,000 00
R. R. Commission, Furniture.....	250 00
Return of Fugitives.....	1,500 00
Traveling Expenses Supreme Judges.....	4,500 00
Supreme Court Reports—Publishing.....	1,000 00
Treasurer—Office expenses.....	400 00
Tree Culture Bounty.....	300 00
Veterinary Surgeon—Salary and expenses.....	4,000 00
University of North Dakota.....	38,500 00
Bismarck Penitentiary.....	28,800 00
North Dakota Insane Hospital.....	57,250 00
Trustees for Public Institutions.....	4,000 00
Interest on Bonds.....	27,969 35
	\$380,769 35
Total.....	
Deficiency.....	\$108,870 80

From the estimate of receipts there should be deducted at least 15 per cent. of the direct tax to cover delinquent taxes, making the total estimated receipts available \$241,-898.55. The estimate of expenses is made from the expenditures for the maintenance of public institutions for the last year, and an estimate made for the probable expense of the State government for the current year.

There are, however, several additional items that are not enumerated in the estimate made. No provision is made by the Constitution or by the old Territorial laws for clerk hire and other expenses of several of the State officers.

Provision will therefore have to be made for that purpose which will necessarily increase the estimated cost of the State government.

The Legislative Assembly, by the provisions of section 19 of the Schedule of the Constitution, is required to make an appropriation to defray the cost of the Constitutional Convention in excess of \$20,000, the amount appropriated by the general government. Deducting therefore \$30,000 from the estimated receipts and adding to the estimated expenditures \$10,000 for clerk hire and \$7,000 for Constitutional Convention we have a prospective deficiency of \$155,870.80.

I make this full statement of our financial condition, that we may fully understand the imperative need and importance of the strictest economy in all departments of the

new State. While there is nothing in our financial exhibit thus made that in any way affects our credit, since with an indebtedness of \$540,000, the valuation of property in the State based on a fair money value is more than \$175,000.000, yet it is of the utmost importance that good business methods prevail in the management of our financial affairs, and that our disbursements be made, at the earliest possible date, to come within our revenue.

For our new State, with so large a share of its resources undeveloped, and with (as is seen by the statement submitted of assessed valuation) a large share of the burden of taxation falling upon the agricultural interest, that interest, which owing to the low range of values of farm products, has been greatly depressed, not only in our own State but throughout the country; and that interest upon the prosperity of which our hopes so largely depend, must exercise the greatest care lest the development of our latent resources be not retarded by the burden of excessive taxation.

By the provisions of the Constitution the first session of the Legislature may continue 120 days. I deem a session of that length entirely unnecessary, and urge upon you the importance of as early an adjournment as is consistent with a proper discharge of your duties to the State. The average daily cost of a session of the Legislative Assembly, is estimated at \$850. Should the session continue 120 days at a cost of \$102,000, that item alone would swallow up nearly half of our income.

I beg leave to call the attention of the Legislative Assembly to another item of expenditure that has been greatly on the increase at every succeeding session of the Legislature. I refer to the extended pay roll of clerk hire for the various committees of the Legislature. I trust you may give this your attention and that the abuse in this direction may be corrected.

ASSESSMENT AND TAXATION.

The total assessed valuation of the state as shown by the assessment roll of 1889 is \$66,857,436.30 obtained from the following sources :

Lands	\$40,061,175 66
Horses	5,223,877 00
Mules and Asses	444,474 00
Cattle	2,557,953 25
Sheep	78,759 35
Swine	122,454 20

Town lots.....	9,354,329 50
Merchandise	2,574,641 00
Capital in Manufactures	153,567 00
Vehicles	1,129,451 60
Moneys and Credits	1,113,078 75
Household Furniture.....	138,820 00
Stocks and Shares.....	1,029,653 00
All other property	2,875,220 00
	\$66,857,436 30

It will be apparent upon an examination of the above statement that there is an inequality in the assessment of property. A large amount of personal property escapes taxation. It is many times difficult to reach men who maintain an unquestionable reputation for integrity, whose word and bond are good in all business circles and yet will conceal the possession of notes, certificates of stock, etc., while the property and little home of the toiler, and lands, and cattle of the farmer are seen and known by all, and do not escape the eye of the assessor. It will be seen by comparison with previous years that while there has been an increase in the assessed value of real estate and live stock, there has been a slight decrease in certain lines of personal property.

This is not owing, in my mind, to a decline in value or decrease in quantity of such property in our State but to either a defect in our laws, or want of care and efficiency on the part of our assessors.

Whatever action you may deem wise to take I most respectfully urge that it shall aim at removing the inequalities and injustice inflicted by our present system of assessment and taxation.

PROHIBITION.

At the late election held for the adoption of our Constitution, Section 217, which is as follows, was submitted, as a separate proposition to the people and was adopted.

SEC. 217. No person, association or corporation, shall within this State, manufacture for sale or gift, any intoxicating liquors, and no person, association or corporation, shall import any of the same for sale or gift, or keep, or sell, or offer the same for sale, or gift, barter or trade as a beverage. The Legislative Assembly shall by law prescribe regulations for the enforcement of the provisions of this article, and shall thereby provide suitable penalties for the violation thereof.

A majority of the legal voters, by their suffrages constitutionally expressed, having thus declared in favor of the prohibition of the sale and manufacture of intoxicating liquors of all kinds within our State, it becomes your

duty as the representatives of the sovereign will of the people to enact such laws as shall be in harmony, not only with the letter, but with the full spirit, import and scope of the above section. By the terms of said section it is not left for the Legislative Assembly to determine as to their action, but it expressly says "the Legislative Assembly shall by law prescribe regulations for the enforcement of the provisions of this article and shall thereby provide suitable penalties for the violation thereof." By the adoption of this section it has become a part of the fundamental law of our State; therefore, as long as this remains a part of our Constitution every law-abiding citizen will be in favor of its rigid enforcement. I trust this question, in which the people are deeply interested, may have at your hands thoughtful and serious consideration. Laws should not be framed for the purpose of facilitating the violation of the spirit of the above section, but should have for their purpose the absolute enforcement of its requirements. Thus, and thus only, can the true merits or demerits of the question be tested to the satisfaction of the majority of the people.

PURITY OF ELECTIONS.

The perpetuity of a Republican form of government is dependent upon the purity of the source from which it springs. That source is the will of the governed. The ballot box is the means by which that will is expressed; therefore the protection of the purity of the elective franchise is of primary and fundamental importance. A proof of the growing demand for the protection of the ballot, is shown by the fact that measures looking to radical reform in the manner of conducting elections have attracted such universal attention, and stringent election laws have recently been adopted in many of the states. At the beginning of the year only one state, Massachusetts, had such a law on her statute book, which was largely a modification of the Australian system of voting. During the year the legislatures of nine states have enacted laws embodying the same general principles. It will be remembered that our last Territorial Legislative Assembly passed a similar law, but by some, as yet unaccountable means it failed to find its way to the executive chamber. The universally favorable comment upon the workings of the Australian system of voting strongly commends it as worthy of your

careful consideration. It may be urged that this system is too cumbersome for many of our sparsely settled communities. I would suggest this might easily be obviated by making it applicable to cities and precincts having a certain number of votes. I believe the matter to be of great importance to our state and recommend that some legislation looking to the guarding of the purity of our elections be enacted.

RAILROAD TAXATION.

I most respectfully beg leave to call your attention to the necessity of a revision of the present law providing for the taxation of property of railroad companies. By the provisions of chapter 107 of the Session Laws of 1889, railroad companies are permitted in lieu of all other taxes, to pay into the State Treasury a per centum upon the gross earnings, both local and interstate. Section 176 of our Constitution, however, provides that "the Legislative Assembly may by law provide for the payment of a per centum of gross earnings of railroad companies to be paid in lieu of all state, county, township and school taxes, on property exclusively used in and about the prosecution of the business of such companies as common carriers; but no real estate of said corporations shall be exempt from taxation in the same manner and on the same basis as other real estate is taxed, except road-bed, right-of-way, shops and buildings used exclusively in their business as common carriers." Under the restrictions, therefore, of this section of the Constitution, the present law will need amendment to conform thereto. It will be seen by the provisions of the present law of 1889 the per centum of gross earnings is to be accepted by the State in lieu of all other taxes upon all property, of all kinds, of railroad companies. The Constitution, however, provides that said tax of said per centum of gross earnings may be accepted by the State in lieu only of taxes upon such property as is used exclusively in the prosecution of their business as common carriers. Therefore, all lands and property, such as lands given in aid of construction, townsite property, etc., of railroad companies not used in the prosecution of their business as common carriers must be subject to taxation as provided in section 179 of our Constitution. The question as to the best mode of taxation of railroad property has long attracted great interest, not only in our Territory but in the

states, and various methods have been devised. The aim and adjustment of laws of assessment and taxation should be to have the burden of tax rest equally upon all interests. I am of the opinion that this is best accomplished by the assessment and taxation of all property of all kinds, except such as is exclusively used for public benefit, in proportion to its money value. Section two of the act incorporating the Northern Pacific Railroad Company provides as follows:

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

The question arises as to whether the exemption of such portions of said railroads as were within the territories is still in force upon the admission of such territories as states, into the Union. In other words, under the provisions of the above section has the State of North Dakota a right to tax the main line of the Northern Pacific Railroad.

This question, no doubt, the courts will be called upon to decide. The determination thereof will enter largely into your consideration of the best mode of taxing railroad property. Under no circumstances should a gross earnings law exempt railroad property from taxation as other property except by the payment of a per centum on the gross earnings both local and inter-state.

PUBLIC INSTITUTIONS.

The public institutions of the State consist of the Penitentiary at Bismark, the Hospital for the Insane at Jamestown and the North Dakota University at Grand Forks. The structures are well built of solid brick and heated by steam, and are in every way well adapted to the purposes intended.

PENITENTIARY.

The Warden of the Penitentiary at Bismarck reports, on the first day of November, the average number of inmates

for the year ending that date, 44 5-6; the total number handled during the year, 76, and the number of officers and employes 11, with the following comments:

"I deem it proper to call attention to the efforts of the Board of Directors and Officers to reduce the current and contingent expenses.

"The amount appropriated for such expense was fifty-seven thousand six hundred dollars (\$57,600).

"I am confident that we will be able to save to the State, out of this appropriation, from seven to ten thousand dollars.

"In correspondence with officials of other penal institutions in the United States and Canada, I find that the ratio of cost, per capita, varies greatly; and is governed by the population of the prison. The greater the number, the less the cost, per capita.

"Furthermore, the cost of fuel, clothing, food and light, differs with location; I also find, from the same source, that a regular corps of officers must be retained, though the population of the prison fluctuates."

From the average number of inmates, as reported, it will be seen that there was appropriated for salaries and wages, per capita, per year, \$262.22; for maintenance and all other expenses per capita, per year, \$377.78 making the total appropriation \$640 per capita per year. The estimated actual expenditures, based on figures for eight months of the present year, show for salaries and wages per capita \$227.53; for maintenance and other expenses \$329.22; making the total expenditure \$556.75 per capita per year. From the report of the Superintendent of the State Board of Correction and Charities of the State of Minnesota, for 1888, we find that the cost per capita in the State prison of Minnesota for the year 1888 was for salary and wages \$77.48; for all other purposes \$130.90 making total cost per capita per year \$208.38. A comparison shows the cost of salary and wages per capita, North Dakota, \$227.53; salary and wages per capita, Minnesota, \$77.48. All other expenses aside from salary and wages per capita, North Dakota, \$329.22; Minnesota, \$130.90. Total cost per capita North Dakota, \$556.75; Minnesota, \$208.38.

While it is an undoubted fact, as stated in the report of the Warden, that the per capita cost decreases as the number of inmates increase, and that the expenses in some particulars are necessarily greater, and that in the report of the State Prison of Minnesota the average number of

inmates was 426 5-10, still it is believed that the statement submitted shows the possibility of a considerable reduction in the cost of the maintenance of our penitentiary and is worthy your attention.

INSANE HOSPITAL.

From a partial report by Dr. Archibald, Superintendent of the North Dakota Hospital for the Insane at Jamestown, made for the uses of this message, and which report and accompanying letter suggesting the wants and needs of the institution, is herewith submitted, we make the following figures and comparisons:

The average number of inmates of the Hospital was for the past year, 184. With this for the basis we find that there was appropriated as follows:

Salaries and wages per capita per year.....	\$ 96 43
For all other expenses per capita per year.....	243 20
Total appropriation per capita per year.....	339 63
The estimated actual expenditure for salaries and wages, based on the figures for seven months of the present year, are:	
Per capita per year.....	105 43
All other expenses based as above. Per capita per year.....	355 52
Total expenditure per capita per year.....	460 95

We find by report of the Insane Asylum of Minnesota the cost per capita for 1888 as follows:

ST. PETER ASYLUM.

Average number of inmates, 944.9-10	
Cost per capita per year for salaries and wages.....	\$ 45 43
Cost per capita per year for all other expenses.....	133 02
Total cost per capita per year at St. Peters.....	178 45

ROCHESTER ASYLUM.

Average number of inmates, 751.3.	
Cost per capita per year for salaries and wages	\$ 45 96
Cost per capita per year for all other expenses.....	120 82
Total cost per capita per year at Rochester.....	\$166 78

The following table shows the cost per capita per year in the four States of Minnesota, Wisconsin, Illinois and Ohio :

State.	Years.	No. Inm'ts	Cost per Capita.
Minnesota	1886-7	1529	\$161
Minnesota	1887-8	1696	170
Wisconsin	1884-5	1141	189
Wisconsin	1886-7	1150	173
Illinois	1884-5	2923	172
Illinois	1885-6	3514	160
Illinois	1886-7	3616	155
Ohio	1886-7	3731	150

I am confident that there is no citizen of North Dakota who would desire to so curtail the means of this institution as to, in any way, obstruct the maintenance in a manner consistent with the progress of the age, of this, the highest and most deserving of State charities, or to render it less efficient for the accomplishment of the noble Christian end to which it is consecrated. But by the above comparison the question is suggested; cannot the present high degree of excellence attained by this institution be maintained at a considerable reduction of cost. I refer this to you for reflection. A large item of expense to the State is the cost of conveying the insane to and from the Hospital, and convicts to the Penitentiary, and also the cost appertaining to requisitions.

The estimated cost per annum of such items to the State is \$10,000. Exorbitant bills for these services are presented, such as charging for an attendant when there was none needed, and many times when there was none accompanying, and charging expenses for two trips when two prisoners or patients were taken at one time. I recommend that the law be amended making such items of expense as the above to be borne by the respective counties, thereby relieving the State from these charges, and if not thus amended, some restrictions that will prevent the possibility of these excessive charges should be introduced into the law.

THE UNIVERSITY OF NORTH DAKOTA.

I herewith submit a full and complete history of the University of North Dakota, furnished by Hon. W. N. Roach, President of the Board of Trustees. This very comprehensive statement I commend to your careful perusal as showing the inception, growth and development of this institution, and also as indicating their wants and needs.

The high standard of its curriculum, the eminent ability of its corps of instructors and the constantly increasing attendance are all evidences that the University is taking rank among the first in the country, and is a conspicuous proof of the growing demand among our people for a higher education.

I append hereto a statement of appropriations made and approximate estimate of cost per student per year:

Total number of Students for the year ending Oct. 1, 1889	199
Average number of Students under 16 years of age.....	14
Average number of Students between 16 and 18 years of age.....	25
Average number of Students over 18 years of age.....	86

Total average number.....125

Appropriation for Salaries and Wages per capita per year.....	\$164 00
Appropriation for all other Expenses per capita per year.....	64 00

Total appropriation per capita per year.....\$228 00

Estimated expenditure based on figures for seven months of the present year:

Salaries and Wages per capita per year.....	\$123 25
Estimated Expenditures, based as above, for all other expenses per capita per year.....	119 52

Total estimated expenditures per capita per year\$242 77

RAILROADS.

The forthcoming report of the Territorial Board of Railroad Commissioners will contain a full statement of their action, and the operations of the railroads of the State.

From the data at hand I find the total number of miles in the State, the number of miles operated by each line, and the amount of tax, both county and territorial, paid into the Territorial Treasury as per centum on gross earnings of local and inter-state business for 1888, to be as follows:

Road.	Miles.	Tax Territorial.	Tax County.	Total.
Northern Pacific....	814.35	\$29,215 89	\$64,658 29	\$93,874 18
St. P. M. & M.....	998.02	31,083 33	40,783 69	71,867 02
Minn. & Soo.....	99.01	171 49	342 98	514 47
C. M. & St. P.....	117.94	1,607 56	3,215 12	4,822 68
C. & N. W.....	14.90	181 73	363 44	545 17
	2,044.22	62,260 00	109,363 52	171,623 52

St. P. M. & M., R. R., 55.41 miles new line in 1889.
2,099.63 total miles of railroad to date.

By Chapter 110 of the Session Laws of 1889, the duties and powers of the Railroad Commissioners were greatly enlarged. Without the report of the Commission we are unable to give information as to the efficiency of the law as amended. It is believed, however, that the Commission has ample power to enforce the provisions thereof. There is some complaint in regard to the operations and discriminations of elevator and warehouse men and some slight amendment relative thereto may be desired. It is possible that the complaint arises more from a want of enforcement than defect in the law itself. The change made by our Constitution, making the Commissioners elective, it is hoped may lead to a more rigid enforcement.

The present system of railroad rates practically precludes the possibility of establishing a jobbing and wholesale trade, or building up of commercial centers in our State. This I deem to be a great detriment to both city and country and if within the province of the Legislature, would favor the conferring such powers on the Commissioners as would enable them to remedy this evil.

NEEDY SETTLERS.

I herewith submit correspondence in regard to destitution in several counties. From this correspondence it will be seen there is some destitution in these counties owing to the failure of crops two successive years, caused by the early frosts in 1888 and the severe drouth of this past season. A loss of crops is more severely felt in these localities owing to the fact that these counties were but recently settled, and, as is the case in all new countries, by men with very limited means and thus unable to maintain themselves and families under the unfortunate failure of crops. While the exaggerated reports of suffering that have been spread broadcast through the eastern cities are to be deprecated, we most fully sympathize with the destitute and needy, and I recommend that the subject have your careful consideration.

Information comes from that portion of the State where greatest need exists that much complaint is made of the extortion practiced by a certain class of loan agents, whose chief source of profit would seem to be the dire distress of their fellowmen. I believe that capital is an all-important element in the development of a new country, and that all legislation tending to make the legitimate investment of money more secure will lead to an influx of capital that

will go far to prevent the exaction of excessive interest or bonuses. I am, however, of the opinion that some specific legislation looking to the protection of the people against methods of extortion now practiced would be greatly in the interest of all classes.

LIBRARY.

By the terms of the agreement of the Joint Commission of the Constitutional Convention the entire library of the Territory was sold to the State of South Dakota.

A circular letter has been issued by the Executive to all the States soliciting donations of such books to our library as is common to exchange between States. Replies have already been received from several of the same manifesting a willingness to comply with the request, and books are already being received. Through our representatives at Washington we should be able also to replace a large number of United States Reports and other public documents. I most respectfully suggest that a moderate sum be appropriated for the purchase of such needed books as are not contributed, and some specific legislation in regard to the care and management of our library.

INSURANCE.

By the adoption of the Constitution the office of Insurance Commissioner was created. Heretofore the duties of this office were under the supervision of the Territorial Auditor. The statutes as they stand make no provision for the transfer of the papers and powers of the Auditor to the Insurance Commissioner. Immediate legislation on this subject is of importance. I herewith submit a communication of the State Commissioner of Insurance in relation thereto.

PUBLIC PRINTING.

Heretofore under Territorial conditions the public printing was provided and paid by the general government under the supervision of the Secretary of the Territory.

There is now, therefore, no provision in our statutes as to State printing. Hence I would call your attention to the necessity of some legislation on the subject.

BOARD OF HEALTH AND VETERINARY SURGEON.

For information with regard to the Board of Health and Veterinary Surgeon's department, I refer you to the forthcoming report of the Territorial officials.

MILITIA.

From a partial report kindly furnished by the late Adjutant General of the Territory in advance of his full annual report we have the following in regard to the State Militia of North Dakota:

In consideration of the proposed division of the Territory, a reorganization of the Guard has placed all the Companies belonging to the southern part of the Territory, in the second regiment and those of the northern part in the first regiment to which was attached Battery A. and the battation of Cavalry.

On the 16th, of May a company of Infantry was mustered into service at Casselton and assigned to the First regiment. The roster for North Dakota is as follows:

FIRST REGIMENT.

Col. William A. Bently and Staff.....	12
Seven Companies of Infantry (about).....	280
Battery A.....	40
Troop A.....	88
Regimental Band.....	20
Total	440

ORDNANCE.

The Guard is supplied with 470 Springfield Rifles 45 calibre, model of 1884, and 2 three inch M. L. Rifles model of 1861 distributed as follows:

Seven Companies Infantry, 40 guns each.....	280
Troop A. Cavalry.....	100
Battery A. 2 three inch guns	10
Stored at Bismarck.....	80
Total	470

There is now appropriated annually for the maintenance of the State Militia the sum of \$18,000. In addition to this amount the Adjutant General is allowed an annual salary of \$1,500, with \$500 for expenses, making total possible expenditure on account of State Militia \$20,000. I deem this entirely too large an appropriation for this purpose and recommend that it be largely curtailed and that the compensation of the Adjutant General be also reduced.

APPROPRIATIONS.

By the statement of estimated receipts and expenditures it is apparent that the amount of our indebtedness at the

end of the present year will nearly reach the limit allowed by the Constitution, which limit is \$200,000. It is hoped, however, that by the greatest care and scrutiny in the matter of appropriations and expenditures, the prospective deficiency may be somewhat reduced. The Executive has no hesitancy in saying that he deems it unwise at this time to provide for the building of any new public institutions of any kind.

While it would possibly be desirable to do so were we in financial condition to make the necessary outlay, yet in the present condition of our Treasury, with a large portion of our people struggling with all the unfavorable conditions appertaining to the early settler, in the establishment of a home in a new country, I deem it the part of wisdom that all such appropriations be deferred and that our credit at home and abroad be built up by prudent and economical methods.

OUTSTANDING BILLS.

No provision having been made by the Joint Commission of the Constitutional Convention as to who should audit and pay the bills outstanding against the Territory at the time of its admission into the Union, such bills will remain unpaid until the Legislatures of the States of North and South Dakota make joint provision for auditing and paying the same as provided by the terms of the agreement of the Joint Commission. I therefore beg leave to recommend that the State Auditor and Treasurer be made a Commission on the part of the State of North Dakota to act with a like Commission from South Dakota with the power to audit and pay such outstanding bills of the Territory, and to determine all other questions of settlement under the above provision. The action of said Joint Commission to be approved by the Executives of the two States.

IRRIGATION.

The deficiency of the rainfall for the past few years in a considerable portion of our state has awakened great interest in the question of irrigation.

The limits of this message only permit a few suggestions. Rainfall must increase or certain parts of the State must have moisture from artificial sources. Is it improbable that the rainfall may increase? Is irrigation practicable in the view of the undulatory character of the surface

in the portions where it is most needed? If so how can it best be accomplished? From what sources can the water best be supplied? If from the Missouri river, how and where? If from artesian wells, at what depth can it be obtained? Is the supply inexhaustible? Can it be found at about the same depth in all parts of the State? Will the water thus obtained injure vegetation? These I believe are questions that must first be settled before any intelligent plan can be determined upon. They can only be determined by surveys and experiment at considerable cost. Is it wise for our State with all the uncertainties attending the question to expend money therefor? It might not be unwise to memorialize Congress for an appropriation for the necessary surveys and other preliminary work.

COMMISSIONER OF AGRICULTURE AND STATISTICS.

By a provision of the Constitution the office of Commissioner of Agriculture and Statistics was created. The duties of this office will have to be defined by the Legislature and the amount of the salary fixed. In accordance with the opinion of the Attorney General all Territorial offices created under the old Territorial law still exist. Among these is the Commissionrs of Immigration. The expenditures of this department for the last fiscal year were \$9,000. It is believed that it might be possible to dispense with this office under our State government and thereby save a large expense, and that in defining the duties of the Commissioner of Agriculture and Statistics it might be made to embrace many of the duties heretofore performed by the Commissioner of Immigration and at a much less cost.

PUBLIC SCHOOLS.

The report of the Territorial Superintendent of Public Instruction was not received in time to be incorporated in this message, but it will be forthcoming for your use.

The subject of our schools is one of transcending importance. The general government, by its munificent donation of public lands, has liberally provided for the establishment of public schools and higher institutions of learning. and no subject that claims your attention is of more vital importance in determining the future of our new State, the influence and character of its people, the posi-

tion it shall occupy for usefulness in our nation, than the enactment of wise and judicious laws tending to foster and protect a high and liberal system of education.

Section 148 of the Constitution, in that it requires a uniform system of common schools, renders necessary some legislation on the subject.

The State Superintendent of Public Instruction will be prepared to submit some recommendations, a little later in the session, for your consideration.

PUBLIC LANDS.

By the act of Congress providing for the division of Dakota and the admission of the two States, approved February 22, 1889, there was donated to this State a large amount of public lands, the income from the sale or leasing of which is to be used exclusively for the support of public schools. In addition thereto a large donation of unappropriated public lands was made, the income from which is to be used for the maintenance and support of certain high schools of learning, and charitable and penal institutions. It is of great importance that this generous gift to our State by the general government be most carefully guarded. Many of the sections designated as public school lands were occupied wholly or in part by settlers previous to survey and their title thereto having been confirmed, the government has provided that the State may select as indemnity therefor an equal amount from the unappropriated public lands. Section 19 of the same act provides that the selection of the indemnity, as well as all other lands, shall be made under the direction of the Secretary of the Interior. The Secretary has been requested to furnish information as to the manner in which these selections shall be made, which information, when received, will be placed before you. It is the duty of the Legislature to make provision for the immediate selection of these lands as the more valuable public lands are rapidly being entered for settlement. It is also necessary to provide for the allotment of these lands to the several purposes for which they were donated, for the sale, leasing and care thereof and for the safe guarding and investment of the proceeds, to the end that the State may derive the greatest possible benefit from the liberal patrimony of the general government.

CAPITOL BUILDING AND GROUNDS.

Deeming it a matter of interest I herewith submit a statement of a few facts in regard to the Capitol building and grounds, obtained from the report of the Capitol Commission, appointed under Section three, Chapter 162, of the Session Laws of 1887, a portion of which is as follows:

Cash donated by citizens of Bismarck.....	\$100,000 00
Cash received from 245 lots sold.....	38,849 00
Total indebtedness including interest to April 1, 1889	83,507 46
Total cost of Capitol and Grounds including interest and indebtedness to April 1, 1889.....	222,356 46
Unsold lots now owned by the State, 749—Appraised value.....	85,521 00
The N $\frac{1}{2}$ of the N $\frac{1}{2}$ of Sec. 9, Tp. 139, R. 80, 160 acres not valued.	
Capitol Park, 20 acres and buildings, not valued.	

The values set upon the 749 unsold lots is in accordance with the appraisement made previous to the sale of the 245 lots mentioned. The price obtained for the 245 lots was \$955 in excess of the appraisement. There has been, however, a considerable shrinkage in the value of property since that time, and therefore the appraisement does not represent their true value now. All of the above property, by the terms of agreement of the Joint Commission becomes the property of North Dakota.

There are fifty sections of unappropriated public lands donated to the State for the erection of buildings at the Capital for legislative, executive and judicial purposes. While our building is incomplete it is quite commodious in its offices and appointments, thoroughly heated with steam and will probably be found adequate to the needs of the State for some time.

SUPREME COURT.

The State Constitution directs that three terms of court shall be held each year, one at Bismarck, one at Fargo, and one at Grand Forks. Should this arrangement remain unchanged by the statute some Legislative provision should be made for court facilities at the places named, or should you decide to change the Constitutional plan and direct that all terms of court be held at the Capital, it will also be necessary to provide rooms and other needed facilities.

CONSTITUTIONAL CONVENTION REIMBURSEMENT.

In a preceding portion of this message I called your attention to the necessity of an appropriation to defray

the expenses of the Constitutional Convention over and above the sum paid for that purpose by the general government. I think it probable that if the matter was properly laid before Congress the State would be reimbursed for this outlay. I therefore suggest that this legislature prepare and forward a message to Congress asking that this be done.

FEEES.

Section 84 of the Constitution fixing the salaries of State officers says: "All fees and profits arising from any of said officers shall be covered into the State Treasury." I most respectfully call your attention to the importance of some legislation for the purpose of carrying out this provision of the section of the Constitution, requiring all officers receiving fees to keep true and accurate detailed accounts of fees so received and quarterly, at least, report and pay in to the Treasurer the amount so received with a certified statement to be filed with the Auditor, said statement to be approved by the Executive.

By the terms of the section above quoted the Treasurer is required to cover into the Treasury all interest obtained from balances on hand from time to time. Some legislation making specific provision therefor should be enacted.

Gentlemen of the First Legislative Assembly of the State of North Dakota:

The Executive desires to cordially co-operate with you, that branch of the government upon whom, more than any other the character and wisdom of our laws depend and feels assured that you, in common with the other departments will so perform your duties as to carefully guard the rights of individuals in their homes and avocations, and foster all their educational, industrial, and commercial interests.

Standing at the threshold of State government, proud of the brief history of our past, confident in our hope of the possibilities of the future, extending greeting to our new born sisters, to whom we are bound by the ties of a common hope, begotten of close commercial intercourse and a homogenous people, pledging unfaltering loyalty to our common country, and trusting in the God of Nations we take upon ourselves the full habiliments of statehood.

Upon the conclusion of the delivery of the message, the Joint Session took an informal recess of fifteen minutes.

Upon the reassembling of the Joint Session

Mr. McCormack moved

That the Joint Session do now dissolve,

Which motion prevailed, and

The Joint Session dissolved.

C. C. BOWSFIELD,

J. G. HAMILTON,

Clerks of Joint Session.

Mr. Stevens moved

That when the House adjourn it be to meet in Joint Session in this hall at 12 o'clock, noon, to-morrow,

Which motion prevailed.

Mr. Stevens introduced the following resolution and moved its adoption:

Resolved, That the Secretary of State be required to furnish to each member of the House, and to the Chief Clerk thereof, a copy of the Compiled Laws and the Session Laws of 1889, Laws of Dakota.

Which motion prevailed, and

The resolution was adopted.

The House took an informal recess for the purpose of drawing for seats.

Mr. Williams moved

That a committee of three be appointed by the Speaker to ascertain whether there are any other officers needed by the House, and to fix their compensation,

Which motion prevailed.

Mr. Speaker appointed Charles W. Conroy and Eddie Nagle, Pages.

Mr. Speaker appointed as the special committee Messrs. Williams, Hankinson and Pinkham.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,

Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 21, 1889.

The House assembled at 12 o'clock m., pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

All the members present.

Mr. Williams moved

That the rules be suspended and that the following resolution be adopted:

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 United States Senator as shall be necessary and proper.

Which motion prevailed and
The resolution was adopted.

The Sergeant-at-Arms announced the members of the Senate and the officers thereof 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 respective Houses was called,
All the members present.

Mr. 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 Journals of each House being read and, it appearing therefrom that Gilbert A. Pierce had received a majority of all the votes cast by the Senators and Representatives of the Legislative Assembly of North Dakota,

Mr. President and the Joint Assembly formally declared Gilbert A. Pierce duly elected United States Senator for the State of North Dakota.

Mr. LaMoure moved

That a committee be appointed to wait upon the newly elected Senator and invite him to address the Joint Session,

Which motion prevailed and

The President appointed as such committee

Messrs. LaMoure, Haggart and Worst from the Senate, and Messrs. Eastabrook, Thompson of Walsh, and Lutz.

The special committee returned escorting the Hon. Gilbert A. Pierce, who was introduced by the President, and

Mr. Pierce addressed the Joint Session.

Mr. President announced an informal recess.

The following certificate was then signed in the presence of the Joint Session and read to the Session by the Clerk:

STATE OF NORTH DAKOTA, }
HALL OF THE HOUSE OF REPRESENTATIVES. }

THIS IS TO CERTIFY, That at a meeting of the two House of the Legislative Assembly of the State of North Dakota, in Joint Assembly held on Thursday, the Twenty-first day of November, A. D. 1889, at noon, a majority of all the members of each House being present, it was found upon examination 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 Gilbert A. Pierce of Burleigh county, for Senator in Congress of the State of North Dakota.

Whereupon said Joint Assembly formerly declared said Gilbert A. Pierce of Burleigh county, duly elected Senator to represent the State of North Dakota in Congress of the United States.

ALFRED DICKEY,
President of the Senate and the Joint Assembly.
DAVID B. WELLMAN,
Speaker of the House of Representatives.
JNO. G. HAMILTON,
Clerk of the House of Representatives.
C. C. BOWSFIELD,
Secretary of the Senate.

The Journal of the Joint Assembly was read and approved.

Mr. Williams moved

That the Joint Assembly do now dissolve,

Which motion prevailed and

The Joint Assembly dissolved.

Mr. Speaker called the House to order.

Mr. Stevens introduced

House Bill No. 2,

A bill for an act entitled an act defining the duties of the Commissioner of Insurance,

And moved that the rules be suspended, and the Bill be read the first and second times and referred to a special committee,

Which motion prevailed and
House Bill No. 2,

Was read the first and second times and referred to a special committee consisting of Messrs. Hoyt, Tyler, Selby, Lilly and Zimmer.

Mr. Speaker announced the following committee on rules:
Messrs. Walsh, Williams, Hankinson, Lutz and Reed.

Mr. Hankinson moved

To proceed to take a formal ballot for United States Senator.

Mr. Stevens moved to adjourn.

Mr. Selby moved

As an amendment that when the House adjourn it be to meet again at 4 o'clock,

Which amendment was declared out of order as the yeas on adjournment had been taken.

Roll call was demanded on the motion of Mr. Stevens.

The roll being called there were yeas, 32; nays, 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Moore,	Thompson of Cass,
Brittin,	Montgomery,	Thomson of Walsh,
Court,	Murphy,	Tyler,
Estabrook,	Norton,	Walsh,
Green,	Rawlings,	Walton,
Hoyt,	Reed,	Watt,
Langer,	Renaud,	Wickham,
Lilly,	Richardson,	Williams,
Lutz,	Stadleman,	Zimmer,
McIntyre,	Stevens,	Mr. Speaker.
Milsted,	Thomas,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	McCullough,
Balkan,	Hankinson;	McDonald,
Beard,	Haugen,	Nedrud,
Bowen,	Haugerud,	Olsgard,
Buchanan,	Heglie,	Pinkham,
Bye,	Ingebretson,	Roney,
Christianson,	Ink,	Selby,
Cole,	Jahr,	Strom,
Currier,	Johnson,	Tandberg,
Foss,	McCormick,	Ueland.

And so the motion to adjourn prevailed and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 22, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Mr. Court.

The Journal of the second day was read, and

Mr. Pinkham moved

That the reading of the Governor's Message be dispensed with,

Which motion prevailed, and

The Journal of the second day was approved as read.

The Journal of the third day was read and approved.

REPORT OF SPECIAL COMMITTEES.

The special committee to whom was referred House Bill No. 2, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 2, respectfully report and recommend:

First. That the title of said bill be changed to read: "An Act entitled 'An act defining the duties of the Commissioner of Insurance, and providing salary for clerks of said office.'"

Second. That the premises or preamble of said bill be changed to read:

"WHEREAS, An emergency exists in that, the duties pertaining to the office of the Commissioner of Insurance created by the Constitution has heretofore been performed by the Territorial Auditor, and there being no constitutional provision authorizing the said Commissioner of Insurance to take possession of said office and to execute the duties thereof, therefore."

Third. To change the approval clause of said bill to read: "This act shall take effect and be in force immediately after its passage and approval by the Governor."

Your committee further recommend that the bill, with the changes mentioned, do pass.

A. W. HOYT,
J. F. SELBY,
J. W. LILLY,
L. J. ZIMMER,
E. S. TYLER.
Committee.

Mr. Stevens moved to adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Stevens moved

That the rules be suspended and that the bill be read the third time and placed on its final passage,
Which motion was lost.

Mr. Hankinson moved

That the bill be printed,
Which motion prevailed, and
House Bill No. 2 was ordered printed.

The Committee on Rules submitted the following partial report:

MR. SPEAKER:

Your committee appointed to submit rules for the government of the House respectfully submit the following report:

They recommend that Rule No. 39 shall read as follows:

No. 39. Standing committees shall be appointed on the following subjects:

1. Rules and Joint Rules.
2. Judiciary.
3. Ways and Means.
4. Railroads.
5. Appropriations.
6. Engrossment.
7. Enrollment.
8. Education.
9. Electors and Privileges.
10. Municipal Corporations.
11. Corporations other than Municipal.
12. Agriculture.
13. Public Printing.
14. Irrigation.
15. Insurance.
16. Banking.
17. Labor.
18. Immigration.
19. Apportionment.
20. School and Public Lands.
21. Public Health.
22. Military Affairs.
23. Warehouses, Grain Grading and Dealing.
24. State Federal Relations.
25. Public Buildings.
26. Mines and Mining.
27. Temperance.
28. Highways, Bridges and Ferries.
29. Charitable Institutions.
30. Penal Institutions.

31. Educational Institutions.
32. State Affairs.
33. State Library.
34. Supplies and Expenditures.
35. Forestry. (See Sec. 61, Page 572.)
36. Public Debt.

Each committee shall consist of nine members, except the Committees on Judiciary, Ways and Means and Railroads, which shall consist of eleven members, and the Apportionment Committee of one member from each Senatorial District.

G. H. WALSH,
Chairman.

Mr. Williams moved

That the partial report of the committee be amended so as to increase the number of members of the Railroad and Judiciary Committees to fifteen,

Which motion prevailed, and

Mr. Walsh moved to adopt the report,

Which motion prevailed.

The report as amended was adopted.

The Committee on Rules submitted the following additional report:

MR. SPEAKER:

Your Committee on Rules respectfully report the following rules for the House and recommend their adoption:

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 shall be entered upon the Journal of the House.

2. Upon the appearance of a quorum the Journal of the preceding day shall be read by the Clerk, and any mistakes therein shall be corrected by the House.

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

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

5. The Speaker shall vote on all questions taken by ayes and nays (except on appeals from his own decision) and in all elections or 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 the Speaker, and remain standing in his place, before proceeding to speak, until he is recognized by the Chair.

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

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

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

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

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

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

14. The previous question shall be in this form: "Shall the main question be know put?" It shall only be admitted 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 residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

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

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

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

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

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

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

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

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

24. Every bill shall be read three several times, but the first and second readings, and those only, may be upon the same day, and the second reading may be by title of the bill unless a reading at length be demanded. The first

and third reading shall be at length. After the first reading of the bill, it shall be printed, unless otherwise ordered by the House.

25. All bills, memorials, orders and resolutions requiring the approval of the Governor shall, after a 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 Committees of the Whole House.

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

27. The final question after consideration in Committee of the Whole of a bill or other paper originating in the House shall be "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the Senate, "Shall it be read a third time?"

28. No amendments shall be received on the third reading, except to fill blanks, without unanimous consent of the House, and all bills and resolutions may be recommitted at any time previous to their passage; and if any amendment be reported on such recommitment by any other than a Committee of the Whole, it shall be again read a second time and the question for third reading and passage then put.

29. 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.

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

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

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

33. A similar mode of proceeding shall be observed with bills which have originated in and passed the Senate as with bills originating in the House, except that they shall not be printed.

34. 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 consideration.

35. 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.

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

37. 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.

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

39. Standing committees shall be appointed on the following subjects

1. Rules and Joint Rules.
2. Judiciary.
3. Ways and Means.
4. Railroads.
5. Appropriations.
6. Engrossment.
7. Enrollment.
8. Education.
9. Electors and Privileges.
10. Municipal Corporations.

11. Corporations other than Municipal.
12. Agriculture.
13. Public Printing.
14. Irrigation.
15. Insurance.
16. Banking.
17. Labor.
18. Immigration.
19. Apportionment.
20. School and Public Lands.
21. Public Health.
22. Military Affairs.
23. Warehouses, Grain Grading and Dealing.
24. State Federal Relations.
25. Public Buildings.
26. Mines and Mining.
27. Temperance.
28. Highways, Bridges and Ferries.
29. Charitable Institutions.
30. Penal Institutions.
31. Educational Institutions.
32. State Affairs.
33. State Library.
34. Supplies and Expenditures.
35. Forestry. (See Sec. 61, Page 572.)
36. Public Debt.

40. 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.

41. 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.

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

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

44. 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.

45. No persons shall be admitted within the bar of the House except the Executive, members of the Senate, State officers, Judges of the Supreme Court, members of Congress, ex-members of the State, all Federal members of the State and reporters of newspapers, except by vote of the House.

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

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

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reading the Journal.
4. Unfinished Business.
5. Presentation of Petitions and Communications.

6. Reports of Standing Committees.
7. Reports of Select Committees.
8. Motions and Resolutions.
9. Introduction of Bills, Joint Resolutions and Memorials.
10. Consideration of Messages from the Council.
11. First reading of Senate Bills, Joint Resolutions and Memorials.
12. Second reading of Senate Bills, Joint Resolutions and Memorials.
13. Third reading of the same.
14. First reading of House Bills, Joint Resolutions and Memorials.
15. Second reading of House Bills, Joint Resolutions and Memorials.
16. Third reading of the same.
17. Consideration of general orders.
48. 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.
49. When the House has arrived at the general orders of the day, they shall go into Committee of the Whole upon such orders, or a particular order designated by a vote of the House, and no other business shall be in order until the whole are considered or passed, or the committee rise; and unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon, or pass the general order, according to the order of their reference.
50. The Speaker may leave the chair, appoint a member to preside, but not for a longer time than one day, except by leave of the House.
51. 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.
52. No rule of the House shall be suspended, altered or amended without the concurrence of two-thirds of the members of the whole House.
53. The hour of daily meeting of the House shall be 2 o'clock in the afternoon, until the House directs otherwise.
54. The yeas and nays shall not be ordered unless demanded by one member, except upon the final passage of bills, joint resolutions and memorials, in which case the yeas and nays shall be had without any demand.
55. In case all the members of any committee are required or entitled to report on any subject referred to them, cannot agree upon any report, the majority and minority may each make a special report; and any member dissenting in whole or in part from the reasoning and conclusions of both majority and minority, may also present to the House a statement of his reasonings and conclusions; and all reports, if decorous in language and respectful to the House, shall be entered at length on the Journal.
56. No smoking shall be allowed in the House while in session.
57. No member or other person shall remain by the Clerk's desk when the yeas and nays are being called.
58. 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.
59. No member or officer of the House, unless from illness or other cause shall be unable to attend, shall absent himself from the 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.
60. Neither the Chief Clerk nor his assistants 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 any missing 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 his office and shall also keep a book showing the situation and progress of all bills, memorials and joint resolutions.

61. It shall be the duty of the Committee on Supplies and Expenditures to examine into the state of the accounts and expenditures of the State Auditor, State Treasurer, and all other state officers intrusted with the custody or disbursement of any portion of the public moneys; to inquire and report particularly on or before the 20th day of February next, whether the expenditures of each and all of said officers are justified by him; whether all claims from time to time satisfied and discharged by such officers are supported by sufficient vouchers, establishing their justice both as to character and amounts; whether all such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with the appropriation laws, and whether all moneys reported to be on hand are so on hand, and to the credit of various funds as reported; and the notes, bonds and securities in which any portion of the public moneys are reported to be invested are on hand as reported, and whether the same are proper and secure investments and securely kept. And it shall be moreover the duty of said committee to report from time to time whether any and what retrenchment can be made in the expenditure of any department or officer of the State without detriment to the public service, and to report from time to time such recommendations and bills as may be necessary to add to the economy and accountability of any officer of the State; and said committee shall make such recommendations as to the investment of public moneys and the exchange or sale of any of the bonds or securities held by the State, as in their judgment the public interest requires.

62. The Chairman of the different standing committees shall lay on the Clerk's desk, to be read previous to adjournment, notice of the time and place of meeting of such committee.

63. That the salary of the Speaker and Chief Clerk respectively, of the House, shall be \$7.50 per diem; Assistant Clerk, \$6 per diem; Bill Clerk, \$6 per diem; Enrolling and Engrossing Clerk, \$5 per diem; Assistant Enrolling and Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Messenger, Postmaster, Watchman, Clerk of Judiciary Committee and Clerk of Committee on Enrolled and Engrossed Bills, \$5 per diem each, respectively; Chaplain and Pages, each \$2 per diem, and all other clerks of committees and officers shall receive \$3 per diem.

Mr. Walsh moved

That the report be printed and placed on the desks of the members,

Which motion prevailed, and

The report was ordered printed.

Mr. McCormack moved to proceed to ballot for a United States Senator,

Which motion prevailed.

Mr. Speaker designated Messrs. Pinkham and Haugerud to act as tellers.

Nominations for United States Senators being declared in order, the following names were placed in nomination: P. J. McCumber, L. R. Casey, Daniel W. Maratta, N. M. Johnson, W. C. Plummer, N. G. Ordway, Geo. H. Walsh, Judson LaMoure.

The roll being called there were 61 votes cast, of which Mr. McCumber received 7, Mr. Casey 9, Mr. Maratta 5, Mr. Johnson 23, Mr. Plummer 4, Mr. Walsh 10, Mr. LaMoure 3, Mr. Ordway 5.

Those who voted for Mr. McCumber were:

Messrs. Allen, Beard, Bowen, Buchanan, Hankinson, Wickham and Williams—7.

Those who voted for Mr. Casey were:

Messrs. Belden, Lutz, Milsted and Walton—4.

Those who voted for Mr. Maratta were:

Messrs. Jahr, Murphy, Norton, Renaud and Zimmer—5.

Those who voted for Mr. Johnson were:

Messrs. Balkan, Bye, Christianson, Cole, Foss, Gronli, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, McCormick, McCullough, Nedrud, Olsgard, Pinkham, Roney, Selby, Strom, Tandberg, Ueland and Mr. Speaker—23.

Those who voted for Mr. Plummer were:

Messrs. Langer, McIntyre, Stevens and Walsh—4.

Those who voted for Mr. Walsh were:

Messrs. Brittin, Currier, Estabrook, Hoyt, McDonald, Moore, Montgomery, Rawlings, Thomas and Thomson of Walsh—10.

Those who voted for Mr. Ordway were:

Messrs. Green, Lilly, Reed, Thompson of Cass, and Tyler—5.

Those who voted for Mr. LaMoure were:

Messrs. Richardson, Stadleman and Watt—3.

Mr. Court being absent.

Mr. Stevens moved

That when the House adjourn it be to meet to-morrow at 12 o'clock m., in Joint Session with the Senate.

Which motion prevailed.

Mr. Stevens moved to adjourn.

Roll call demanded.

The roll being called there were ayes 30, nays 31.

Those who voted in the affirmative were:

Messrs.—	Messrs—	Messrs—
Belden,	Milsted,	Stevens,
Brittin,	Moore,	Thompson of Cass,
Buchanan,	Montgomery,	Thomson of Walsh,
Currier,	Murphy,	Tyler,
Green,	Norton,	Walsh,
Hankinson,	Rawlings,	Walton,
Hoyt,	Reed,	Watt,
Lilly,	Renaud,	Wickham,
Lutz,	Richardson,	Williams,
McIntyre,	Stadleman,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Nedrud,
Balkan,	Heglie,	Olsgard,
Beard,	Ingebretson,	Pinkham,
Bowen,	Ink,	Roney,
Bye,	Jahr,	Selby,
Christianson,	Johnson,	Strom,
Cole,	Langer,	Tandberg,
Estabrook,	McCormick,	Thomas,
Foss,	McCullough,	Ueland,
Gronli,	McDonald,	Zimmer.
Haugen,		

Mr. Court being absent.

And so the motion to adjourn was lost.

Mr. Roney moved

That the House proceed to elect a United States Senator.

Mr. Williams moved a call of the House.

Mr. Roney withdrew his motion.

Mr. Williams withdrew his motion.

Mr. Roney moved to adjourn,

Which motion prevailed, and

The House adjourned

J. G. HAMILTON,
Chief Clerk.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 23, 1889.

The House assembled at 12 o'clock m., pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

All the members present.

Mr. Reed moved

To dispense with the reading of the Journal,

Which motion prevailed.

Mr. Williams introduced the following resolution, and moved its adoption:

Be it Resolved, That the Chief Clerk forthwith notify the Senate that the House is now in readiness to receive it in Joint Session to ballot for the election of a United States Senator.

Which motion prevailed, and

The resolution was adopted.

The Sergeant-at-Arms announced the members of the Senate and the officers in waiting.

JOINT SESSION.

The Joint Session of the two houses was called to order by the Lieutenant Governor, the President of the Senate.

The roll of the respective Houses was called.

All the members present.

Mr. 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 Journals of each House being read and, it appearing therefrom that no candidate had received a majority of all the votes cast by the Senators and Representatives,

Mr. Smith moved

To proceed to ballot for United States Senator,

Which motion prevailed, and on the

FIRST BALLOT

The roll being called there were 92 votes cast, of which number Mr. Johnson received 41, Mr. Casey 10, Mr. Ordway 10, Mr. Walsh 9, Mr. LaMoure 4, Mr. Maratta 13, Mr. McCumber 4, and Mr. Plummer 1.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Balkan, Beard, Bowen, Buchanan, Bye, Christianson, Cole, Foss, Gronli, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, Langer, McCormick, McCullough, McDonald, McIntyre, Montgomery, Nedrud, Olsgard, Pinkham, Roney, Selby, Strom, Tanberg, Thomson of Walsh, and Ueland, of the House—41.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller and Yager, of the Senate, and Messrs. Lilly, Milsted, Thomas, Walton and Mr. Speaker, of the House—10.

Those who voted for Mr. Ordway were:

Messrs. Haggart, Lawrence, Little and Worst, of the Senate, and Messrs. Court, Moore, Rawlings, Thompson of Cass, Tyler and Williams, of the House—10.

Those who voted for Mr. Walsh were:

Messrs. Barlow, Harmon, LaMoure, Swanston, of the Senate, and Messrs. Brittin, Currier, Estabrook, Green and Reed, of the House—9.

Those who voted for Mr. LaMoure were:

Messrs. Richardson, Stadleman, Walsh and Watt, of the House—4.

Those who voted for Mr. Maratta were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack and Randall, of the Senate, and Messrs. Jahr, Lutz, Murphy Norton, Renaud and Zimmer, of the House—13.

Those who voted for Mr. McCumber were:

Messrs. Allen, Hankinson, Hoyt and Wickham, of the House—4.
Mr. Stevens voting for Mr. Plummer.

SECOND BALLOT.

A second ballot having been declared in order, the roll being called there were 93 votes cast, of which number Mr. Johnson received 42, Mr. Casey 13, Mr. Ordway 9, Mr. Walsh 8, Mr. LaMoure 4, Mr. Maratta 13, and Mr. McCumber—4.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Balkan, Beard, Bowen, Buchanan, Bye, Christianson, Cole, Foss, Gronli, Hankinson, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, McCormick, McCullough, McDonald, McIntyre, Montgomery, Nedrud, Olsgard, Pinkham, Roney, Selby, Strom, Tandberg, Thomson of Walsh, and Ueland, of the House—42.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller and Yager, of the Senate, and Messrs. Belden, Langer, Lilly, Milsted, Rawlings, Thomas, Walton, Williams and Mr. Speaker, of the House—13.

Those who voted for Mr. Ordway were:

Messrs. Haggart, Lawrence, Little and Worst, of the Senate, and Messrs. Court, Green, Moore, Thompson of Cass, and Tyler, of the House—9.

Those who voted for Mr. Walsh were:

Messrs. Belyea, Harmon, LaMoure, and Svensrud, of the Senate, and Messrs. Brittin, Currier, Estabrook and Reed, of the House—8.

Those who voted for Mr. LaMoure were:

Messrs. Richardson, Stadleman, Walsh and Watt, of the House—4.

Those who voted for Mr. Maratta were:

Messrs. Appleten, Bell, Cowan, Hartman, McBride, McCormack and Randall, of the Senate, and Messrs. Jahr, Lutz, Murphy, Norton, Renaud and Zimmer, of the House—13.

Those who voted for Mr. McCumber were:

Messrs. Allen, Hoyt, Stevens and Wickham, of the House—4.

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

Be it Resolved, By the Joint Session of the Legislative Assembly of North Dakota, convened for the purpose of electing a Senator to fill the vacancy now existing in the office of Senator from North Dakota in the Senate of the United States, that the Joint Session now take a recess until 7 o'clock, p. m., November 23, 1889.

Mr. McCullough moved

To amend by striking out the words "seven o'clock, p. m., November 23, 1889," and inserting in lieu thereof the words, "Monday, at 12 o'clock, m."

Mr. Stevens raised the point of order that it was seeking to do by an amendment what is required to be done by United States Statutes,

Which point Mr. President decided well taken, and ruled the amendment out of order.

Roll call demanded on the adoption of the Resolution,

The roll being called there were ayes 59, nays 34.

Those who voted in the affirmative were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Fisher, Fuller, Haggart, Harmon, Hartman, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Robinson, Smith, Swanton, Worst, Yager, of the Senate, and Messrs. Allin, Belden, Brittin, Cole, Court, Currier, Estabrook, Green, Hankinson, Heglie, Hoyt, Ink, Jahr, Johnson, Langer, Lilly, Lutz, McDonald McIntyre, Milsted, Moore, Rawlings, Reed, Richardson, Stadleman, Stevens, Thomas, Thompson of Cass, Tyler, Walsh, Walton, Watt, Wickham, Williams, Zimmer and Mr. Speaker, of the House—59.

Those who voted in the negative were:

Messrs. Dodds, Helgeson, Rowe, Sandager, Slotten, Stevens, Svensrud, Winship, of the Senate, and Messrs. Balkan, Beard, Bowen, Buchanan, Bye, Christianson, Foss, Gronli, Haugen, Haguereud, Ingebretson, McCormick, McCullough, Montgomery, Murphy, Nedrud, Norton, Olsgard, Pinkham, Renaud, Roney, Selby, Strom, Tandberg, Thomson of Walsh, Ueland, of the House—34.

And so the motion to adopt the resolution prevailed and the Joint Assembly took a recess until 7 o'clock p. m.

EVENING SESSION.

The Joint Session reassembled at 7 o'clock p. m.

The Lieutenant Governor presiding.

Roll call.

All members present.

Mr. Stevens moved

That further proceedings of the Joint Session be dispensed with.

Mr. Hankinson moved as a substitute

That the Joint Session proceed to elect a United States Senator.

Mr. Stevens raised the point of order

That a substitute motion could not be directly opposite to the original motion,

Which point Mr. President ruled was well taken.

Mr. Stevens withdrew his motion and the Joint Session proceeded to ballot for United States Senator.

THIRD BALLOT.

The roll being called there 93 votes cast, of which number Mr. Johnson received 40, Mr. Casey 13, Mr. Walsh 8, Mr. LaMoure 4, Mr. Ordway 9, Mr. Maratta 13, Mr. McCumber 3, and Mr. Allen 1.

Those voting for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Balkan, Beard, Bye, Christianson, Cole, Foss, Gronli, Hankinson, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, Langer, McCormick, McCullough, McIntyre, Montgomery, Nedrud, Olsgard, Pinkham, Roney, Selby, Strom, Tandberg, Thomson of Walsh and Ueland, of the House—28.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller and Yager, of the Senate, and Messrs. Belden, Hoyt, Lilly, McDonald, Milsted, Thomas, Walton, Williams and Mr. Speaker, of the House—14.

Those who voted for Mr. Walsh were:

Messrs. Belyea, Harmon, LaMoure and Swanston, of the Senate, and Messrs. Brittin, Currier, Estabrook and Moore, of the House—8.

Those who voted for Mr. LaMoure were:

Messrs. Richardson, Stadleman, Walsh and Watt, of the House—4.

Those who voted for Mr. Maratta were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack and Randall, of the Senate, and Messrs. Jahr, Lutz, Murphy, Norton, Renaud and Zimmer, of the House—13.

Those who voted for Mr. Ordway were:

Messrs. Haggart, Lawrence, Little and Worst, of the Senate, and Messrs. Court, Green, Rawlings, Thompson of Cass, and Tyler of the House—9

Those who voted for Mr. McCumber were:

Messrs. Allen, Bowen and Wickham, of the House—3.

Those who voted for Mr. Allen were:

Messrs. Buchanan, Reed and Stevens, of the House—3.

FOURTH BALLOT.

A fourth ballot was proceeded with.

The roll being called there were 93 votes cast, of which number Mr. Johnson received 40, Mr. Casey 13, Mr. Walsh, 9, Mr. LaMoure 4, Mr. Ordway 8, Mr. Maratta 13, and Mr. Allen 6.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Balkan, Beard, Bye, Christianson, Cole, Foss, Gronli, Hankinson, Haugen, Haugerud, Heglie, Ingebretson, Ink, Johnson, Langer, McCormack, McCullough, McIntyre, Montgomery, Nedrud, Olsgard, Pinkham, Roney, Selby, Strom, Tandberg, Thomson of Walsh, and Ueland, of the House—40.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller and Yager, of the Senate, and Messrs. Belden, Bowen, Hoyt, Lilly, McDonald, Milsted, Thomas, Walton and Mr. Speaker, of the House—13.

Those who voted for Mr. Walsh were:

Messrs. Belyea, Harmon, LaMoure and Swanston, of the Senate, and Messrs. Brittin, Estabrook, Moore, Wickham and Williams, of the House—9.

Those who voted for Mr. LaMoure were:

Messrs. Richardson, Stadleman, Walsh and Watt, of the House—4.

Those who voted for Mr. Ordway were:

Messrs. Lawrence, Little and Worst, of the Senate, and Messrs. Court, Green, Rawlings, Thompson of Cass, and Tyler, of the House—8.

Those who voted for Mr. Maratta were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack and Randall, of the Senate, and Messrs. Jahr, Lutz, Murphy, Norton, Renaud and Zimmer, of the House—13.

Those who voted for Mr. Allen were:

Mr. Haggart, of the Senate, and Messrs. Allen, Buchanan, Currier, Reed and Stevens, of the House—6.

Before proceeding to take another ballot Mr. Stevens placed in nomination the name of Homer B. Sprague, of Grand Forks.

Mr. Swanston placed in nomination the name of Henry W. Lord, of Ramsey.

Mr. Ink moved to adjourn.

Mr. Stevens raised the point of order that a motion to adjourn a Joint Session is out of order,

Which point the President decided well taken.

Mr. McCormack moved

To dissolve the Joint Session.

Roll call demanded.

The roll being called there ayes 26, Nays 67.

Those who voted in the affirmative were:

Messrs. Allin, Dodds, Helgeson, Rowe, Sandager, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Beard, Buchanan, Bye, Christianson, Foss, Heglie, Hoyt, Ingebretson,

Jahr, Johnson, McCormick, Nedrud, Pinkham, Selby, Strom, Tandberg and Ueland, of the House—26.

Those who voted in the negative were:

Messrs. Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Fisher, Fuller, Haggart, Harmon, Hartman, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Robison, Smith, Swanston, Worst and Yager, of the Senate, and Messrs. Allen, Balkan, Belden, Bowen, Brittin, Cole, Court, Currier, Estabrook, Green, Gronli, Haugen, Haugerud, Ink, Langer, Lilly, Lutz, McCullough, McDonald, McIntyre, Milsted, Moore, Montgomery, Murphy, Norton, Olsgard, Rawlings, Reed, Renaud, Richardson, Roney, Stadleman, Stevens, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Walsh, Walton, Watt, Wickham, Williams, Zimmer and Mr. Speaker, of the House—67.

And so the motion to adjourn the Joint Session was lost.

And the Joint Session proceeded to take the

FIFTH BALLOT.

The roll being called there were 93 votes cast of which number Mr. Johnson received 32, Mr. Casey 12, Mr. Walsh 3, Mr. LaMoure 3, Mr. Ordway 5, Mr. Maratta 13, Mr. Allen 5, Mr. Sprague 9, Mr. Lord 4 and Mr. McCumber 8.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, Rowe, Sandager, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Balkan, Beard, Bye, Christianson, Foss, Gronli, Haugen, Haugerud, Heglie, Ingebretson, Langer, McCormick, McCullough, McIntyre, Montgomery, Nedrud, Olsgard, Pinkham, Selby, Strom, Tandberg and Ueland, of the House—32.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller and Yager, of the Senate, and Messrs. Belden, Bowen, Lilly, McDonald, Milsted, Thomas, Walton and Mr. Speaker, of the House—12.

Those who voted for Mr. Walsh were:

Messrs. Belyea and Harmon, of the Senate, and Mr. Rawlings, of the House—3.

Those who voted for Mr. LaMoure were:

Messrs. Richardson, Walsh and Watt, of the House—3.

Those who voted Mr. Ordway were:

Mr. Little, of the Senate, and Messrs. Court, Green, Moore and Tyler, of the House—5.

Those who voted for Mr. Maratta were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack and Randall, of the Senate, and Messrs. Jahr, Lutz, Murphy, Norton, Renaud and Zimmer, of the House—13.

Those who voted for Mr. Allen were:

Messrs. Haggart and Lawrence, of the Senate, and Messrs. Buchanan and Stevens, of the House—4.

Those who voted for Mr. Sprague were:

Messrs. Robinson, Smith and Worst, of the Senate, and Messrs. Estabrook, Johnson, Roney, Stadleman, Thompson of Cass, and Thomson of Walsh, of the House---9.

Those who voted for Mr. Lord were:

Mr. Swanston, of the Senate, and Messrs. Brittin, Currier and Reed, of the House---4.

Those who voted for Mr. McCumber were:

Mr. LaMoure, of the Senate, and Messrs. Allen, Cole, Hankinson, Hoyt, Ink, Wickham and Williams, of the House---8.

Mr. LaMoure moved

To dissolve the Joint Session.

Roll call demanded.

The roll being called there were 23 ayes and 70 nays.

Those who voted in the affirmative were:

Messrs. Allin, Dodds, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Robinson, Slotten, and Svensrud, of the Senate, and Messrs. Court, Currier, Johnson, Langer, McIntyre, Moore, Murphy, Nedrud, Renaud, Roney, Stadleman and Strom, of the House—23.

Those who voted in the negative were:

Messrs. Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Fisher, Fuller, Little, McBride, McCormack, Randall, Rowe, Sandager, Smith, Stevens, Swanston, Winship, Worst and Yager, of the Senate, and Messrs. Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson, Ink, Jahr, Lilly, Lutz, McCormick, McCullough, McDonald, Milsted, Montgomery, Norton, Olsgard, Pinkham, Rawlings, Reed, Richardson, Selby, Stevens, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Ueland, Walsh, Walton, Watt, Wickham, Williams, Zimmer and Mr. Speaker, of the House---70.

And so the motion to dissolve the Joint Session was lost.

Mr. President announced an informal recess.

Upon re-assembling,

Mr. Williams moved

To dissolve the joint session.

Roll call demanded.

The roll being call there were ayes 62, nays 25.

Those who voted in the affirmative were:

Messrs. Allin, Appleton, Barlow, Belyea, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McCormack, Randall, Robinson, Sandager,

Smith, Slotten, Swanston, Worst and Yager, of the Senate, and Messrs. Allen, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Court, Currier, Estabrook, Green, Heglie, Hoyt, Ink, Jahr, Johnson, Langer, Lilly, Lutz, McDonald, McIntyre, Milsted, Moore, Montgomery, Nedrud, Rawlings, Reed, Roney, Selby, Stadleman, Stevens, Strom, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Walsh, Walton, Watt, Wickham, Williams and Mr. Speaker, of the House---62.

Those who voted in the negative were:

Messrs. Bell, McBride, Rowe, Stevens and Winship, of the Senate, and Messrs. Balkan, Beard, Cole, Foss, Gronli, Haugen, Haugerud, Ingebretson, McCormick, McCullough, Murphy, Norton, Olsgard, Pinkham, Renaud, Richardson, Tandberg, Ueland and Zimmer, of the House---24.

Absent---Mr. Svensrud, of the Senate, and Mr. Hankinson, of the House---2.

And so the motion to dissolve the Joint Session prevailed, and the Joint Session dissolved.

C. C. BOWSFIELD,
Secretary of the Senate.
JNO. G. HAMILTON,
Clerk of the House.

The House was called to order by the Speaker.

Mr. Williams moved

That the House do now adjourn until Monday at 12 o'clock, m.,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 25, 1889.

The House assembled at 12 o'clock m., pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Hoyt and Montgomery.

Mr. Stevens moved that the Chief Clerk be instructed to notify the Senate that the House is now ready to sit in Joint Session.

Which motion prevailed.

The Sergeant-at-Arms announced the members of the Senate and the officers thereof in waiting.

JOINT SESSION.

The Joint Session of the two houses was called to order by the Lieutenant Governor.

The roll of the respective houses was called.

All members were present except Hoyt and Montgomery, of the House.

The Journal of the Joint Session of Saturday was read and approved.

Balloting for United States Senator being declared in order the sixth ballot was proceeded with.

SIXTH BALLOT.

The roll being called there were 91 votes cast, of which number Mr. Johnson received 28, Mr. Casey 18, Mr. Walsh 4, Mr. La-Moure 9, Mr. Ordway 7, Mr. McCumber 5, Mr. Sprague 5, Mr. Plummer 1, Mr. Roach 13.

Those who voted for Mr. Johnson were: Messrs. Allin, Dodds

Fisher, Helgeson, Rowe, Sandager, Slotten, Stevens, Svensrud and Winship, of the Senate, and Messrs. Balkan, Buchanan, Bye, Christianson, Foss, Gronli, Haugen, Haugerud, Heglie, McCormick, McCullough, Nedrud, Olsgard, Pinkham, Selby, Strom, Tandberg and Ueland of the House—28.

Those who voted for Mr. Casey were: Messrs. Barlow, Diesem, Fuller and Yager of the Senate, and Messrs. Allen, Belden, Bowen, Cole, Currier, Ingebretson, Langer, Lilly, McDonald, McIntyre, Milsted, Thomas, Walton and Mr. Speaker of the House—18.

Those who voted for Mr. Walsh were:

Messrs. Harmon and LaMoure of the Senate, and Messrs. Brittin and Moore of the House—4.

Those who voted for Mr. LaMoure were:

Messrs. Belyea, Haggart, Lawrence and Swanston of the Senate, and Messrs. Richardson, Stadleman, Walsh, Watt and Williams of the House—9.

Those who voted for Mr. Ordway were:

Messrs. Little and Worst of the Senate, and Messrs. Court, Green, Rawlings, Thomson of Walsh and Tyler of the House—7.

Those who voted for Mr. McCumber were:

Messrs. Hankinson, Ink, Reed, Stevens and Wickham of the House—5.

Those who voted for Mr. Sprague were:

Messrs. Robinson and Smith of the Senate, and Messrs. Estabrook, Johnson, Roney and Thompson of Cass of the House—6.

Mr. Beard of the House voted for Mr. Plummer—1.

Those who voted for Mr. Roach were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack and Randall of the Senate, and Messrs. Jahr, Lutz, Murphy, Norton, Nedrud and Zimmer of the House—13.

Messrs. Hoyt and Montgomery of the House being absent.

SEVENTH BALLOT.

A seventh ballot was proceeded with.

The roll being called there were 91 votes cast, of which number Mr. Johnson received 29, Mr. Casey 18, Mr. Walsh 8, Mr. LaMoure 7, Mr. Ordway 6, Mr. McCumber 6, Mr. Sprague 6 and Mr. Roach 11.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, Rowe, Sandager, Slotten, Svensrud and Winship of the Senate, and Messrs. Balkan, Buchanan, Bye, Christianson, Foss, Gronli, Haugen, Haugerud, Heglie, Jahr, McCormick, McCullough, Nedrud, Olsgard, Pinkham, Selby, Strom, Tandberg, Thomson of Walsh and Ueland of the House—29.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller and Yager of the Senate, and Messrs. Allen, Beard, Belden, Bowen, Cole, Ingebretson, Langer, Lilly, McDonald, McIntyre, Milsted, Thomas, Walton and Mr. Speaker of the House---18.

Those who voted for Mr. Walsh were:

Messrs. Harmon, LaMoure, Stevens and Swanston of the Senate, and Messrs. Brittin, Currier, Moore and Zimmer of the House---8.

Those who voted for Mr. LaMoure were:

Messrs. Belyea, Haggart and Lawrence of the Senate, and Messrs. Richardson, Stadleman, Walsh and Watt of the House---7.

Those who voted for Mr. Ordway were:

Messrs. Little and Worst of the Senate, and Messrs. Court, Green, Rawlings and Tyler of the House---6.

Those who voted for Mr. McCumber were:

Messrs. Hankinson, Ink, Reed, Stevens, Wickham and Williams of the House---6.

Those who voted for Mr. Sprague were:

Messrs. Robinson and Smith of the Senate, and Messrs. Estabrook, Johnson, Roney and Thomson of Cass of the House---6.

Those who voted for Mr. Roach were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack and Randall of the Senate, and Messrs. Lutz, Murphy, Norton and Renaud of the House---11.

Messrs. Hoyt and Montgomery of the House being absent.

EIGHTH BALLOT.

An eighth ballot was proceeded with.

The roll being called there were 91 votes cast, of which number Mr. Johnson received 33, Mr. Casey 20, Mr. Walsh 13, Mr. LaMoure 10, Mr. Ordway 6, Mr. McCumber 4, Mr. Sprague 3, Mr. Roach 2.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Fisher, Helgeson, McBride, Rowe, Sandager, Slotten, Svensrud and Winship of the Senate, and Messrs. Balkan, Buchanan, Bye, Christianson, Foss, Gronli, Haugen, Haugerud, Heglie, Jahr, Johnson, McCormick, McCullough, Murphy, Nedrud, Olsgard, Pinkham, Renaud, Roney, Selby, Strom, Tandberg and Ueland of the House---33.

Those who voted for Mr. Casey were:

Messrs. Barlow, Diesem, Fuller, Randall and Yager of the Senate, and Messrs. Allen, Beard, Belden, Bowen, Cole, Ingebretson, Langer, Lilly, Lutz, McDonald, McIntyre, Milsted, Thomas, Walton and Mr. Speaker of the House---20.

Those who voted for Mr. Walsh were:

Messrs. Bell, Harmon, LaMoure, McCormack, Stevens and Swantson of the Senate, and Messrs. Brittin, Courier, Estabrook, Moore, Reed, Thompson of Walsh, and Zimmer of the House---13.

Those who voted for Mr. LaMoure were:

Messrs. Appleton, Belyea, Haggart and Lawrence of the Senate and Messrs. Norton, Richardson, Stadleman, Walsh, Watt and Williams of the House—10.

Those who voted for Mr. Ordway were:

Messrs. Little and Worst of the Senate, and Messrs. Court, Green, Rawlings and Tyler of the House---6.

Those who voted for Mr. McCumber were:

Messrs. Hankinson, Ink, Stevens and Wickham of the House---4.

Those who voted for Mr. Sprague were:

Messrs. Robinson and Smith of the Senate, and Mr. Thompson of Cass, of the House---3.

Those who voted for Mr. Roach were:

Messrs. Cowan and Hartman of the Senate—2.

Messrs. Hoyt and Montgomery of the House being absent.

NINTH BALLOT.

A ninth ballot was proceeded with.

The roll being called there were 91 votes cast, of which number Mr. Johnson received 35, Mr. Casey 26, Mr. Walsh 9, Mr. LaMoure 8, Mr. Ordway 5, Mr. McCumber 3, Mr. Sprague 2, N. E. Nelson of Pembina 2 and Geo. B. Winship of Grand Forks 1.

Those who voted for Mr. Johnson were:

Messrs. Allin, Bell, Dodds, Fisher, Helgeson, McBride, Rowe, Sandager, Slotten and Svensrud of the Senate, and Messrs. Balkan, Buchanan, Bye, Christianson, Foss, Gronli, Haugerud, Heglie, Ink, Jahr, Johnson, McCormick, McCullough, Murphy, Nedrud, Olsgard, Pinkham, Renaud, Ronay, Selby, Strom, Tandberg, Thomson of Walsh, Ueland and Zimmer of the House---35.

Those who voted for Mr. Casey were:

Messrs. Barlow, Cowan, Diesem, Fuller, Hartman, Randall, Robinson, Smith and Yager of the Senate, and Messrs. Allen, Beard, Belden, Bowen, Cole, Green, Ingebretson, Langer, Lilly, Lutz, McDonald, McIntyre, Milsted, Thomas, Thompson of Cass, Walton and Mr. Speaker of the House---26.

Those who voted for Mr. Walsh were:

Messrs. Harmon, LaMoure, Stevens and Swantson of the Senate, and Messrs. Brittin, Currier, Estabrook, Moore and Reed of the House---9.

Those who voted for Mr. LaMoure were:

Messrs. Appleton, Haggart and Lawrence of the Senate, and Messrs. Norton, Richardson, Stadleman, Walsh and Watt of the House---8.

Those who voted for Mr. Ordway were:

Messrs. Little and Worst of the Senate, and Messrs. Court, Rawlings and Tyler of the House---5.

Those who vote l for Mr. McCumber were:

Messrs. Hankinson, Stevens and Wickham of the House---3.

Those who voted for Mr. Sprague were:

Mr. Winship of the Senate, and Mr. Haugen of the House---2.

Those who voted for Mr. N. E. Nelson were:

Mr. Belyea of the Senate, and Mr. Williams of the House---2.

Mr. McCormack of the Senate voted for Mr. Geo. B. Winship,

Messrs. Hoyt and Montgomery of the House being absent.

Mr. Stevens moved

To take a recess until 7:30 o'clock p. m.

Roll call demanded.

The roll being called there were 50 votes aye and 41 votes nay.

Those voting aye were:

Messrs. Appleton, Belyea, Cowan, Diesem, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, Robinson, Smith, Slotten, Swanston and Worst of the Senate, and Messrs. Balkan, Belden, Bowen, Brittin, Buchanan, Christianson, Court, Currier, Estabrook, Green, Langer, Lilly, Lutz, McDonald, McIntyre, Milsted, Moore, Norton, Reed, Renaud, Richardson, Roney, Stadleman, Stevens, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Walsh, Watt, Wickham and Mr. Speaker of the House.

Those voting nay were:

Messrs. Allin, Barlow, Bell, Dodds, McBride, McCormack, Randall, Rowe, Sandager, Stevens, Svensrud, Winship and Yager of the Senate, and Messrs. Allen, Beard, Bye, Cole, Foss, Gronli, Hankinson, Haugen, Haugerud, Heglie, Ingebretson, Ink, Jahr, Johnson, McCormick, McCullough, Murphy, Nedrud, Olsgard, Pinkham, Rawlings, Selby, Strom, Tandberg, Ueland, Walton, Williams and Zimmer of the House.

Messrs. Hoyt and Montgomery of the House being absent.

And so the motion to take a recess prevailed, and the Joint Session took a recess until 7:30 o'clock p. m.

EVENING SESSION.

The Joint Session reassembled at 7:30 o'clock p. m.

The Lieutenant Governor, the President of the Senate, presiding.

Roll called.

All members present except Mr. Rowe of the Senate.

Mr. Walsh withdrew his name as a candidate for United States Senator.

Mr. Williams moved a call of the House.

Which motion was withdrawn, and

The Joint Session proceeded to take the tenth ballot..

TENTH BALLOT.

The roll being called there were 92 votes cast, of which number Mr. Johnson received 26, Mr. Casey 62 and Mr. Maratta 4.

Those who voted for Mr. Johnson were:

Messrs. Allin, Dodds, Helgeson, Sandager, Smith, Slotten, Stevens and Winship, of the Senate, and Messrs. Balkan, Buchanan, Christianson, Foss, Gronli, Haugen, Haugerud, Heglie, Jahr, Johnson, McCormick, McCullough, Olsgard, Richardson, Roney, Selby, Strom and Tandberg of the House—26.

Those who voted for Mr. Casey were:

Messrs. Barlow, Belyea, Bell, Cowan, Diesem, Fisher, Fuller, Haggart, Harmon, Hartman, LaMoure, Lawrence, Little, McBride, Randall, Robinson, Svensrud, Swanston, Worst and Yager of the Senate, and Messrs. Allen, Beard, Belden, Bowen, Brittin, Bye, Cole, Court, Currier, Estabrook, Green, Hankinson, Hoyt, Ingebretson, Ink, Langer, Lilly, Lutz, McDonald, McIntyre, Milsted, Moore, Montgomery, Murphy, Nedrud, Pinkham, Rawlings, Reed, Renaud, Stadleman, Stevens, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wickham, Williams and Mr. Speaker of the House—62.

Those who voted for Mr. Maratta were:

Messrs. Appleton and McCormack of the Senate, and Messrs. Norton and Zimmer of the House—4.

On the tenth ballot the following votes of the House of Representatives were changed:

Messrs. Bye from Johnson to Casey, Hankinson from McCumber to Casey, Ink from McCumber to Johnson and from Johnson to Casey, Montgomery from Johnson to Casey, Nedrud from Johnson to Casey, Pinkham from Johnson to Casey, Renaud from Maratta to Casey, Stadleman from LaMoure to Casey, Thomson of Walsh from Johnson to Casey, Ueland from Johnson to Casey, Stevens from McCumber to Casey, Watt from LaMoure to Casey, Murphy from Maratta to Casey.

And the following votes in the Senate were changed:

Messrs. Bell from Maratta to Casey, Cowan from Maratta to Casey, McBride from Maratta to Casey, Randall from McCumber to Casey, Smith from Sprague to Johnson, Svensrud from Johnson to Casey, LaMoure from Walsh to Casey, Hartman from Maratta to Casey.

Mr. Rowe of the Senate being absent.

Mr. Selby moved to make the election of Mr. Casey unanimous.

Which motion Mr. President ruled out of order.

Lyman R. Casey having received a majority of all the votes cast by the Senators and Representatives of the Legislative Assembly of North Dakota, Mr. President and the Joint Assembly formally declared Lyman R. Casey duly elected United States Senator for the State of North Dakota.

Mr. Diesem moved

That a committee be appointed to await upon the newly elected senator and invite him to address the Joint Session,

Which motion prevailed, and

Mr. President appointed as such committee

Messrs. Diesem, Harmon and Belyea of the Senate, and Messrs. Montgomery, Estabrook and Hankinson of the House.

Mr. President announced an informal recess.

The special committee returned escorting the Hon. Lyman R. Casey, who was introduced by the President, and

Mr. Casey addressed the Joint Session.

Mr. President announced an informal recess.

The following certificate was then signed in the presence of the Joint Session, and read by the Clerk of the House:

STATE OF NORTH DAKOTA, }
HALL OF THE HOUSE OF REPRESENTATIVES. }

THIS IS TO CERTIFY, That at a meeting of the two Houses of the Legislative Assembly of the State of North Dakota, in Joint Assembly held on Monday, the twenty-fifth day of November, A. D. 1889, at noon, a majority of all the members of each House being present and voting, it was found upon examination of the Journals of the respective houses, that upon Friday, the twenty-second day of November, A. D. 1889, and after the meeting and organization of the Legislative Assembly, each House had by an open *viva voce* vote, voted for a United States Senator, and that the same person had not received a majority of all the votes cast in each house; thereupon both houses in Joint Assembly on Saturday, November 23, 1889, at noon, met and proceeded to ballot for a United States Senator; the same person not receiving a majority of all the votes cast, said Joint Assembly dissolved and reconvened on Monday, November the twenty-fifth, A. D., 1889, at noon, and proceeded to ballot for United States Senator; whereupon said Joint Assembly, by an open *viva voce* vote of the members present, a majority of all Senators and Representatives elect being present and voting, named Lyman R. Casey, of Stutsman county, for Senator in Congress for the State of North Dakota.

Whereupon said Joint Assembly formally declared said Lyman R. Casey, of Stutsman county, duly elected Senator to represent the State of North Dakota in Congress of the United States.

ALFRED DICKEY,

President of the Senate and the Joint Assembly.

DAVID B. WELLMAN,

Speaker of the House of Representatives.

JNO. G. HAMILTON,

Clerk of the House of Representatives.

C. C. BOWSFIELD,

Secretary of the Senate.

Mr. Swanston moved
 To take a recess until 10 o'clock a. m. to-morrow,
 Which motion prevailed, and
 The Joint Session took a recess until 10 a. m. to-morrow.

J. G. HAMILTON,
 Chief Clerk of the House.

C. C. BOWSFIELD,
 Secretary of the Senate.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
 BISMARCK, NORTH DAKOTA,
 November 26, 1889.

JOINT SESSION.

The Joint Session reassembled at 10 o'clock a. m.

The Lieutenant Governor, the President of the Senate, presiding.

The Journal of the Joint Session was read, and

Mr. Dodds moved

That the reading of names on roll calls be dispensed with,

Which motion prevailed, and

The Journal of the Joint Session was corrected and approved.

Mr. Williams moved

That the Joint Session do now dissolve,

Which motion prevailed, and

The Joint Session dissolved.

J. G. HAMILTON,
 Chief Clerk of the House.

C. C. BOWSFIELD,
 Secretary of the Senate.

House called to order by the Speaker.

Mr. Walsh moved

That the House do now resolve itself into Committee of the Whole for the consideration of the report of the Committee on Rules,

Which motion prevailed, and

Mr. Speaker called Mr. Walsh to the Chair.

When the committee rose the following report was submitted:

MR. PRESIDENT:

Your committee have had under consideration the reports of the Committee on Rules, which were read at length.

The committee reports progress and asks leave to sit again.

GEO. H. WALSH,
Chairman.

Mr. Williams moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Williams moved

That the Governor's Message be made a special order for tomorrow at 2:30 o'clock,

Which motion prevailed.

Mr. Roney moved

To amend House Bill No. 2 by striking out in section 4, line 4, the word "twenty-five," and inserting in lieu thereof the word "fifteen,"

Which amendment was withdrawn.

Mr. Stevens moved

To suspend the rules and amend the bill by striking out all of section 4 after the word "assign" in line 3 of the printed bill,

Which motion prevailed.

Mr. Walsh moved

To amend the title by striking out the words "and providing salary for clerks of said office,"

Which motion prevailed.

House Bill No. 2,

A bill for an act entitled "An act defining the duties of the Commissioner of Insurance,"

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

The roll being called there were yeas, 56; nays, none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson;
Haugen,
Haugerud,
Heglie,

Messrs—

Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Hoyt,

Messrs—

Ink,
McCullough,

Messrs—

Selby,
Zimmer.

Messrs. Ink and Zimmer being excused.

And so the bill passed and

Its title was agreed to.

Mr. Walsh moved

That the rules be suspended and

House Bill No. 1,

A Joint Resolution authorizing the Secretary of State to procure stationery and supplies for the officers and members of the Legislative Assembly, and appropriating funds therefor,

Be read the third time and placed upon its final passage,

Which motion prevailed.

Mr. Walsh moved

To amend the title of the bill by striking out the words "and making appropriation therefor,"

Also,

In the body of the bill strike out all reference to appropriation,

Which motion prevailed, and

The Joint Resolution was so amended.

House Bill No. 1,

A Joint Resolution authorizing the Secretary of State to procure stationery and supplies for the officers and members of the Legislative Assembly, and appropriating funds therefor,

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

The roll being called there were ayes 56, nays, none.

Those who voted in the affirmative were:

Messrs.—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Hoyt,

Messrs—

Ink,
Milsted,

Messrs—

Selby,
Zimmer.

Messrs. Ink and Zimmer being excused.
 And so the bill passed and
 Its title was agreed to.
 Mr. Stevens moved
 That the House do now adjourn,
 Which motion prevailed, and
 The House adjourned.

AFTERNOON SESSION.

The House assembled at 2 o'clock p. m., pursuant to adjournment,
 The Speaker presiding.
 Prayer by the Chaplain.
 Roll called.
 All the members present except Messrs. Ink and Zimmer, excused.
 The Journal of the preceding day was read and approved.
 Mr. Speaker called Mr. Selby to the Chair.

REPORT OF SPECIAL COMMITTEE.

The Special Committee appointed to ascertain whether any other officers are needed by the House, and to fix their compensation, submitted the following report:

Mr. SPEAKER:

Your special committee to ascertain whether there are any other officers needed by the House, and to fix their compensation, beg leave to report by offering the following resolution:

Resolved by the House, the Senate Concurring, That a Joint Committee be appointed by the Speaker of the House and President of the Senate, consisting of three members from each body, to ascertain the number of employes necessary to take care of the Capitol building and offices therein, including the Senate Chamber and House of Representatives, and fix salaries for such necessary employes, and report by bill or otherwise.

Mr. Stevens moved
 To adopt the report,
 Which motion prevailed, and
 The report was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stevens introduced—
 House Bill No. 3,
 A Joint Resolution providing for the appointment of a Revision Committee,
 Which was read the first time.

Mr. Stevens introduced—
 House Bill No. 4,
 A Joint Resolution authorizing the payment of salaries, mileage and per diem,

Mr. Stevens moved

That the rules be suspended and that House Bill No. 4 be read the second time and referred to a special committee,

Which motion prevailed, and

House Bill No. 4 was read the first and second times.

Mr. McCullough introduced—

House Bill No. 5,

A bill for an act entitled "An act to attach certain townships to the Third Legislative district,"

Which was read the first time.

Mr. Bowen moved

That the Chair appoint a committee of three to confer with a similar committee from the Senate and report as to the advisability of adjournment, and for what length of time,

Which motion prevailed.

Mr. Speaker announced an informal recess.

Mr. Walsh introduced the following resolution and moved its adoption:

Resolved, That the Speaker be and is hereby authorized to appoint a committee of five to act with a like committee of the Senate, to be known as a Joint Committee on Printing, whose duty it shall be to ascertain the cost of printing the Journal and bills and other printing necessary, and to report the same to their respective bodies.

Which motion prevailed, and

The resolution was adopted.

Mr. Speaker announced as the House members of the Joint Committee on printing

Messrs. Walsh, McCullough, Hankinson, Williams and Buchanan.

Mr. Speaker appointed as the House members of the Joint Committee on adjournment

Messrs. Bowen, Currier and Pinkham.

Mr. Speaker announced as the committee on officers and employes and their compensation called for by House Bill No. 4,

Messrs. Stevens, Tyler and Wickham.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication from the Attorney General was received and read:

BISMARCK, NORTH DAKOTA, November 26, 1889.

To the Honorable Speaker of the House:

I have been asked by the honorable Senate for my opinion upon the following question: "As to the right of the Senate and House to adjourn until the first Tuesday after the first Monday in January, 1890, after electing two United States Senators?"

I am informed by the Chief Clerk of the House that your honorable body desires my opinion upon substantially the same question. I therefore submit herewith the same opinion furnished the honorable Senate in answer to the question submitted from that body.

An answer to this question necessarily involves the consideration of a further question, to-wit: Whether this session is a special session only, and its powers limited to the election of two United States Senators; or whether it can also consider the ordinary business of a legislative body.

I have carefully examined the various provisions of the Constitution of the United States, the Omnibus Bill, and the Constitution of the State of North Dakota upon these subjects; your especial attention is called to Section 24 of the Omnibus Bill, and Sections 21, 41, 51, 53 and 56 of the State Constitution, and Sections 17 and 19 of the Schedule. The general rule of law is well settled that where a *statute* requires an act to be done by an officer within a certain time for a public purpose, the statute shall be taken to be merely directory. But this rule is not usually applicable to the construction of a Constitution, and it seems quite clear that the rule could not be invoked in the construction of our Constitution in view of the express provisions of Section 21. I think, however, that this question can be settled by reference to other provisions and rules of law that are clearly applicable.

First. As to the various provisions above referred to: Section 56 fixes the length of *regular* sessions of the Legislative Assembly, and Section 53 determines the commencement of such sessions; Section 56 further provides that the *first* session may continue 120 days; and Section 19 of the Schedule provides that at the *first* session of the Legislative Assembly it shall provide for the payment of all debts and indebtedness authorized to be incurred by the Constitutional Convention of North Dakota, which should remain unpaid after the appropriation made by Congress for the same shall have been exhausted. This is *a* session of the Legislative Assembly; is it not the *first* session contemplated in Section 56 of the Constitution and Section 19 of the Schedule? If so, then it is the session that may continue 120 days, and that must provide for the payment of the indebtedness mentioned in Section 19 of the Schedule. If this is held to be a special session and that no business can be transacted other than the election of United States Senators, then several important questions arise. When, and at what session of the Legislative Assembly is it to carry out the provisions of Section 19 of the Schedule? What session may continue 120 days; the present session or one convening in January next? Shall this session adjourn *sine die* after electing two United States Senators and meet and reorganize in January? It must either do this, or take a recess or adjournment to January, or some other time, and then reconvene with the present organization; and that would be simply continuing this session, and conceding the power in this session to consider general legislation, and only postponing the time of so doing. To my mind, the more reasonable and satisfactory conclusion to be drawn from these various provisions of the Constitution and Omnibus Bill, is that the present session of the Legislative Assembly, whether denominated a general or special session, has full power to proceed with general legislation, and that Section 53 of the Constitution has reference and was intended to apply to a permanent and fixed condition of affairs; to all sessions after the first, and was not intended to prohibit the first session being called at an earlier date.

Second. The law is also well settled that where the law making power is lawfully convened, whether under the Constitutional provisions, or by executive proclamation, it has the inherent power, and authority, (unless restricted by Constitutional limitation) to legislate upon all proper subjects. Section 75 of the Constitution confers upon the Governor the general power to convene the Legislative Assembly on extraordinary occasions; and section 17 of the Schedule confers upon him a special power to convene it immediately upon his qualifying and not less than fifteen nor more than forty days after the date of the proclamation therefor. His Excellency has exercised that power; the Legislative Assembly is lawfully convened; and there being no Constitutional limitations imposed upon its powers when so convened by the executive, I am clearly of the opinion that it may not only continue its session beyond the election of United State Senators, but that it may at any time during such session, consider and act upon any matter that comes within the scope of the legislative power.

Third. As to the right to adjourn: Is there, then, any legal presumption that a session of the Legislative Assembly must be continuous or unbroken? I do not think so, and there are numerous precedents to the contrary. I know of no provision of our Constitution or Statutes, nor rule of law, that would prohibit the Legislative Assembly from adjourning or taking a recess to the time stated, or to any other time during the official term of the members thereof. Section 51 of the Constitution which provides that "neither House shall, *without* the consent of the other, adjourn for more than three days," etc., clearly implies that *with* such consent, to-wit: By joint resolution, it might do so. As to the advisability of such a course, I express no opinion; that is a matter solely for the Legislative Assembly to determine.

Respectfully submitted,

GEO. F. GOODWIN,
Attorney General.

Mr. Speaker announced the appointment of Wm. Gleason, Henry Newcomer and Wm. Head as Janitors of the House, each to receive a salary of \$2 per day.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
November, 26, 1889. }

MR. SPEAKER:

I have the honor to inform the House that the President of the Senate has appointed as a committee to consider the advisability of adjournment,

Messrs. Belyea, Lawrence and Slotten.

Also,

That the President has appointed the following Senators as a Committee on Printing to confer and act with a similar committee of the House,

Messrs. Swanston, Little, Winship, Svensrud and Smith.

Respectfully,

C. C. BOWSFIELD,
Secretary.

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

Resolved, That a committee of three be appointed by the Speaker of the House to confer with a like committee of the Senate to ascertain the number of employes necessary to take care of the Capitol building and offices therein, including the Senate Chamber and House of Representatives, and fix salaries for such necessary employes, and report by bill or otherwise.

Which motion prevailed, and

The resolution was adopted.

Mr. Speaker appointed as the committee on the part of the House

Messrs. Hankinson, Thompson and Walton.

Mr. Buchanan moved to adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
November 27, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Heglie, Ink, Lutz, Watt and Zimmer, excused.

The Journal of the preceding day was read, and

Mr. Buchanan moved

That the reading of the Attorney General's opinion be dispensed with,

Which motion prevailed, and

The Journal was approved.

Mr. Speaker called Mr. Stevens to the Chair.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Haugen presented the following communication:

BISMARCK, N. DAK., November 19, 1889.

To the Honorable A. P. Haugen, Member of the House of Representatives of North Dakota:

DEAR SIR: The North Dakota Non-Partisan Prohibition Alliance at a meeting recently held in the city of Casselton, by resolution appointed a committee consisting of Charles A. Pollock of Fargo, Robert M. Pollock of Casselton, and George F. Goodwin of Lisbon, to draw a bill for the enforcement of the Prohibition clause of the Constitution, which should represent the wish of said Association as to the law desired by them to be passed.

The committee has performed its work and made its report.

The Alliance, through the undersigned, its officers, beg to request that you present said bill, a copy of which is herewith attached, to the House, of which you are a member, and bespeak for it at the hands of the members of the House their careful consideration, expressing the hope that the same may be passed with as few amendments as possible.

The bill is based upon the Kansas law, with such modifications from the Iowa law as were deemed by the committee appropriate.

Yours Respectfully,

R. M. POLLOCK,

President North Dakota Non-Partisan Prohibition Alliance.

J. C. WHITE,

Secretary.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee on Adjournment submitted the following report:

Mr. SPEAKER:

Your committee appointed by the Speaker of the House of Representatives to confer with a similar committee from the Senate upon the question of adjournment, respectively beg leave to report the following, to-wit, and recommend its adoption: That your committee in Joint Session recommend that the Legislative Assembly take a recess from Wednesday, Nov. 27, 1889, to Tuesday, Dec. 3, 1889; and they further recommend that the Legislative Assembly adjourn Friday, Dec. 20, 1889, to Tuesday, Jan. 7, 1890, without detriment to the present organization, or *per diem* of members.

E. W. BOWEN,

Chairman of Joint Committee.

E. A. BELYEA,

Secretary of Joint Committee.

Mr. Buchanan moved that the report be amended by the following substitute:

Resolved, That it is the sense of this body that after the passage of such measures as are absolutely necessary for the welfare of the State at once, that the Legislature adjourn to the first Tuesday in January, 1890.

Mr. Hankinson moved

To adopt the substitute.

Mr. Milsted moved

To lay the substitute on the table,
Which motion prevailed.

Mr. Thomas moved

To amend the report by substituting the words "14th of December" in lieu of the words "19th of December."

Mr. Roney moved

To lay the substitute on the table,
Which motion prevailed, and

The question recurring on the adoption of the committees' report,

The report of the committee was adopted.

The Special Committee to ascertain the number and salary of the employes about the Capitol building submitted the following report:

MR. SPEAKER:

We, the Joint Committee, appointed by the Senate and House of Representatives for the purpose of ascertaining the number and salary of employes about the Capitol, do hereby find that the charge and control of the Capitol, as well as the park and public grounds connected therewith, is already provided

for by Chapter 6, Article 1, Section 127, of the Political Code of the Statutes of the Territory of Dakota; therefore, we are of the opinion that this committee has no power to act in the premises, inasmuch as the word "Capitol" includes all the rooms in said building.

H. J. ROWE,
H. S. DIESEM,
ROGER ALLIN,
Senate Committee.
R. H. HANKINSON,
J. J. THOMPSON,
L. L. WALDON,
House Committee.

Mr. Estabrook moved
To adopt the report,
Which motion prevailed, and
The report of the committee was adopted.

Mr. Hankinson moved
That the Secretary of State be requested to place upon the desk of each member a copy of the Journal of the Constitutional Convention,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Williams moved
That the House do now resolve itself into Committee of the Whole for the consideration of the Governor's Message,
Which motion prevailed, and
Mr. Speaker called Mr. Williams to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole has had under consideration the message of the Governor, and recommend that it be referred as follows, viz:

Finances of the State—Committee on Ways and Means.

Treasurer's Report—Committee on Ways and Means.

Assessment and Taxation—To a committee to be known as a Committee on Taxes and Tax Laws.

Prohibition—Committee on Temperance.

Purity of Elections—Committee on Elections and Privileges.

Railroad Taxation—Committee on Railroads.

Public Institutions—Committee on Public Buildings.

Penitentiary—Committee on Penal Institutions.

Insane Asylum—Committee on Charitable Institutions.

University of North Dakota—Committee on Educational Institutions.

Railroads—Committee on Railroads.

Needy Settlers—Committee on State Affairs.

Library—Committee on Library.

Insurance—Committee on Insurance.

Public Printing—Committee on Public Printing.

Board of Health and Veterinary Surgeon—Committee on Public Health.

Militia—Committee on Military Affairs.

Ordnance—Committee on Military Affairs.

Appropriations—Committee on Appropriations.

Outstanding bills—Committee on Appropriations.

Irrigation—Committee on Irrigation.

Commissioner of Agriculture and Statistics—Committee on Agriculture.

Public Schools—Committee on Education.
 Public Lands—Committee on Public Lands.
 Capitol Building and Grounds—Committee on Public Buildings.
 Supreme Court—Committee on Judiciary.
 Constitutional Convention Reimbursement—Committee on State Affairs.
 Fees—Committee on Judiciary.

Mr. Tyler moved

To adopt the report,
 Which motion prevailed and
 The report of the Committee of the Whole was adopted.

Mr. Williams moved

That it is the sense of the House that 2,500 copies of the Governor's Message be printed for distribution among the members,
 Which motion prevailed.

E. A. WILLIAMS,
 Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 November 27, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate has this day adopted the report of the Joint Committee upon the question of a recess and adjournment, except the words "or *per diem* to members."

C. C. BOWSFIELD,
 Secretary.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS, MEMORIALS, ETC.

Mr. Haugen introduced—
 House Bill No. 6,

A bill for an act entitled "An Act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

Which was read the first time.

Mr. Milsted introduced—
 House Bill No. 7,

A bill for an act entitled "An Act relating to sheep husbandry,"
 Which was read the first time.

Also,
 House Bill No. 8,

A bill for an act entitled "An Act to provide for the compensation of court stenographers,"

Which was read the first time.

Also,
 House Bill No. 9,

A bill for an act entitled "An act providing for the creation of a State Board of Equalization,"

Which was read the first time.

Mr. Tyler introduced—

House Bill No. 10,

A bill for an act entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer,"

Which was read the first time.

Mr. Bowen introduced—

House Bill No. 11,

A bill for an act entitled "An Act to fix the compensation of the Judges of the County Courts and provide a fund to reimburse the county for the same,"

Which was read the first time.

Mr. Milsted introduced—

House Bill No. 12,

A bill for an act entitled "An Act providing for the levy and collection of taxes on certain railroad property in this State,"

Which was read the first time.

Mr. Williams introduced (by request)—

House Bill No. 13,

A bill for an act entitled "An Act to transfer and reappropriate unexpended balances of the appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota,"

Which was read the first time.

Mr. Estabrook moved

That the House concur in the Senate amendment of the report of the Joint Committee on Adjournment.

Mr. Milsted moved

To lay on the table.

Mr. Bowen raised the point of order that roll call had been commenced and the motion was out of order,

Which point Mr. Speaker decided was well taken.

MESSAGE FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }
November 27, 1889. }

Mr. SPEAKER:

I have the honor to transmit herewith

House Bill No. 2,

A bill for an act defining the duties of Commissioner of Insurance,

Which the Senate has passed.

Also,

Joint Resolution No. 1,

Authorizing the Secretary of State to procure stationery and

supplies for the officers and members of the Legislative Assembly,

Which the Senate has passed.

C. C. BOWSFIELD,
Secretary

Roll call demanded on the motion of Mr. Estabrook.
The roll being called there were ayes 45, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Rawlings,
Balkan,	Hankinson,	Reed,
Beard,	Haugen,	Richardson,
Belden,	Haugerud,	Roney,
Bowen,	Heglie,	Selby,
Brittin,	Ingebretson,	Stadleman,
Buchanan,	Langer,	Strom,
Bye,	Lilly,	Tandberg,
Christianson,	McDonald,	Thomas,
Cole,	McIntyre,	Thompson of Cass,
Court,	Milsted,	Thomson of Walsh,
Currier,	Montgomery,	Tyler,
Estabrook,	Nedrud,	Ueland,
Foss,	Norton,	Walton,
Green,	Pinkham,	Wickham.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Jahr,	Moore,	Stevens,
Johnson,	Murphy,	Walsh,
McCormick,	Olgard,	Williams,
McCullough,	Renaud,	Mr. Speaker.

Messrs. Hoyt, Ink, Lutz, Watt and Zimmer being excused.
And so the motion to concur prevailed.

Mr. Buchanan moved

That a committee of three be appointed to wait on the Attorney General and ascertain his opinion as to the legality of adjournment and retaining the present organization, and report before the close of this session.

Mr. Bowen gave notice of a motion to reconsider the vote by which the amendment of the Senate was concurred in.

Mr. Selby moved

That the original motion and the substitute be laid on the table,
Which motion prevailed.

Mr. Cole moved

That the House do now resolve itself into a Committee of the Whole for the consideration of the report of the Committee on Rules,

Which motion was withdrawn.

Mr. Speaker announced an informal recess.

Mr. Thompson of Cass, moved
That the House do now take a recess until Tuesday, December 3d,

Which motion prevailed, and

The House took a recess until Tuesday, December 3d.

J. G. HAMILTON,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 3, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll call.

All members present, except Messrs. Allen, Bowen, Buchanan, Christianson, Hankinson, Johnson, McDonald, Murphy, Norton, Reed, Renaud, Stadelman, Strom, Thomson of Walsh, Tyler, Watt, excused.

The Journal of the preceding day was read and approved.

The Speaker called Mr. Williams to the Chair.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Speaker presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

WHEREAS, The North Dakota Non-Partisan Prohibition Alliance has had a bill prepared to secure the enforcement of Article 20 of the Constitution, which is known as Senate Bill No. 1, the undersigned residents and legal voters of Ransom county respectfully urge your honorable body, and especially the members from this county, to use all honorable means to secure the immediate passage of said bill without change or amendment.

S. E. RYAN,
And 83 Others.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Walsh introduced—

House Bill No. 14,

A bill for an act entitled "An Act prescribing the mode of mak-

ing assessment and the levy and collection of taxes, and for other purposes relative thereto,"

And by unanimous consent the first reading at length was postponed until the bill shall be printed.

Mr. Stevens introduced—

House Bill No. 15,

A bill for an act entitled "An Act to provide for the organization and government of State banks,"

Which was read the first time.

Mr. Williams introduced—

House Bill No. 16,

A bill for an act entitled "An Act declaring certain mills public mills, and fixing the rate of toll, and regulating the exchange of the manufactured products of grain for grain,"

Which was read the first time.

Mr. Speaker announced an informal recess.

Mr. Speaker announced the appointment of the following Committee on Enrollment:

Messrs. Walsh, Beard, Heglie, McDonald, Olsgard, Brittin, Williams, McIntyre and Norton.

SECOND READING OF HOUSE BILLS.

House Bill No. 5,

A bill for an act entitled "An Act to attach certain townships to the Third Legislative district,"

Was read the second time, and referred to the Committee on Apportionment.

House Bill No. 6,

A bill for an act entitled "An Act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

Was read the second time, and referred to the Committee on Temperance.

House Bill No. 7,

A bill for an act entitled "An Act relating to sheep husbandry,"

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 8,

A bill for an act entitled "An Act to provide for the compensation of court stenographers,"

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

House Bill No. 9,

A bill for an act entitled "An Act providing for the creation of a State Board of Equalization,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 10,

A bill for an act entitled "An Act to provide for a system of accounts for the State Auditor and State Treasurer,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 11,

A bill for an act entitled "An Act to fix the compensation of the Judges of the County Courts and provide a fund to reimburse the county for the same,"

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

House Bill No. 12,

A bill for an act entitled "An Act providing for the levy and collection of taxes on certain railroad property in this State,"

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 13,

A bill for an act entitled "An Act to transfer and reappropriate unexpended balances of the appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota,"

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

Mr. Speaker announced an informal recess.

The Committee on Enrollment submitted the following report:

MR. SPEAKER:

Your Committee on Enrollment report

Joint Resolution No. 1,

Authorizing and empowering the Secretary of State to furnish stationery and supplies to the officers and members of the Legislative Assembly;

Also,

House Bill No. 2,

Entitled "An Act defining the duties of Commissioner of Insurance,"

As properly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 1,

A Joint Resolution authorizing and empowering the Secretary of State to furnish stationery and supplies to the officers and members of the Legislative Assembly,

Also,

House Bill No. 2,

A bill for an act entitled "An Act defining the duties of the Commissioner of Insurance."

Mr. Speaker announced an informal recess.

Mr. Speaker appointed the following standing committees:

Rules and Joint Rules—N. B. Pinkham, E. A. Williams, R. N. Stevens, George Walsh, Chris Balkan, A. O. Heglie, James Brittin, H. H. Strom, L. A. Ueland.

Judiciary—Frank Thompson, J. F. Selby, E. A. Williams, George Walsh, R. N. Stevens, W. B. Allen, R. N. Ink, N. B. Pinkham, W. S. Buchanan, John H. McCullough, W. H. Murphy.

Ways and Means—J. F. Selby, F. Estabrook, R. B. Richardson, R. N. Stevens, E. A. Williams, W. S. Buchanan, F. J. Thompson, W. L. Belden, Alex. Thomson, C. J. Christianson, George Lutz.

Railroads—R. N. Stevens, John Milsted, L. L. Walton, F. Estabrook, C. A. Currier, E. S. Tyler, H. D. Court, G. W. Rawlings, E. W. Bowen, A. W. Hoyt, H. L. Norton.

Appropriations—R. N. Ink, George Walsh, R. B. Richardson, James Reed, Eli McIntyre, J. F. Selby, P. B. Wickham, D. McDonald, George Lutz.

Engrossment—E. W. Bowen, Alex. Thomson, A. P. Haugen, E. D. McIntyre, H. D. Court, D. McDonald, A. C. Nedrud, H. L. Norton.

Enrollment—Geo. Walsh, W. W. Beard, A. O. Heglie, D. McDonald, Ole Olsgard, James Brittin, E. A. Williams, E. D. McIntyre, H. L. Norton.

Education—George W. Lilly, John Montgomery, J. H. McCullough, F. Estabrook, A. N. Foss, A. T. Cole, A. C. Nedrud, L. A. Ueland, R. H. Hankinson.

Elections and Privileges—W. W. Beard, R. B. Richardson, John H. McCullough, A. P. Haugen, Roderick Johnson, C. Balkan, D. P. Thomas, W. B. Allen, O. T. Jahr.

Municipal Corporations—George Lutz, E. S. Tyler, W. S. Buchanan, John Milsted, D. McDonald, E. A. Williams, C. C. Moore, W. L. Belden, L. J. Zimmer.

Corporations Other Than Municipal—R. H. Hankinson, N. B. Pinkham, W. B. Allen, P. B. Wickham, J. F. Selby, J. H. Watt, H. D. Court, C. J. Christianson, W. L. Belden.

Agriculture—A. C. Nedrud, H. D. Court, George W. Rawlings, A. O. Haugerud, H. H. Strom, D. P. Thomas, John O. Bye, Nels Tandberg, O. T. Jahr.

Public Printing—D. P. Thomas, L. L. Walton, C. A. Currier, G. W. Lilly, John Milsted, Alex. Thomson, James Brittin, W. B. Allen.

Irrigation—L. L. Walton, George W. Rawlings, John Milsted, D. P. Thomas, Charles Currier, P. B. Wickham, A. T. Cole, L. A. Ueland, F. R. Renaud.

Insurance—P. B. Wickham, W. S. Buchanan, James Reed, C. A. Currier, E. S. Tyler, E. A. Williams, G. E. Ingebretson, R. N. Stevens, Ole E. Olsgard.

Banking—E. S. Tyler, R. N. Stevens, R. H. Hankinson, P. B. Wickham, F. J. Langer, G. E. Ingebretson, R. B. Richardson, A. N. Foss, O. T. Jahr.

Labor—John Stadleman, Roderick Johnson, F. Estabrook, A. P. Haugen, E. D. McIntyre, W. W. Beard, W. S. Buchanan, J. L. Green, H. L. Norton.

Immigration—F. Estabrook, John Montgomery, H. D. Court, R. Johnson, Alex. Thomson, John Stadleman, James McCormick, W. H. H. Roney, F. R. Renaud.

Apportionment—L. A. Ueland, John A. Watt, John Stadleman, A. N. Foss, A. O. Haugerud, Nels Tandberg, George H. Walsh, O. T. Gronli, Roderick Johnson, F. J. Thompson, John O. Bye, F. J. Langer, R. N. Ink, E. W. Bowen, J. L. Green, C. J. Christianson, C. Balkan, O. E. Olsgard, W. H. Murphy, James Brittin, G. Ingebretson, C. A. Currier, L. L. Walton, John Milsted, W. B. Allen, G. W. Lilly, G. W. Rawlings, James Reed, A. C. Nedrud, P. B. Wickham, C. C. Moore.

School and Public Lands—W. S. Buchanan, Frank Thompson, F. J. Langer, E. S. Tyler, James Reed, C. A. Currier, James Brittin, R. N. Ink, P. B. Wickham.

Public Health—John Montgomery, John Stadleman, A. O. Haugerud, J. F. Selby, N. B. Pinkham, R. N. Stevens, D. McDonald, A. C. Nedrud, H. L. Norton.

Military Affairs—W. H. H. Roney, F. Estabrook, R. H. Hankinson, E. S. Tyler, L. L. Walton, George H. Walsh, James McCormick, N. B. Pinkham, George Lutz.

Warehouses, Grain, Grading and Dealing—A. T. Cole, H. H. Strom, G. W. Rawlings, John O. Bye, G. E. Ingebretson, C. C. Moore, A. O. Heglie, Ole Ols-gard, L. J. Zimmer.

State and Federal Relations—James Brittin, John O. Bye, Ole T. Gronli, John H. McCullough, H. H. Strom, Alex Thomson, F. R. Renaud, Nels Tand-berg, A. O. Heglie.

Public Buildings—E. A. Williams, John Milsted, George Walsh, E. S. Tyler, C. J. Christianson, J. H. Watt, A. O. Heglie, James McCormick, O. T. Jahr.

Mines and Mining—George W. Rawlings, A. W. Hoyt, C. C. Moore, Chris Balkan, W. W. Beard, W. L. Belden, E. W. Bowen, Ole T. Gronli, A. C. Nedrud.

Temperance—A. P. Haugen, R. B. Richardson, James Reed, James Mc-Cormick, W. W. Beard, A. T. Cole, W. H. H. Roney, George Walsh, E. A. Williams.

Highways, Bridges and Ferries—R. B. Richardson, E. W. Bowen, J. L. Green, Ole T. Gronli, A. W. Hoyt, F. J. Langer, J. H. Watt, W. H. Murphy, L. J. Zimmer.

Charitable Institutions—Eli D. McIntyre, Roderick Johnson, C. A. Cur-rier, J. F. Selby, Alex Thomson, D. P. Thomas, R. N. Ink, George Lutz, W. H. Murphy.

Penal Institutions—Duncan McDonald, Eli D. McIntyre, H. D. Court, J. L. Green, H. H. Strom, Nels Tandberg, John Stadelman, Ole E. Ols-gard, O. T. Jahr.

Educational Institutions—John H. McCullough, R. H. Hankinson, E. S. Tyler, L. A. Ueland, George A. Ingebretson, Ole T. Gronli, C. J. Christianson, A. T. Cole, O. T. Jahr.

State Affairs—C. A. Currier, E. D. McIntyre, James Reed, James Brittin, P. B. Wickham, J. H. Watt, C. C. Moore, Duncan McDonald, L. J. Zimmer.

State Library—W. B. Allen, John O. Bye, Frank J. Langer, Roderick Johnson, John Milsted, C. C. Moore, Frank J. Thompson, W. H. H. Roney, L. J. Zimmer.

Supplies and Expenditures—J. H. Watt, Ole T. Gronli, Frank J. Langer, Frank Thompson, George W. Lilly, D. P. Thomas, Luther Walton, W. H. Murphy, George Lutz.

Forrestry—C. J. Christianson, Franklin Estabrook, Chris Balkan, E. W. Bowen, A. T. Cole, A. N. Foss, A. W. Hoyt, George W. Lilly, Duncan Mc-Donald.

Public Debt—James Reed, H. D. Court, J. L. Green, A. P. Haugen, W. H. H. Roney, Nels Tandberg, Frank Thompson, L. J. Zimmer, George Lutz.

Mr. Williams moved

That the Secretary of State be instructed to furnish the mem-
bers with pastboard files,

Which motion prevailed.

Mr. Pinkham moved

That there be added to the list of standing committees a Committee on Woman's Suffrage,
Which motion prevailed.

Mr. Stevens moved

That the Chair appoint a committee of three to secure rooms for the enrolling and engrossing force,
Which motion prevailed, and
The Speaker appointed as such committee,
Messrs. Stevens, Walsh and Ink.

The Committee on Enrollment submitted the following report:

MR. SPEAKER:

I have the honor to report that I did, at the hour of 3:40 p. m., this day, present to the Governor for his approval

House Bill No. 2,

A bill for an act entitled "An Act defining the duties of the Commissioner of Insurance,"

Also,

To the Secretary of State,
House Joint Resolution No. 1,

Authorizing and empowering the Secretary of State to furnish stationery and supplies to the officers and members of the Legislative Assembly.

GEO. H. WALSH,
Chairman.

Mr. Williams moved

That the consideration of the report of the Committee on Rules be made a special order for 3 o'clock to-morrow,
Which motion prevailed.

• Mr. Selby moved

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

J. G. HAMILTON,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 4, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll call.

All members present except Messrs. Buchanan and Rawlings, excused.

The Journal of the preceding day was read, corrected and approved.

Mr. Roney moved

That the membership of the Committee on Warehouses, Grain Grading and Dealing be increased to fifteen.

Which motion prevailed.

PETITIONS, COMMUNICATIONS, ETC.

Mr. McCormick presented the following petition :

To the Honorable Members of the Legislative Assembly of North Dakota :

We, the undersigned, residents of Ramsey county, N. Dak., respectfully pray that your honorable body enact the following laws, namely:

That the legal rate of interest in North Dakota be seven per cent. per annum, and ten per cent. if agreed to by written contract, and usury shall cause the forfeiture of both the principal and interest.

The interest on tax sale certificates shall be no less than twelve and not more than fifteen per cent. per annum, and a tax title to the land shall not be obtained until the expiration of five years from the date of sale of land for taxes.

W. W. BARRETT,
And 45 Others.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee on Printing submitted the following report :

MR. SPEAKER :

Your Joint Special Committee to whom was referred the question of printing the bills of the two Houses and the daily and permanent Journals and miscellaneous documents for the Legislature, respectfully report that they find

that heretofore a rate of 60 cents per 1,000 ems has been paid for composition on the bills, joint resolutions, etc., and a rate of 60 cents per token of 250 impressions for presswork on this class of work, which is generally designated as *first class*.

For work of the *second class*, which includes the daily and permanent Journals and miscellaneous reports, a rate of 75 cents per 1,000 ems has been paid for composition and 60 cents per token for presswork.

Your committee find that the Bismarck Tribune Company will perform the work for this session of the Legislature at a reduction of about 15 per cent. of the rates heretofore paid, or 50 cents per 1,000 ems for composition first class, and 70 cents per 1,000 ems for second class, and 50 cents per token for presswork.

Your committee recommends that the printing for this session be performed by the Tribune Company, under the supervision of the Secretary of State, whose duty it shall be to keep a record of all work ordered, and examine and certify to all accounts for said printing. We recommend the printing of 150 copies of each bill, 150 copies of the daily Journal for each house, and 300 copies of the permanent or bound edition of the Journal of each house in accordance with the above rates, and under such rules and regulations as the Legislature or the Secretary of State may from time to time prescribe.

We further recommend that provision for the payment of all printing ordered by the Legislature be made in a general or special appropriation bill as the Legislature may hereafter determine.

We also recommend that a law governing all printing for the State and future Legislatures be enacted at this session.

Bismarck, Dec. 4, 1889.

GEO. H. WALSH,
Chairman House Joint Committee.
W. E. SWANSTON,
Chairman Senate Joint Committee.

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

MOTIONS AND RESOLUTIONS.

Mr. Lutz introduced the following resolution and moved its adoption:

Resolved, That the Speaker be and he is hereby authorized to appoint a special committee whose duty it shall be to inquire into the advisability of abolishing the grand jury system and to eventually present a suitable bill, the provisions of which have been passed upon by the courts, and shall therefore not entail litigation.

Mr. Williams moved to amend by referring the matter to the Judiciary Committee.

Which motion prevailed, and
The question was so referred.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Renaud introduced—

House Bill No. 17,

A bill for an act entitled "An Act providing for the release of chattel mortgages,"

Which was read the first time.

Mr. Moore introduced—

House Bill No. 18,

A bill for an act entitled "An Act to amend an act providing for the levy and collection of taxes upon property of railroad companies in this Territory, and approved March 7th, 1889,"

Which was read the first time.

Mr. Lilly introduced—

House Bill No. 19,

A bill for an act entitled "An Act providing for the refunding of the outstanding bonds of the State of North Dakota,"

Which was read the first time.

Mr. Thompson of Cass introduced—

House Bill No. 20,

A bill for an act entitled "An Act to amend Sections 1610 and 1612 of the Political Code, relating to the date upon which taxes shall become delinquent and the lien of personal taxes,"

Which was read the first time.

Mr. Ink introduced—

House Bill No. 21,

A bill for an act entitled "An Act regulating elevators, warehouses and sidetracks thereto,"

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 22,

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

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 23,

A bill for an act entitled "An Act to amend Section 70 of Chapter 28 of the Political Code, as amended by Section 1, Chapter 145, Laws of 1887, entitled 'Revenue,' changing the rate of interest required upon redemption from tax sales from thirty (30) to eighteen (18) per cent,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 15,

A bill for an act entitled "An Act to provide for the organization and government of State banks,"

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

House Bill No. 16,

A bill for an act entitled "An Act declaring certain mills public mills, and fixing the rate of toll, and regulating the exchange of the manufactured products of grain for grain."

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

Mr. Williams moved—

That of the 2,500 copies of the Governor's Message ordered printed by the House 500 copies be given to the Executive for distribution through his office, and that 1,000 copies be apportioned to the Senate for its use, and that the Senate be notified of this action by the House.

Which motion prevailed.

COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole to consider the report of the Committee on Rules, and

Mr. Speaker called Mr. Ink to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole has had under consideration the report of the Committee on Rules, and recommend that the report be amended by adding at the end of Rule nine (9) the following:

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.

Also,

Recommend that Rule thirty-nine (39) be amended by the addition of the following subdivisions, viz.:

- 37. Counties and County Boundaries.
- 38. Taxes and Tax Laws.

Also,

Recommend that Rule thirty-nine (39) be further amended by increasing the membership of the Committee on Warehouses, Grain Grading and Dealing to fifteen.

Also,

Recommend that Rule sixty-one (61) be referred to the Committee on Rules and Joint Rules.

Also,

Recommend that Rule sixty-three (63) be stricken out.

Also,

Recommend that the following proposed substitute for Rule 63 be referred to the Committee on Rules and Joint Rules.

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

And that when so amended the report of the Committee on Rules be adopted.

R. N. INK,
Chairman.

Mr. Selby moved

That the report be adopted,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Selby moved

That the rules as amended by the report of the Committee of the Whole be adopted as the rules of the House,

Which motion prevailed.

Mr. Williams moved

That the House take a recess for ten minutes,

Which motion prevailed, and

The House took a recess.

On reassembling

Mr. Williams moved

That the Chief Clerk be instructed to wait on the Secretary of State, and endeavor to secure a complete set of the Session Laws, the Compiled Laws and the Journals of the last Legislative Assembly, to be placed on the Clerk's desk for the use of members for reference,

Which motion prevailed.

Mr. Roney moved.

That the Chair appoint a committee of five members of the House to ascertain the number of clerks and all other officers of the House, and amount *per diem* to be paid the same, and report by bill or otherwise.

Mr. Stevens moved as a substitute

That the chairman of each committee be requested to report the necessities of his committee to the House, and the chief of each department likewise,

Which motion was withdrawn, and

The original motion prevailed.

Mr. Stevens moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned

J. G. HAMILTON,
Clerk Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 5, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll call.

All members present except Mr. Rawlings, excused.

The Journal of the preceding day was read and approved.

Mr. Williams moved

That the petition presented by the gentleman from Ramsey yesterday be referred to the Committee on Taxation and Tax Laws with instructions to report a bill covering the prayer of the petitioners,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
December 4, 1889. }

To the Speaker of the House of Representatives:

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

House Bill No. 2,

A bill for an act defining the duties of the Commissioner of Insurance,

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

Respectfully,

JOHN MILLER,
Governor.

Mr. Speaker announced as the Special Committee on Officers

and Salaries the following:

Messrs. Roney, Lutz, Reed, Tyler and Stevens.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Strom presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

GENTLEMEN: We, the board of county commissioners, in and for the County of Traill, State of North Dakota, do hereby petition your honorable bodies, in behalf of the people, that Section 2408 of the Compiled Code of 1887 be amended so as to include the weed or grass known as wild oats; the destruction of said weed or grass is a necessity.

Dated at Caledonia, Traill County, N. D., the 3d day of December, A. D. 1889.

H. E. LUCKEN,
Chairman of Board.
OLAF AUNE,
ALBERT OLSON,
P. HERBRANDSON,
A. STEENSON,
County Commissioners.

Mr. Richardson presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned legal voters of Pembina County, North Dakota, would respectfully petition your honorable body to pass, without change or alteration, House Bill No. 6, entitled "An Act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes," and your petitioners will ever pray.

H. L. CRANDELL,
And 68 Others.

Mr. Estabrook moved

That the petition be referred to the Committee on Temperance.

Mr. Stevens moved

To amend by adding to the motion "and that the committee be instructed to report a bill in accordance with the prayer of the petitioners."

Mr. Hankinson moved

To lay the amendment on the table.

Mr. Stevens withdrew his motion, and

The original motion prevailed.

Mr. Stevens moved

That the petition from Ransom county of similar purport be referred to the same committee,

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The Committee on Temperance submitted the following majority report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred

House Bill No. 6,

A bill for an act entitled "An Act to prescribe penalties for the

unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

Have had the same under consideration, and have agreed to amend said bill by striking out Section 32 of said bill, and when so amended, recommend its passage.

ARNE P. HAUGEN,
Chairman.

And the following minority report:

MR. SPEAKER:

We, the undersigned, members of Temperance Committee, to whom was referred

House Bill No. 6,

A bill for an act entitled "An Act to prescribe the penalties for the unlawful manufacture, sale and keeping for sale, of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,"

Respectfully dissent from the majority report striking out Section 32 of said bill and recommend the passage of said bill as introduced.

JAMES McCORMICK,
ROBT. B. RICHARDSON,
A. T. COLE,
Of the Committee.

INTRODUCTION OF BILLS.

Mr. Wickham introduced—

House Bill No 24,

A bill for an act entitled "An Act for the taxation of dogs,"

Which was read the first time.

Also,

House Bill No. 25.

A bill for an act entitled "An Act for the protection of wool growers,"

Which was read the first time.

Mr. Cole introduced—

House Bill No. 26,

A bill for an act entitled "An Act to provide seed wheat for destitute farmers,"

Which was read the first time.

Mr. Zimmer introduced—

House Bill No. 27,

A Joint Resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota,

Which was read the first time.

Mr. Milsted introduced—

House Bill No. 28,

A bill for an act entitled "An Act providing for the retention

and disposal of estrays,"

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 29,

A bill for an act entitled "An Act to license attorneys and counsellors at law,"

Which was read the first time.

Mr. Belden introduced—

House Bill No. 30,

A bill for an act entitled "An Act to amend certain sections of Part two (2), Chapter thirteen (13), of the Code of Civil Procedure of the Territory of Dakota, entitled 'Exemptions,'"

Which was read the first time.

Mr. Moore introduced—

House Bill No. 31,

A bill for an act entitled "An Act to amend Sections 1, 2 and 3 of Chapter sixty three (63) of the General Laws of 1881, relating to sheep husbandry,"

Which was read the first time.

Mr. Thompson of Cass, introduced—

House Bill No. 32,

A bill for an act entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota,"

Which was read the first time.

Mr. Bowen introduced—

House Bill No. 33,

A Joint Resolution providing for the printing of the Constitution as provided by Section 26 of the Schedule of the Constitution,

Which was read the first time.

Mr. Ueland introduced—

House Bill No. 34,

A bill for an act entitled "An Act amending Chapter forty-three (43) of the Session Laws of the Eighteenth General Assembly of Dakota Territory, entitled 'An Act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,'"

Which was read the first time.

Mr. Strom introduced—

House Bill No. 35,

A bill for an act entitled "An Act to amend Section 1408 of the Compiled Laws, relating to noxious weeds,"

Which was read the first time.

Mr. Ink introduced—

House Bill No. 36,

A bill for an act entitled "An Act regulating the filing of chattel mortgages,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 17,

A bill for an act entitled "An Act providing for the release of chattel mortgages,"

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

House Bill No. 18,

A bill for an act entitled "An Act to amend an act providing for the levy and collection of taxes upon property of railroad companies in this Territory, and approved March 7, 1889,"

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 19,

A bill for an act entitled "An Act providing for the refunding of the outstanding bonds of the State of North Dakota,"

Was read the second time, and referred to the Committee on Ways and Means.

House Bill No. 20,

A bill for an act entitled "An Act to amend Sections 1610 and 1612 of the Political Code, relating to the date upon which taxes shall become delinquent and the lien of personal taxes,"

Was read the second time, and referred to the Committee on Taxes and Tax Laws.

House Bill No. 21,

A bill for an act entitled "An Act regulating elevators, warehouses and sidetracks thereto,"

Was read the second time, and

Mr. Ink moved

That House Bill No. 21 be referred to the Committee on Warehouses, Grain Grading and Dealing.

Mr. Stevens moved

To amend the motion by substituting "Railroad Committee" for "Warehouses, Grain Grading and Dealing Committee,"

Which amendment was lost, and

The question recurring on the original motion,

Which motion prevailed, and

The bill was referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 22,

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

Was read the second time, and referred to the Committee on Insurance.

House Bill No. 23,

A bill for an act entitled "An Act to amend Section 70 of Chap-

ter 28 of the Political Code, as amended by Section 1, Chapter 145, Laws of 1887, entitled 'Revenue,' changing the rate of interest required upon redemption from tax sales from thirty (30) to eighteen (18) per cent,"

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

Mr. Speaker announced an informal recess of ten minutes.

Mr. Speaker announced the following additional standing committees:

Woman Suffrage—Messrs. Pinkham, Belden, Allen, Green, Olsgard, Hoyt Thomson of Walsh, McCullough, McCormick.

Counties and County Boundaries—Messrs. McCormick, Christianson, Strom, Belden, Balkan, Heglie, Milsted, Buchanan, Ingebretson.

And the following additions to the Committees on Judiciary and Warehouses, Grain Grading and Dealing:

Judiciary—Messrs. Montgomery, Watt, Haugen, Christianson.

Warehouses, Grain Grading and Dealing—Messrs. Christianson, Walton, Thomas, Foss, Tandberg, Ueland.

Mr. Thompson of Cass (by unanimous consent) submitted the following report of the Judiciary Committee:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 13,

A bill for an act entitled "An Act to transfer and reappropriate unexpended balances of the appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota,"

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

FRANK J. THOMPSON,
Chairman.

Mr. Williams moved

That the report be adopted, that the rules be suspended, that the bill be considered engrossed and placed on its third reading and final passage,

Which motion prevailed, and

House Bill No. 13,

A bill for an act entitled "An Act to transfer and reappropriate unexpended balances of the appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota,"

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

The roll being called there were ayes 59, nays, none.

Those who voted in the affirmative were:

Messrs.—

Allen,
Balkan,
Beard,
Belden,
Bowen,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,

Messrs—

Renaud,
Roney,
Selby,
Stadleman,
Stevens,

Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Langer,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Reed,

Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Mr. Lilly,

Mr. Rawlings,

Mr. Richardson.

Mr. Rawlings being excused.

And so the bill passed and
Its title was agreed to.

Mr. Pinkham (by unanimous consent) submitted the following report of the Committee on Rules:

MR. SPEAKER:

Your committee to whom was referred House Rules sixty-one (61) and fifty-six (56) would report and recommend that Rule 61 be adopted as one of the rules of this House, and that Rule 56 be indefinitely postponed. Your committee would further recommend that there be appointed a standing Committee on Manufactures.

N. B. PINKHAM,
Chairman.

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

Mr. Ink ask to be excused for fifteen days.

Mr. Hankinson moved
That the request be granted,
Which motion prevailed.

Mr. Roney (by unanimous consent) submitted the following report of the Special Committee on Offices and Salaries:

MR. SPEAKER:

Your committee to whom was referred the question of salaries of officers and clerical force needed, recommend the adoption of the following:

The salary of the Speaker shall be \$5 *per diem*, and he shall be allowed in addition thereto the sum of \$3 *per diem* for expenses and postage. The salary of the Chief Clerk of the House shall be \$8 *per diem*; Assistant Clerk, \$6 *per diem*; Bill Clerk, \$6 *per diem*; Enrolling and Engrossing Clerk, \$6 *per diem*; Assistant Enrolling and Engrossing Clerks, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Messenger, Postmaster, Watchman, Clerk of Judiciary Committee, \$5 *per diem* each; Chaplain and Pages, \$2 *per diem* each.

We further recommend that the Speaker shall from time to time as may be found necessary increase the enrolling and engrossing force, and when not engaged on enrollment or engrossment work, they shall be assigned as commit-

tee clerks until otherwise found necessary, and that no committee clerks be appointed at present.

W. H. H. RONEY,
Chairman.

Mr. Thompson of Cass moved
To adopt the report,
Which motion prevailed, and
The report of the committee was adopted.

Mr. Selby introduced the following resolution and moved its adoption:

Resolved, That a committee of five be appointed by the Speaker to act with a like committee from the Senate, to inquire what rooms are necessary to accommodate the several Standing Committees of the Senate and House, and to ascertain when and at what rental expense the same can be provided, such committee to report at the regular session to-morrow.

Which resolution was withdrawn.

Mr. Williams moved

That the rules be suspended and that the House proceed to the consideration of the majority and minority reports of the Temperance Committee's report on House Bill No. 6,

Which motion was lost.

Mr. Stevens moved

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

J. G. HAMILTON,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 6, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Christianson, Ink, Rawlings and Wickham, excused.

The Journal of the preceding day was read, corrected and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Rules and Joint Rules submitted the following report:

MR. SPEAKER:

Your Committee on Rules and Joint Rules, having conferred with the Senate Committee on Rules and Joint Rules, beg leave to submit the following Joint Rules and Joint Convention Rules and recommend their adoption:

Rule 1. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

2. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3. Messages from one House to the other shall be communicated by the Secretary of the Senate and Clerk of the House of Representatives, unless the House transmitting the message shall especially direct otherwise.

4. It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.

5. In every case of a difference between the two Houses upon any subject of legislation, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee, such committee shall meet at such hour and place as shall be agreed on by the chairmen and state to each other verbally or in writing, as either may choose, the reasons of their respective Houses, and confer freely thereon; and they

shall be authorized to report to their respective Houses such modifications as they shall think advisable.

6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses at any time previous to a conference, whether the papers on which such difference has arisen are before the House receding formally or informally, and that a majority shall govern, except in cases where two-thirds are required by the Constitution, and the question having been put, and lost, shall not be again put the same day, and the consideration thereof in other respects be regulated by the rules of the respective Houses.

7. After each House has adhered to its disagreement, and the bill which is the subject of difference shall be deemed lost, it shall not be again revived during the same session in either House, unless by consent of three-fourths of the members present of the House reviving it.

8. The same bill shall not create, renew or continue more than one incorporation, nor contain any provision in relation to the altering of more than one act of incorporation, nor shall the same bill appropriate public money or property to more than one purpose. Any bill appropriating moneys for the payment of the officers of the government shall be confined to that purpose exclusively.

9. No duplicate of any bill which may have been introduced and printed by one House shall, upon introduction into the other House, be printed by said other House, except by a two-thirds vote of all the members present.

10. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last two days of the session, whenever a time shall have previously been fixed for the adjournment of the Legislature.

11. The Committee on Enrolled Bills in each of the two Houses shall act jointly in the examination of all bills and resolutions before their presentation to the Governor, either as a body or by such respective sub-committees as such committees may appoint for that purpose.

12. Whenever both Houses, by the constitutional vote, direct that any act or resolution shall take effect immediately, or at any time before July 1st following the session of the Legislature, a proviso shall be added at the enrollment of the same in words to this effect: This act shall take effect immediately (or in—days.)

13. Every resolution by which any money or other property of the State shall be donated or appropriated, or by which any expense to the State shall be incurred, or which shall have any operation or effect outside of the two Houses of the Legislature, except such appropriations and expenses as shall be for the exclusive use, necessity or convenience of the Legislature, shall be either a joint or concurrent resolution, and shall take the same course as a bill, and shall be enrolled and presented to the Governor for his signature before the same shall take effect.

JOINT CONVENTION RULES.

Rule 1. Joint Conventions shall be held in the Hall of the House of Representatives and the President of the Senate shall preside.

2. The Secretary of the Senate and the Clerk of the House of Representatives shall be Secretaries of the Joint Convention, and the proceedings of the convention shall be published with the Journals of the House, and the final result as announced by the President on return of the Senate to their Chamber shall be entered on the Journal of the Senate.

3. The rules of the House of Representatives as far as the same may be applicable shall govern the proceedings in Joint Convention.

4. Whenever a President *pro tempore* presides he shall be entitled to vote on all occasions; and in case of a tie the question shall be declared lost.

6. Joint Conventions shall have the power to compel the attendance of absent members, in the mode and under penalties prescribed by the Rules of the

House to which such members respectively belong; and for that purpose the Sergeant-at-Arms of each House shall attend.

5. Joint Conventions may adjourn from time to time as may be found necessary, and it shall be the duty of the House of Representatives to prepare to receive the Senate, and of the Senate to proceed to the hall of the House of Representatives at the time fixed by law or resolution, or to which the Joint Convention may have adjourned.

N. B. PINKHAM,
Chairman.

Mr. Stevens of the committee to secure committee rooms reported verbally that rooms had been secured in the Capital National Bank building for the use of the House and Senate at an expense of \$65 per month.

Mr. Hankinson moved

That the rule by which the report of the Special Committee on Officers and Salaries was adopted be reconsidered.

Mr. Estabrook moved

To lay the motion on the table,

Which motion prevailed, and

The motion to reconsider was laid on the table.

INTRODUCTION OF BILLS.

Mr. Renaud introduced—

House Bill No. 37,

A bill for an act entitled "An Act defining the office hours of public officers for North Dakota,"

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 38,

A bill for an act entitled "An Act amending Sections 6 and 7 of Chapter 130, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds and fixing the license fee at \$50 upon every public grain warehouse,"

Which was read the first time.

Mr. Currier introduced—

House Bill No. 39,

A bill for an act entitled "An Act defining usury and the penalty for taking the same,"

Which was read the first time.

Mr. Thompson of Cass, introduced—

House Bill No. 40,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

Which was read the first time.



Mr. Reed introduced—

House Bill No. 41,

A bill for an act entitled "An Act to authorize county commissioners of the several counties of the State of North Dakota to designate depositories for the public funds of their respective counties,"

Which was read the first time.

Also,

House Bill No. 42,

A bill for an act entitled "An Act to create the office and define the duties of fire wardens,"

Which was read the first time.

Mr. Langer introduced—

House Bill No. 43,

A bill for an act entitled "An Act repealing Chapter 150 of the Session Laws of 1887, which authorizes seed wheat liens,"

Which was read the first time.

Mr. Ueland introduced—

House Bill No. 44,

A bill for an act entitled "An Act to amend an act providing for bounties for tree planting,"

Which was read the first time.

Mr. Foss introduced—

House Bill No. 45,

A bill for an act entitled "An Act providing for filing and recording of chattel mortgages by township clerks,"

Which was read the first time.

Mr. Lilly introduced—

House Bill No. 46,

A bill for an act entitled "An Act amending Section 4 of Chapter 121 of the Session Laws of 1887, relating to the appointment of members of the Board of Pharmacy,"

Which was read the first time.

Mr. Williams introduced—

House Bill No. 47,

A bill for an act entitled "An Act abolishing the office of Commissioner of Immigration and imposing certain duties on the Commissioner of Agriculture and Labor,"

Which was read the first time.

Mr. Thomas introduced—

House Bill No. 48,

A bill for an act entitled "An Act to amend Chapter 3, Article 11, Section 3053 of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to the publication of insurance statements,"

Which was read the first time.

House Bill No. 14,

A bill for an act entitled "An Act prescribing the mode of mak-

ing assessment and the levy and collection of taxes and for other purposes relative thereto,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 24,

A bill for an act entitled "An Act for the taxation of dogs,"

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 25,

A bill for an act entitled "An Act for the protection of wool growers,"

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 26,

A bill for an act entitled "An Act to provide seed wheat for destitute farmers,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 27,

A Joint Resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota,

Was read the second time, and referred to General Orders.

House Bill No. 4,

A Joint Resolution authorizing payment of salaries, mileage and per diem,

Was read the second time, and referred to General Orders.

House Bill No. 28,

A bill for an act entitled "An Act providing for the retention and disposal of estrays,"

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 29,

A bill for an act entitled "An Act to license attorneys and counsellors at law,"

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

House Bill No. 30,

A bill for an act entitled "An Act to amend certain sections of Part two (2), Chapter thirteen (13), of the Code of Civil Procedure of the Territory of Dakota, entitled 'Exemptions,'"

Was read the second time and referred to the Committee on Ways and Means.

House Bill No. 31,

A bill for an act entitled "An Act to amend Sections 1, 2 and 3 of Chapter sixty-three (63) of the General Laws of 1881, relating to sheep husbandry,"

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 32.

A bill for an act entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota."

Was read the second time and referred to the Committee on School and Public Lands.

House Bill No. 33,

A Joint Resolution providing for the printing of the Constitution as provided by Section 26 of the Schedule of the Constitution,

Was read the second time, and referred to the Committee on Printing.

House Bill No. 34,

A bill for an act entitled "An Act amending Chapter forty-three (43) of the Session Laws of the Eighteenth General Assembly of Dakota Territory, entitled 'An Act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,'"

Was read the second time, and referred to the Committee on Counties.

House Bill No. 35,

A bill for an act entitled "An Act to amend Section 1408 of the Compiled Laws, relating to noxious weeds,"

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

House Bill No. 36,

A bill for an act entitled "An Act regulating the filing of chattel mortgages,"

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

Mr. Thomas asked unanimous consent of the House to have House Bill No. 48,

Read the second time, and referred to its appropriate committee, and

House Bill No. 48,

A bill for an act entitled "An Act to amend Chapter 3, Article 11, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to the publication of insurance statements,"

Was read the second time.

Mr. Thomas moved

That the bill be referred to the Committee on Printing,
Which motion prevailed, and

The bill was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 6, 1889. }

Mr. SPEAKER:

I have the honor to report that the Senate has this day adopted the report of the Joint Special Committee on Printing, to whom was referred the question of printing the bills of the two Houses, and the daily and permanent Journals and miscellaneous documents for the Legislature.

Respectfully,
C. C. BOWSFIELD,
Secretary.

Mr. Haugen moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

NINETEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 7, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Christianson, Currier, Ink, Rawlings, Thompson of Cass, Tyler and Wickham, excused.

The Journal of the preceding day was read and approved.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 4,

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

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 4,

A Joint Resolution authorizing the payment of salaries, mileage and *per diem*,

And recommend that the following substitute therefor do pass:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$40,000, or so much thereof as may be necessary, to pay mileage and *per diem* of members and salaries of employes of the Legislative Assembly.

SEC. 2. The State Auditor is hereby authorized to draw warrants on the State Treasurer for such sums as may from time to time become due to persons mentioned in Section 1 of this Act.

SEC. 3. An emergency existing, in that there is no law authorizing the payment of mileage, *per diem* and salaries; therefore, this act shall be in force immediately after its passage and approval.

R. N. STEVENS,
Chairman.

Mr. Stevens moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Stevens moved
That the rules be suspended and that House Bill No. 4 be read
the third time, and placed upon its final passage,
Which motion prevailed, and
House Bill No. 4,

A bill for the appropriation of moneys for the payment of mileage, *per diem* and salaries of members and employes of the first Legislative Assembly of the State of North Dakota, and authorizing the payment thereof,

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

The roll being called there were ayes 55, nays, none.

Those who voted in the affirmative were:

Messrs.—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Cole,
Court,
Estabrook,
Foss,

Messrs—

Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,

Messrs—

Reed,
Renaud,
Richardson.
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,

Messrs— Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt,	Messrs— Montgomery, Murphy, Nedrud, Norton, Olsgard, Pinkham,	Messrs— Walsh, Walton, Watt, Williams, Zimmer, Mr. Speaker.
Absent and not voting:		
Messrs— Christianson, Currier, Ink,	Messrs— Rawlings, Thompson of Cass,	Messrs— Tyler, Wickham,

Messrs. Christianson, Ink, Rawlings, Thompson of Cass, Tyler and Wickham being excused.

And so the bill passed, more than two-thirds of the members-elect voting therefor, and

The title of the bill was agreed to.

Mr. Speaker announced the following additions to the Committee on Railroads:

Messrs. McIntyre, Ingebretson, Reed and Nedrud.

REPORT OF STANDING COMMITTEES.

The Committee on Enrollment submitted the following report:

MR. SPEAKER:

Your Committee on Enrollment are advised that no less than five clerks have been appointed and assigned to our committee, and that, too, without any request from that committee for such appointment or assignment for additional clerk hire.

Up to the present time there has not been sufficient work before our committee to keep the two permanent clerks employed that are provided by law and elected at the first day's session; nor do the committee believe there will accumulate sufficient work prior to the holidays to keep the present force employed.

Your committee would therefore recommend the adoption of the following resolution, which shall be one of the standing rules of the House:

Resolved, That no person or persons shall be appointed by the Speaker, except those authorized by law, to any clerkship in the House, or upon any committee thereof, unless the committee desiring such additional clerk or clerks shall satisfy the Speaker of such needs, and request such appointment; and when such appointment shall be so made the Speaker shall so announce in open House the name of the appointee and the time for which he shall serve, and which shall be no longer than requisite to perform the work, and such appointee shall be sworn as other officers of the House.

GEO. H. WALSH,
A. C. HEGLIE,
JAS. BRITTIN,
O. E. OLSGARD,
E. A. WILLIAMS,
W. W. BEARD,
H. L. NORTON,
D. McDONALD.

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

INTRODUCTION OF BILLS, JOINT RESOLUTIONS, MEMORIALS, ETC.

Mr. Cole introduced—
House Bill No. 50,

A bill for an act entitled "An Act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,"

Which was read the first time.

Mr. McCullough introduced—
House Bill No. 51,

A bill for an act entitled "An Act to regulate the fees of the clerk of the district court,"

Which was read the first time.

Mr. Buchanan introduced—
House Bill No. 52,

A bill for an act entitled "An Act to prevent trespass upon school and public lands and to recover damages therefor,"

Which was read the first time.

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

Resolved by the House of Representatives, the Senate concurring:
That the following Joint Rules be, and the same are hereby adopted as the Joint Rules of the two Houses for the present session:

Rule 1. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

2. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3. Messages from one House to the other shall be communicated by the Secretary of the Senate and the Clerk of the House of Representatives, unless the House transmitting the message shall especially direct otherwise.

4. It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.

5. In every case of a difference between the two Houses upon any subject of legislation, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee, such committee shall meet at such hour and place as shall be agreed on by the chairmen, and state to each other verbally or in writing, as either may choose, the reasons of their respective Houses, and confer freely thereon, and they shall be authorized to report to their respective Houses such modifications as they shall think advisable.

6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses at any time previous to a conference, whether the papers on which such difference has arisen are before

the House receding, formally or informally, and that a majority shall govern, except in cases where two-thirds are required by the Constitution, and the question having been put and lost, shall not be again put the same day, and the consideration thereof in other respects, be regulated by the rules of the respective Houses.

7. After each House has adhered to its disagreement, and the bill which is the subject of difference shall be deemed lost, it shall not be again revived during the same session, in either House, unless by consent of three-fourths of the members present of the House reviving it.

8. The same bill shall not create, renew, or continue more than one incorporation, nor contain any provision in relation to the altering of more than one act of incorporation; nor shall the same bill appropriate public money or property to more than one purpose. Any bills appropriating moneys for the payment of the officers of the government shall be confined to that purpose exclusively.

9. No duplicate of any bill which may have been introduced and printed by one house, shall upon introduction into the other House be printed by said other House, except by a two-thirds vote of all the members present.

10. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last two days of the session, whenever a time shall have previously been fixed for the adjournment of the Legislature.

11. The Committee on Enrolled Bills in each of the two Houses shall act jointly in the examination of all bills and resolutions before their presentation to the Governor, either as a body or by such respective sub-committees as such committees may appoint for that purpose.

12. Whenever both Houses, by the constitutional vote, direct that any act or resolution shall take effect immediately, or at any time before July 1st, following the session of the Legislature, a proviso shall be added at the enrollment of the same in words to this effect: This act shall take effect immediately (or in — days).

13. Every resolution by which any money or other property of the State shall be donated or appropriated, or by which any expense to the State shall be incurred, or which shall have any operation or effect outside of the two Houses of the Legislature, except such appropriations and expenses as shall be for the exclusive use, necessity or convenience of the Legislature, shall be either a joint or concurrent resolution, and shall take the same course as a bill, and shall be enrolled and presented to the Governor for his signature before the same shall take effect.

JOINT CONVENTION RULES.

Rule 14. Joint Conventions shall be held in the hall of the House of Representatives, and the President of the Senate shall preside.

15. The Secretary of the Senate and Clerk of the House of Representatives shall be Secretaries of the Joint Convention, and the proceedings of the Convention shall be published with the Journals of the House, and the final result as announced by the President on return of the Senate to their Chamber shall be entered on the Journals of the Senate.

16. The Rules of the House of Representatives, as far as the same may be applicable, shall govern the proceedings in Joint Convention.

17. Whenever a President *pro tempore* presides, he shall be entitled to vote on all occasions; and in case of a tie the question shall be declared lost.

18. Joint Conventions shall have the power to compel the attendance of absent members, in the mode and under penalties prescribed by the Rules of the House to which such members respectively belong; and for that purpose the Sergeant-at-Arms of each House shall attend.

19. Joint Conventions may adjourn from time to time, as may be found necessary; and it shall be the duty of the House of Representatives to prepare

to receive the Senate, and of the Senate to proceed to the hall of the House of Representatives at the time fixed by law or resolution, or to which the Joint Convention may have adjourned.

Which motion prevailed, and
The concurrent resolution was adopted.

Mr. Ueland introduced the following Joint Memorial and moved its adoption:

JOINT MEMORIAL

Asking that the Homestead and Pre-emption Laws be amended.

Be it resolved by the House of Representatives, the Senate concurring: That our Senators and Representatives in Congress be requested to use their best endeavors to amend the Homestead and Pre-emption Laws in such a way that only one dollar and twenty-five cents per acre will be charged those who prove up with cash, whether the land be inside or outside railroad grants.

Which motion prevailed, and
The memorial was adopted.

SECOND READING OF HOUSE BILLS.

House Bill No. 37,

A bill for an act entitled "An Act defining the office hours of public officers for North Dakota,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 38,

A bill for an act entitled "An Act amending Sections 6 and 7 of Chapter 130, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds and fixing the license fee at \$50 upon every public grain warehouse,"

Was read the second time, and referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 39,

A bill for an act entitled "An Act defining usury and the penalty for taking the same,"

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

House Bill No. 40,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife,"

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

House Bill No. 41,

A bill for an act entitled "An Act to authorize county commissioners of the several counties of the State of North Dakota to

designate depositories for the public funds of their respective counties,"

Was read the second time, and referred to the Committee on Counties.

House Bill No. 42,

A bill for an act entitled "An Act to create the office and define the duties of fire wardens,"

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 43,

A bill for an act entitled "An Act repealing Chapter 150 of the Session Laws of 1887, which authorizes seed wheat liens,"

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

House Bill No. 44,

A bill for an act entitled "An Act to amend an act providing for bounties for tree planting,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 45,

A bill for an act entitled "An Act providing for filing and recording chattel mortgages by township clerks,"

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

House Bill No. 46,

A bill for an act entitled "An Act amending Section 4 of Chapter 121 of the Session Laws of 1887, relating to the appointment of members of the Board of Pharmacy,"

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

House Bill No. 47,

A bill for an act entitled "An Act abolishing the office of Commissioner of Immigration and imposing certain duties on the Commissioner of Agriculture and Labor,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 14,

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

Was read the second time, and referred to the Committee on Taxes and Tax Laws.

Mr. McCormack moved that

House Bill No. 6,

A bill for an act entitled "An Act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating

liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes.”

Be recommitted to the Committee on Temperance.

Which motion prevailed, and

House Bill No. 6 was recommitted.

Mr. Walsh moved that

House Bill No. 27,

A Joint Resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota,

Be made a Special Order for Monday at 3 o'clock p. m.

Mr. Stevens moved as an amendment

That the bill be made a Special Order for Tuesday at 3 o'clock p. m.,

Which amendment was accepted.

Mr. Williams moved as a substitute

That the bill be referred to the Committee on Apportionment,

Which substitute motion prevailed.

Mr. Williams moved

That further consideration of the motion and the subject matter be postponed until Tuesday,

Which motion prevailed.

Mr. Haugerud moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - F I R S T D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 9, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Ink, McDonald and Rawlings, excused.

The Journal of the preceding day was read, and

Mr. Williams moved

That the reading of the Joint Rules as appearing in the Journal be dispensed with,

Which motion prevailed, and

The Journal was approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Printing submitted the following report:

Mr. SPEAKER:

Your Committee on Public Printing to whom was referred

A Joint Resolution

Providing for the printing of the Constitution, etc., as provided by Section 26 of the Schedule of the Constitution of North Dakota,

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

DAVID P. THOMAS,
Chairman.

The Committee on Agriculture submitted the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 35,

A bill for an act entitled "An Act to amend Section 2408 of the
Compiled Laws, relating to noxious weeds,"

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

Also,

House Bill No. 23,

A bill for an act entitled "An Act for the protection of wool
growers,"

Have had the same under consideration, and would recommend
that said bill be amended as follows:

First. That line 3, Section 1, be amended by striking out the
words "any person so endangered" and inserting in lieu thereof
the words "the owner of any sheep, lamb, goat or kid so chased,
killed, worried or injured."

Second. That the words "lamb, goat or kid" be inserted after
the word "sheep" wherever it occurs.

Third. That the word "were" in line 4 of Section 3 be stricken
out, and the word "was" inserted in lieu thereof,

And that the bill when so amended do pass.

Also,

House Bill No. 31,

A bill for an act entitled "An Act to amend Sections 1, 2 and 3
of Chapter sixty three (63) of the General Laws of 1881, relating
to sheep husbandry,"

Have had the same under consideration, and would recommend
that said bill be amended as follows:

That in line 4 of Section 1 the word "fifty" be stricken out, and
the word "twenty-five" be inserted in lieu thereof; that the words
"or cayote" be inserted after the word "wolf" wherever it occurs,

And that the bill when so amended do pass.

A. C. NEDRUD,
Chairman.

Mr. Williams moved

That House Bill No. 35 be recommitted to the Committee on
Judiciary,

Which motion prevailed, and

The bill was so recommitted.

Mr. Stevens moved

That the rules be suspended and that

House Bill No. 33,

A Joint Resolution providing for the printing of the Constitu-
tion as provided by Section 26 of the Schedule of the Constitu-
tion of North Dakota,

Be read the third time, and placed upon its final passage,

Which motion was withdrawn.

Mr. Speaker announced the following Committee on Taxes and Tax Laws:

Tax and Tax Laws—John Milsted, Geo. H. Walsh, E. A. Williams, R. H. Hankinson, James Reed, E. S. Tyler, J. F. Selby, W. H. H. Roney, Alex. Thomson of Walsh.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stadleman introduced—

House Bill No 49,

A bill for an act entitled "An Act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it,"

Which was read the first time.

Mr. Hoyt introduced—

House Bill No. 53,

A Joint Resolution and Memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a military post and for appropriations for its improvement,

Which was read the first time.

Mr. Estabrook introduced—

House Bill No. 54,

A bill for an act entitled "An Act to facilitate the shipment of grain, and other products,"

Which was read the first time.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }
December 9, 1889. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the Joint Rules and Joint Convention Rules as passed by the House.

Also,

I have the honor to transmit herewith

Senate Bill No. 12,

A bill for an act fixing terms of the Supreme Court.

Also,

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act.

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

C. C. BOWSFIELD,
Secretary.

Mr. Williams introduced—
House Bill No. 55,

A bill for an act entitled "An Act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,"

Which was read the first time.

Mr. Thompson of Cass, introduced—
House Bill No. 56,

A bill for an act entitled "An Act to regulate abstracting,"
Which was read the first time.

Mr. Wickham introduced—
House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit distruction of beaver in the Territory of Dakota,"

Which was read the first time.

Mr. Renaud introduced—
House Bill No. 58,

A bill for an act entitled "An Act to regulate taxation on mortgaged property, between mortgagee and mortgagor,"

Which was read the first time.

Mr. Reed introduced—
House Bill No. 59,

A bill for an act entitled "An Act to repeal Chapter forty-five (45) of the Session Laws of 1885,"

Which was read the first time.

Mr. Allen introduced—
House Bill No. 60,

A bill for an act entitled "An Act to provide for the better protection of life and property by creating the office of boiler inspector to inspect steam boilers, and to provide for the licensing of steam engineers and masters and pilots of steamboats on the inland waters in the State of North Dakota,"

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
December 7, 1889. }

To the Honorable, the House of Representatives:

I herewith submit communications in regard to destitution in various counties in the State.

Also, inquiry as to the wants of the people in needy districts, and offer of assistance, asking through what channel aid for the

destitute may be sent. It is evident from these communications that some outside aid will be necessary in some localities, and to the end that such aid may be furnished, and intelligently and practically distributed, relieving the wants of the most worthy and needy, I suggest that a concurrent resolution be passed authorizing Mr. H. T. Helgesen, Commissioner of Agriculture and Labor, to make thorough investigation of the condition of settlers where it is reported aid is needed, and that he be also authorized to receive and distribute contributions where, in his judgment, they are most needed, and to receive, answer and act upon all communications and other matters connected with the above subject.

Respectfully,

JOHN MILLER,
Governor.

MILWAUKEE, IOWA, November 30, 1889.

DEAR SIR: We are informed that there is distitution in some parts of North Dakota on account of the failure of crops this season, and that help is needed in the shape of grain, flour, etc.

We are desirous of doing our share towards helping those in need, and write this for information in regard to the truthfulness of the report. Also where help is needed the worst. How, where, and to whom shall such contributions be sent. Please answer, and oblige,

Yours Respectfully.

D. B. PAXTON.

BARTLETT, N. DAK., November 30, 1889.

To the Governor and House of Representatives:

RESPECTED SIR: Enclosed you will find the form of a petition that is being industriously circulated in our county and expresses to you this fact, that the petition signed by 134 of the business men and farmers of Ramsey county does not meet the now-felt want of the larger half of the voters, who are wholly without hope, that their indebtedness in the shape of mortgages now due can be met with one year's crop, so that we can add to this, the promise to pay for all the seed grain we must have another spring.

We can bear our proportion of the tax so levied, no doubt, but the whole seems too great to be thought a blessing.

We do thank you, our Governor, for the kindly sympathy and interest manifested in our work expressed in your communication to our president.

Very Respectfully,

MRS. C. S. PICKERING,
Secretary Relief Committee of Ramsey County.

PETITION.

We, the undersigned, being legal voters and land owners, do earnestly petition the Governor and Legislative body of North Dakota, that we may not be permitted to assume the whole burden of reimbursing the State for funds used to purchase seed grain, when we are already grievously overtaxed by accumulated indebtedness through the partial and total loss of two consecutive crops. But rather, that our sister counties assist us by the amounts required to furnish the drouth district of Ramsey county, North Dakota, seed grain, being made a general State tax, which, if so done, would be so small, thus borne, that it would not burden the prosperous counties of our well loved State, and would relieve these overtaxed drouth sufferers beyond your power to estimate. May we also further petition that grain for our teams be permitted while seeding.

LAKOTA, N. DAK., Nov. 30, 1889.

To Hon. John Miller, Governor of North Dakota:

DEAR SIR: I have your favor of the 27th, and will answer such points as I have possession of at this date.

Without making a personal canvass of the county and taking what few statistics we have, say:

We estimate acreage plowed for wheat crop of 1890, to be 75,000 acres; five-eighths of this to be short of seed, 46,875 acres; at one and one-half bushels per acre, say 60,000 bushels. There are no oats or barley to seed, say 10,000 acres; there is no oats in 1889 crop for seed.

A considerable acreage is going to be put into flax in 1890.

No measures have been taken by the county board in regard to seed wheat or other seed grains.

The county within its limited means is furnishing a hand to mouth supply of flour to those now requiring food. In my letter of November 1st, I gave statistics of Nelson county's financial condition on November 1, 1889, and why the county under present laws could do nothing in obtaining seed that would furnish each needy farmer a quantity that would be of real benefit; to give to some and refuse to others, would be what no county official would attempt.

From the distributions of donations received here from Grand Forks, Duluth, St. Paul and some points in Minnesota, we learn that the destitution in those townships that lost most of the crop of 1888 and 1889 is sadly real.

I claim that not less than 300 families will require aid to get them through the winter, as they have nothing to sell, very little to use and no credit to get things for food or raiment.

Out of donations turned over to the Ladies' Relief Society of Lakota, being mostly clothing for women and children, their books show that applications from families representing over 120 adults and 280 minors have been to their rooms since October 1, and that very few have left with such an outfit as would warrant the ladies to say to them, "you are now supplied for the winter"

Our Senator, D. S. Dodds, Esq., will soon return to Bismarck, I think he has personal knowledge of the state of affairs in Nelson county, and of the attempt of the county board in 1888 and 1889 to obtain a change in the laws so they could have helped the farmers then or hereafter.

Very Respectfully,

N. F. WEBB,
County Auditor.

P.S.—John W. Forbes', county commissioner and secretary of the County Relief Society, address is Lakota. He has full charge of men's department and the fuel and food distribution, and has records of his disposal of relief goods.

BOTTINEAU, N. DAK., December 2, 1889.

To the Hon. John Miller, Governor of North Dakota:

DEAR SIR: We hope by December 15th or 20th to be able to make up a pretty accurate statement by means of township committees, of the shape our farmers are in regarding seed grain and their immediate and pressing wants generally, and until such reports from the various committees are in the best we can do is to give a general survey of the situation from personal observation. From threshers' returns we think this county produced about 75,000 bushels of wheat and no oats, they being a complete failure. We should judge there were 200 farmers without seed, and without money or security upon which to give a lien, excepting crop, and wheat last year on this security cost \$1.50 and \$2 per bushel, with 12 per cent. on notes. Another hundred are without seed, but have security. Some others may have need for part or for all, if creditors allow them to hold it, or if they get some aid so they do not have to grind it. For the past year the county has been taking care of the destitute, but now feel the burden too great and the people have applied for outside aid.

All our farmers are perfectly willing to assume the debt for seed grain, and give such security as they can and are rustling around and getting along much better than had been expected.

We are very glad you are taking this matter in hand and trust some way may be devised so seed grain may be procured.

Yours Truly,
M. O. TIBBITS.

Mr. Stevens moved

That the letters accompanying the Governor's Message be printed in the Journal, and that the present reading be dispensed with.

Which motion prevailed.

Mr. Williams moved

That the communication of the Governor and accompanying letters he referred to the Committee on State Affairs

Which motion prevailed.

Mr. Reed introduced—

House Bill No. 61,

A bill for an act entitled "An Act to regulate common carriers and defining the duties of Railroad Commissioners relating thereto,"

Which was read the first time.

Mr. Williams introduced—

House Bill No. 62,

A bill for an act entitled "An Act to establish a State Board of Corrections and Charities for the State of North Dakota,"

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 50,

A bill for an act entitled "An Act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,"

Was read the second time and referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 52,

A bill for an act entitled "An Act to prevent a trespass upon school and public lands and to recover damages therefor,"

Was read the second time and referred to the Committee on School and Public Lands.

House Bill No. 51.

A bill for an act entitled "An Act to regulate the fees of the clerk of the district court,"

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

THIRD READING OF HOUSE BILLS.

Mr. Stevens moved that
House Bill No. 33,

A Joint Resolution providing for the printing, etc., of the Constitution as provided by Section 26 of the Schedule of the Constitution,

Be laid on the table,
Which motion was withdrawn.

Mr. Bowen moved
That the further consideration of
House Bill No. 33,
Be indefinitely postponed,
Which motion prevailed.

Mr. Bowen offered the following concurrent resolution:

A CONCURRENT RESOLUTION.

Providing for the printing of the Constitution, etc., as provided by Section 26 of the Schedule of the Constitution of North Dakota.

Be it Resolved by the House of Representatives, the Senate concurring:
That the Speaker of the House and President of the Senate each appoint a special committee of three to provide for the immediate printing of one thousand copies for the use of and distribution by members of the House and Senate, of a small Hand Book containing the Constitution of the State of North Dakota, the Declaration of Independence, the Constitution of the United States, the Enabling Act, the names of members of both House and Senate, together with all the officers, clerks, etc., of each Standing Committee, Rules and Joint Rules, State and Judicial officers, and also the vote on State, Judicial and Legislative officers, together with the vote on the adoption of the Constitution and Prohibition clause.

Mr. Williams moved
To adopt the resolution,
Which motion prevailed, and
The concurrent resolution was adopted.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved
That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 25 and House Bill No. 31.

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

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 25,

A bill for an act entitled "An Act for the protection of wool growers,"

And recommend that the bill be amended as follows:

In line three (3) and Section one (1) strike out the words "and

person so endangered," and insert in lieu thereof the words "the owner of any sheep, lamb, goat or kid so chased, killed or worried or injured."

Also, that after the word "sheep" wherever it occurs, the words "lamb, goat or kid" be inserted.

Also, strike out in line four (4) of Section three (3) the word "were" and substitute in lieu thereof the word "was."

Also, that Section five (5) be stricken out,

And that as so amended the bill do pass.

G. H. WALSH,
Chairman.

Mr. Williams moved

That House Bill No. 25, and the report of the Committee of the Whole thereon be recommitted to the Committee on Agriculture, Which motion prevailed.

Mr. Stevens moved

That the House do now adjourn,
Which motion was lost.

Mr. Williams moved

That the rules be suspended, and that
House Bill No. 31,

A bill for an act entitled "An Act to amend Sections 1, 2 and 3, of Chapter 63 of the General Laws of 1881, relating to sheep husbandry,"

Be recalled from the Committee of the Whole,

Which motion prevailed, and
House Bill No. 31 was recalled.

Mr. Milsted moved that

House Bill No. 31,

A bill for an act entitled "An Act to amend Sections 1, 2 and 3 of Chapter sixty-three (63) of the General Laws of 1881, relating to sheep husbandry,"

Be recommitted to the Committee on Agriculture, with instructions to insert the emergency clause,

Which motion prevailed, and
The bill was recommitted.

Mr. Hankinson moved

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

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - S E C O N D D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 10, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs Ink, McDonald and Rawlings, excused.

The Journal of the preceding day was read, and

Mr. Bowen moved

That the reading of the letters accompanying the communication of the Governor be dispensed with,

Which motion prevailed, and

The Journal was approved.

Mr. Williams offered the following resolution:

Resolved, That the following be adopted as one of the rules of the House:

When an emergency is expressed in a preamble or body of an act, as a reason why such act should take effect prior to the first day of July next after its passage, and when such act contains a clause or *proviso* fixing such time prior to the first day of July, the question put shall be: "Shall the bill pass?" and if decided affirmatively by a vote of two-thirds of the members elected to this House, then the bill shall be deemed passed; and if, upon such vote, a majority of said members elected, but less than two-thirds thereof, vote affirmatively on said question, then the vote on said bill shall be deemed reconsidered, and the bill subject to amendment by striking out such part thereof as expressed an emergency and the time of taking effect, and then said bill shall be under consideration, upon its third reading, with the emergency clause and time of taking effect stricken out.

Mr. McCormick moved

That the consideration of the resolution be postponed until it shall be printed,

Which motion prevailed.

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MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 10, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 8,

A bill for an act to provide for the interchanging of district judges and for holding district courts when the judges thereof are for any reason unable to act,

Which the Senate has passed.

Also,

House Bill No. 4,

A bill for an act authorizing payment of salaries, mileage and *per diem*,

Which the Senate has passed under suspension of the rules.

Also,

Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

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

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary submitted the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 43,

A bill for an act repealing Chapter 150 of the Session Laws of 1887, which authorizes seed wheat liens,

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

Also,

House Bill No. 29,

A bill for an act to license attorneys and counsellors at law,

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

FRANK J. THOMPSON,
Chairman.

The Committee on School and Public Lands submitted the following report:

MR. SPEAKER:

Your Committee on School and Public Lands, to whom was referred

House Bill No. 32,

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,

Have had the same under consideration, and recommend said bill be amended as follows, viz.:

On page 5, Section 7, line 12, erase the word "proceeds" and in lieu thereof insert the words "interest and income."

On page 6, Section 9, line 9, commencing with the words "no lessee" shall be designated Section 10, and the succeeding sections be numbered consecutively therefrom.

On page 7, Section 10, line 5, the word "proceeds" be erased and insert in lieu thereof the words "interest and income."

On page 8, Section 14, line 3, after the word "day" insert the words "and hour."

On page 9, Section 15, line 1, after the word "day" insert the words "and hour."

On page 10, Section 17, lines 9 and 10, after the word "possession," add "after the approval and confirmation of sale by the Board of University and School Lands."

On page 10, Section 19, lines 2 and 3, erase the words "whose sale" and insert in lieu thereof the words "the sale of which."

On page 11, Section 20, line 17, erase the word "proceeds" and insert in lieu thereof the words "interest and income."

On page 12, Section 24, strike out the whole section, and insert in lieu thereof the following:

"An emergency exists, in that, if this act shall not take effect until July 1, 1890, it will delay to the purchasers and lessees for at least a year, the cultivation of the tracts sold or leased, and thereby postpone the benefits to be derived from this act; therefore this act shall be in force immediately from and after its passage and approval."

And with the bill so amended, recommend its passage.

Also,

House Bill No. 52,

A bill for an act to prevent trespass upon School and Public Lands, and to recover damages therefor,

And recommend the same be amended as follows:

On page 2, Section 2, in the last line, after the word "in" shall be inserted the words "section one of."

On page 2, Section 4, line 5, omit the comma after the word "action".

On page 3, Section 7, line 5, erase the word "county" and insert in lieu thereof the word "States".

And when so amended recommend the passage of the bill.

W. S. BUCHANAN,
Chairman.

The Committee on Enrollment submitted the following report:
MR. SPEAKER:

Your Committee on Enrollment have compared
House Bill No. 4,

A bill for an act for the appropriation of money and authorizing the payment of mileage, *per diem* and salaries of members and employes of the Legislative assembly

And report it properly enrolled.

GEO. H. WALSH,
Chairman.

The Committee on Agriculture submitted the following report:

MR. SPEAKER:

Your Committee on Agriculture having had under consideration

House Bill No 24,

A bill for an act for the taxation of dogs,

Would recommend that the bill be amended by adding after the expression "\$1," in line 3, of Section 1, the words, "for each male dog, and \$2 for each female dog."

And that Section 4 be stricken out.

And that Section 5 be amended by adding the words, "*Provided, however,* That any dog, wearing a collar having attached thereto a tag or plate bearing the name of the owner of such dog, shall not be subject to the provisions of this section."

And that Section 9 be stricken out, and the following inserted in lieu thereof: "Whereas, an emergency exists, in that the passage of this bill is necessary for the proper taxation of dogs and disposition of funds thereby accruing during the ensuing year, this bill shall take effect from and after its passage and approval."

And that the bill as so amended do pass.

Also,

House Bill No. 25,

A bill for an act for the protection of wool growers,

Would recommend the following amendment in addition to those already reported, viz:

In lines 7, and 8, of Section 3, strike out the words, "being freeholders of the neighborhood where the injury was done."

Also, strike out Section 5,

And that the bill so amended do pass.

Also,

House Bill No. 31,

A bill for an act to amend Sections 1 and 2 of Chapter 63 of the General Laws of 1881, relating to sheep husbandry,

Would recommend that Section 4 be stricken out and the following inserted instead thereof, viz.:

"Whereas, an emergency exists requiring the immediate enforcement of the provisions of this act, it shall take effect from and after its passage and approval,"

And that the bill as so amended do pass.

Also,

House Bill No. 42,

A bill for an act to create the office and define the duties of fire warden,

Recommend that line 1 of Section 6 be amended by striking out the word "or" before the word "persoms" and inserting the words "or corporation" after the word "person,"

And that the bill as so amended do pass.

A. C. NEDRUD,
Chairman.

The Committee on State Affairs submitted the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer,

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

That all of Section 11 down to the words "the Treasurer" in line 6 be stricken out, and after the word "Auditor" in line 6, be inserted the words "on the first day of each month."

And that the bill when so amended do pass.

C. A. CURRIER,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 4,

A bill for an act for the appropriation of money and authorizing the payment of mileage, *per diem* and salaries of members and employes of the Legislative Assembly.

The Committee on Enrollment submitted the following report:

MR. SPEAKER:

Your Committee on Enrollment respectfully reports that at the hour of 3:30 p. m. of this day

House Bill No. 4

Was delivered to his Excellency, the Governor, for his approval.

GEO. H. WALSH,
Chairman.

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

WHEREAS, The Joint Rules provide that where duplicate bills are introduced in both Houses and Senate but one shall be printed; and,

WHEREAS, there is no provision for determining which shall be printed, House or Senate bill; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the bill to be printed shall be the one first deposited in the office of the Secretary of State.

Which motion prevailed, and

The concurrent resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Currier introduced—

House Bill No. 63,

A bill for an act defining the boundaries of the county of Ramsey,

Which was read the first time.

Mr. Hoyt introduced—

House Bill No. 64,

A bill for an act to attach all that portion of the Sioux Reservation lying north of the Seventh Standard Parallel to Morton county for judicial purposes,

Which was read the first time.

Mr. Zimmer introduced—

House Bill No. 65,

A bill for an act to amend and define the homestead,

Which was read the first time.

Mr. Lilly introduced—

House Bill No. 66,

A bill for an act to define the powers and duties of the State Superintendent of Public Instruction,

Which was read the first time.

Mr. Lilly moved

That the rules be suspended and that House Bill No. 66 be read the second time,

Which motion prevailed, and

House Bill No. 66,

A bill for an act defining the powers and duties of the State Superintendent of Public Instruction,

Was read the second time, and referred to the Committee on Education.

Mr. Lilly introduced—

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licences,

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
December 10, 1889. }

To the Speaker of the House of Representatives:

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

House Bill No. 4,

A bill for an act for the appropriation of money and authoriz-

ing the payment of mileage, *per diem* and salaries of members and employes of the Legislative Assembly,

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

Respectfully,

JOHN MILLER
Governor.

Mr. Williams introduced—

House Bill No. 68,

A bill for an act to provide for the incorporation of parishes of the Episcopal church,

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 69,

A bill for an act defining the objects of the School of Mines at Grand Forks, providing for the trustees thereof, and defining their duties,

Which was read the first time.

Also,

House Bill No. 70,

A bill for an act to provide funds for the construction of a building for the School of Mines at Grand Forks, North Dakota, and to provide for the issuing of bonds therefor,

Which was read the first time.

Mr. Bowen introduced—

House Bill No. 71,

A bill for an act providing for the transfer of freight at railroad crossings, and the maintenance of depots at the same,

Which was read the first time.

Mr. Roney introduced—

House Bill No. 72,

A bill for an act for the destruction of gophers,

Which was read the first time.

Mr. Williams moved

To amend House Bill No. 72 by striking out the last section thereof,

Which motion was withdrawn.

Mr. Moore introduced—

House Bill No. 73,

A bill for an an act to enable counties to regulate the number of county commissioners,

Which was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to provide for the interchanging of district

judges, and for holding districts courts, when the judges thereof are for any reason unable to act,

Was read the first time.

Senate Bill No. 12,

A bill for an act fixing terms of the Supreme Court,

Was read the first time.

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act,

Was read the first time.

Mr. Montgomery moved

That the rules be suspended and that Senate Bill No. 13 be read the second time,

Which motion prevailed, and

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons, obstetricians, and to punish persons violating the provisions of this act,

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

Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

Was read the first time.

Mr. Hankinson asked unanimous consent to offer the following resolution:

Resolved, That House Bills Nos. 24, 25 and 31 be submitted to a special committee consisting of five, to be appointed by the Speaker.

Objection being made,

Mr. Williams moved

That the rules be suspended to permit the introduction and consideration of the resolution,

Which motion was lost.

Mr. Stevens moved

That House Bills Nos. 71, 24, 25 and 31 be recommitted to the committees from which they came,

Which motion was lost.

Mr. Zimmer moved

That House Bill No. 27,

A Joint Resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota,

Be referred to the Committee on State affairs.

Which motion prevailed, and

The bill was so referred.

SECOND READING OF HOUSE BILLS.

House Bill No. 49,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it,

Was read the second time, and referred to the Committee on Insurance.

House Bill No. 53,

A Joint Resolution and Memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a military post and for appropriations for its improvement,

Was read the second time, and referred to the Committee on Military Affairs.

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,

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

House Bill No. 56,

A bill for an act to regulate abstracting,

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

House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit destruction of beaver in the Territory of Dakota,"

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 58,

A bill for an act to regulate taxation on mortgaged property, between mortgagee and mortgagor,

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

House Bill No. 59,

A bill for an act to repeal Chapter forty-five (45) of the Session Laws of 1885,

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

House Bill No. 60,

A bill for an act to provide for the better protection of life and property by creating the office of boiler inspector to inspect steam boilers, and to provide for the licensing of steam engineers and masters and pilots of steamboats on the inland waters in the State of North Dakota,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 62,

A bill for an act to establish a State Board of Corrections and Charities for the State of North Dakota,

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

Mr. Milsted moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - T H I R D D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 11, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Ink, Rawlings and Stevens, excused.

The Journal of the preceding day was read and approved.

Mr. Williams moved

To amend the resolution on the first page of the Journal of December 10 so as to read as follows:

“When an emergency is expressed in a preamble or body of an act, as a reason why such act should take effect prior to the first day of July next after its passage, and when such act contains a clause or *proviso* fixing such time prior to the first day of July,

the question put shall be: "Shall the bill pass?" and if decided affirmatively by a vote of two-thirds of all the members present, then the bill shall be deemed passed; and if, upon such vote, a majority of said members present, but less than two-thirds thereof, vote affirmatively on said question, then the vote on said bill shall be deemed reconsidered, and the bill subject to amendment by striking out such part thereof as expressed an emergency and the time of taking effect, and then said bill shall be under consideration, upon its third reading, with the emergency clause and time of taking effect stricken out."

Which motion prevailed, and

The resolution was so amended.

Mr. Williams moved

That the resolution as amended be adopted.

Mr. McCormick offered the following as a substitute for the resolution as amended:

Resolved, That when an emergency is expressed in the preamble or body of an act, as a reason why such act should take effect prior to the first day of July next after its passage, and when such act contains a clause or proviso fixing such time prior to the first day of July, the question put shall be: "Shall the bill pass including the emergency clause and time of taking effect," and if decided affirmatively by a vote of two-thirds of the members present at the time of taking such vote, then the bill shall be deemed passed including the emergency clause and the time of taking effect as stated therein; and if, upon taking such vote, a majority of the members elected in this House, but less than two-thirds of the members present at the time of taking such vote, vote affirmatively on said question, then the vote on the emergency clause in said bill shall be deemed reconsidered, and said emergency clause shall then be under consideration upon its third reading, and the emergency clause and time of taking effect may then be amended by fixing any other date; and if no earlier date be fixed by a vote of two-thirds of all the members present at the time of taking such vote, then said bill shall take effect as provided by the Constitution.

Mr. Bowen moved

That the substitute resolution be adopted.

Mr. Williams moved

That the consideration of the original and substitute be postponed until the latter shall be printed,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Temperance submitted the following report:

MR. SPEAKER:

Your Committee on Temperance to whom was referred
House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,

Have had the same under consideration, and recommend the following verbal changes:

First. In section 9 of said bill, strike out the word "complaint" at the end of line 53, page 7.

Strike out the word "or" at the beginning of line 54, page 7.

Strike out the words "oral complaint" in line 56, page 7.

Strike out the words "oral complaint" in line 58, page 7.

Strike out the words "complaint or" in line 8, page 8.

Second. In Section 10 of said bill, strike out the words "complaint or" in line 55, page 8.

Strike out the words "court of competent" in the line next to last described line, and insert in lieu thereof the words "magistrate of the county having."

Strike out the words "oral complaint" at the end of line 57, and beginning of line 58, page 8.

Strike out the words "oral complaint" at the beginning but unnumbered line of page 9.

Strike out the words "oral complaint" in line 3, page 9.

Strike out the words "when arraigned before the court shall plead to his or their real name or names, and shall be tried upon said complaint or information, and if" which occur on said page 9, beginning with the word "when" at the end of line 5, and ending with the word "if" at the beginning of line 8, and insert in lieu thereof the following: "So arrested shall be examined and tried in the manner prescribed by law for the examination and trial of persons charged with an indictable offense."

Strike out the word "to" near the end of line 9, in page 9.

Third. In section 12 of said bill insert the words "with such treasurer," after the word "files" in line 57, page 9. To amend section 32 by striking out the word "January" and inserting in lieu thereof the word "May,"

And that when so amended the bill do pass.

ARNE P. HAUGEN,
Chairman.

Mr. Haugen moved

That the rules be suspended to consider the report of the Committee on Temperance,

Which motion prevailed.

Mr. Haugen moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The minority of the Committee on Judiciary made the following report:

MR. SPEAKER:

Your minority of the Committee on Judiciary to whom was referred

House Bill No. 29,

A bill for an act to license attorneys at law,

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

That Section 4 read as follows:

SEC. 4. All sums paid into the county treasury for licenses as provided in this act, shall go to the general fund of the county, and all penalties paid into the county treasury under this act shall go to the school fund of the county,

And when so amended recommend that the bill do pass.

GEO. H. WALSH,
M. H. MURPHY,
ARNE P. HAUGEN.

The Committee on Public Health submitted the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act,

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

In Section 1, line 3, after the word "members" insert the following: "of whom eight (8) shall be practicing physicians in good standing."

In Section 6, line 4, after the word "conviction" insert "thereof in any court of competent jurisdiction."

In line 5 of Section 6, insert "two hundred (200)" instead of "three hundred (300)" after the word "than" and in line 6 of same section the words "sixty (60) days" instead of "ninety (90) days."

In lines 13 and 14 of Section 6, strike out the words "justices of the peace and the respective municipal courts shall have jurisdiction over violations of the provisions of this act."

In line 15 of Section 6, substitute the words "States Attorney" for "county attorney."

Strike out the whole Section 8.

In title of the bill strike out the word "and" after Dakota in second line.

And when so amended recommend that the bill do pass.

J. MONTGOMERY,
Chairman.

The Committee on Banking submitted the following report:

MR. SPEAKER:

Your Committee on Banking to whom was referred

House Bill No. 15,

A bill for an act to provide for the organization and government of state banks,

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

The first paragraph of Section 6 shall be amended to read as follows: "No association shall be organized under this title in towns containing one thousand inhabitants or less, with a less capital than ten thousand dollars; in towns of over one thousand and not over two thousand inhabitants, the capital shall not be less than twenty thousand dollars; in towns of over two thousand and not over three thousand inhabitants, the capital shall not be less than thirty thousand dollars, and in towns of over three thousand inhabitants, the capital shall not be less than fifty thousand dollars." Your committee further recommend the accompanying section be inserted and numbered Section 12, and that the remaining sections be renumbered. The committee further recommend that Section 21 of the printed bill be amended by striking out all after the word "values" in line 6, and inserting the following: "or loans upon produce in transit or in store as collateral security, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed." Your committee further recommend that Section 4 be amended by striking out so much as appears in the printed bill after the words "provisions of" in lines 7 and 8, and to include the word "stock" in line 9, and to insert in lieu thereof, the words "this act."

Your committee further recommend that section 25 be amended by striking out all of that portion commencing with the words "such examiner" in line 11 and ending with the word "examined" in line 13 of the printed bill,

And when so amended recommend that the bill do pass.

E. S. TYLER,
Chairman.

The Committee on Warehouses, Grain Grading and Dealing submitted the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing, to whom was referred,
House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

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

First. By adding to Section 4 as follows: "Such bonds to be given to the county in which the elevator or warehouse is located,

and to be conditioned on a faithful compliance with the provisions of this act."

Second. In Section 7, line 2, strike out the word "and" after the word "grain" and before the word "shall," and insert instead the word "but."

Third. In Section 7, line 3, insert the letter "a" after the word "give," and before the word "bond."

Fourth. That the whole of Section 25 be stricken out except the words "Section" and "25," and insert instead the following: "All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed,"

And when so amended recommend that the bill do pass.

A. T. COLE,
Chairman.

MOTIONS, RESOLUTIONS. ETC.

Mr. Haugen moved

That the rules be suspended and that
House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,

Be referred to the Committee on Engrossment,

Which motion prevailed, and

The bill was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 11, 1889. }

Mr. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 17,

A bill for an act designating a place of deposit for all abstracts and conveyances of title to the State of North Dakota of lands now owned or hereafter to be acquired by the State.

Also,

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883, entitled "Attorney General."

Also,

Senate Bill No. 23,

A bill for an act prescribing the Great Seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal.

All of which the Senate has passed and your concurrence therein is requested.

C. C. BOWSFIELD,
Secretary

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McDonald introduced—

House Bill No. 74,

A bill for an act to provide for the erection and operation of a State Normal School at Valley City, Barnes county, North Dakota, Which was read the first time.

Mr. Cole introduced—

House Bill No. 75,

A bill for an act to amend Chapter 70 of the General Laws of 1889, relating to interest, Which was read the first time.

Also,

House Bill No. 76,

A bill for an act to regulate and determine the amount of real and personal exemptions in the State of North Dakota, Which was read the first time.

Mr. Selby introduced—

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with calling of grand jurors, except by order of the district court, Which was read the first time.

Mr. Tyler introduced—

House Bill No. 78,

A bill for an act to permit the assignment, satisfaction or foreclosure of mortgages and other liens by foreign executors and administrators,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 79,

A bill for an act to suppress in this State the selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds,

Which was read the first time.

Mr. Richardson introduced—

House Bill No. 80,

A bill to amend Section 6248, Chapter 4, of Penal Code of Compiled Laws of Dakota in reference to punishment for Sabbath breaking,

Which was read the first time.

Mr. Roney introduced—

House Bill No 81,

A bill for an act to provide for the establishment of a Board of Railroad Commissioners, defining their duties and to regulate the receiving and transportation of freight and passengers in this State,

Which was read the first time.

Mr. Stadleman introduced—

House Bill No. 82,

A Bill for an act to amend Sections 2 and 4, Chapter 58, of the Session Laws of 1879, entitled "An Act for the protection of public credit,"

Which was read the first time.

Mr. Reed introduced—

House Bill No. 83,

A bill for an act defining the liabilities of railroad companies or persons caused by the setting of fires,

Which was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 17,

A bill for an act designating a place of deposit for all abstracts and conveyances of title to the State of North Dakota of lands now owned or hereafter to be acquired by the State,

Was read the first time.

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 7 of the General Laws of 1883, entitled "Attorney General,"

Was read the first time.

Senate Bill No. 23,

A bill for an act prescribing the Great Seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,

Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to provide for the interchanging of district judges and for holding court when the judge thereof is for any reason unable to act,

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

Senate Bill No. 12,

A bill for an act fixing the times for holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto,

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

Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 11, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 21,

A bill for an act to providing for an extension of the time for
the payment of taxes for the year 1889,

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

Also,

Joint Memorial to the Representatives of North Dakota in Con-
gress.

Also,

A Concurrent Resolution providing for the printing of the Con-
stitution as provided by Section 26 of the Schedule of the Consti-
tution of North Dakota.

Also,

A Concurrent Resolution providing for the printing of dupli-
cate bills,

All of which the Senate has concurred in.

C. C. BOWSFIELD,
Secretary.

SECOND READING OF HOUSE BILLS.

House Bill No. 61,

A bill for an act to regulate common carriers and defining the
duties of Railroad Commissioners relating thereto,

Was read the second time, and referred to the Committee on
Railroads.

House Bill No. 63,

A bill for an act defining the boundaries of the county of Ram-
sey,

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

House Bill No. 64,

A bill for an act to attach all that portion of the Sioux Reser-
vation lying north of the Seventh Standard Parallel to Morton
county for judicial purposes,

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

House Bill No. 65,

A bill for an act to amend and define the homestead,

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

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licences,

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

House Bill No. 68,

A bill for an act to provide for the incorporation of parishes of the Episcopal church,

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

House Bill No. 69,

A bill for an act defining the objects of the School of Mines at Grand Forks, providing for the trustees thereof, and defining their duties,

Was read the second time, and referred to the Committee on Educational Institutions.

House Bill No. 70,

A bill for an act to provide funds for the construction of a building for the School of Mines at Grand Forks, North Dakota, and to provide for the issuing of bonds therefor,

Was read the second time, and referred to the Committee on Ways and Means.

House Bill No. 71,

A bill for an act providing for the transfer of freight at railroad crossings, and the maintenance of depots at the same,

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 72,

A bill for an act for the destruction of gophers,

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners,

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

Mr. Thomas, by unanimous consent, submitted the following report of the Committee on Public Printing:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred

House Bill No. 48,

A bill for an act to amend Chapter 3, Article 11, Section 3053 of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to the publication of insurance statements,

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

DAVID P. THOMAS,
Chairman.

Mr. Thompson of Cass, by unanimous consent, offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker whose duty shall be to secure a suitable room which can be used by the Judiciary Committee for a place of meeting.

Mr. Hankinson moved
To adopt the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Lilly, by unanimous consent, submitted the following report of the Committee on Education:

MR. SPEAKER:

Your Committee on Education to whom was referred
House Bill No. 66,
A bill for an act defining the powers and duties of the State Superintendent of Public Instruction,
Have had the same under consideration and recommend that said bill do pass.

GEO. W. LILLY,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 66,
A bill for an act to define the powers and duties of the State Superintendent of Public Instruction,
Was read the third time, and
Mr. Williams moved
That the bill be referred to general orders,
Which motion prevailed, and
The bill was so referred.

House Bill No. 48,
A bill for an act to amend Chapter 3, Article 11, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to the publication of insurance statements,
Was read the third time, and
Mr. Williams moved
That the bill be recommitted to the Judiciary Committee,
Which motion prevailed, and
The bill was recommitted.

House Bill No. 43,
A bill for an act repealing Chapter 150 of the Session Laws of 1889, which authorizes seed wheat liens,
Was read the third time, and
Mr. Williams moved
That the bill be referred to the Committee on Agriculture,
Which motion prevailed, and
The bill was so referred.

The Speaker announced as the Committee called for by the resolution of Mr. Thompson of Cass, the following:

Messrs. Thompson of Cass, Hankinson and Thomas.

COMMITTEE OF THE WHOLE.

Mr. Tyler moved

That the House do now resolve itself into Committee of the Whole for the consideration of
House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer,

And for such other business as may be properly before the committee,

Which motion prevailed, and

Mr. Speaker called Mr. Tyler to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer,

And recommend that the bill be amended as follows:

That all of section 11 down to the words "the Treasurer" in line 9 be stricken out, and that after the word "Auditor" in line 6, there be inserted the words "on the first day of each month,"

And that as so amended the bill do pass.

E. S. TYLER,
Chairman.

Mr. Estabrook moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Milsted moved

That House Bills Nos. 24, 25, 31 and 7 be recommitted to the Committee on Agriculture, and that the Speaker appoint a special committee of five to confer with the Committee on Agriculture on such bills,

Which motion prevailed.

Mr. Williams moved

That the Committee on State Affairs be instructed to report at to-morrow's session a concurrent resolution covering the recommendation of the Governor in the communication respecting destitution among settlers,

Which motion prevailed.

Mr. Williams moved

That the question of whether or not an amended bill shall be rewritten before its third reading be left to the discretion of the Committee on Engrossment,

Which motion prevailed.

Mr. Speaker appointed J. A. Stoyell and H. Van Horn, Assistant Clerks of the Committee on Engrossment.

Mr. Speaker appointed as the special committee to confer with the Committee on Agriculture on certain bills the following:

Messrs. Hankinson, Moore, Milsted, Wickham and Williams.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 11, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo.

Also,

Senate Bill No. 26,

A bill for an act defining the duties, and prescribing the fees and fixing the salary of the Clerk of the Supreme Court.

Also,

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota, on the failure of such company so authorized to transact business, to satisfy any execution on any judgment against it.

Also,

Senate Bill No. 38.

A bill for a Concurrent Resolution for a memorial to Congress.

All of which the Senate has passed, and your concurrence therein is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - F O U R T H D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 12, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Ink and Rawlings, excused.

The Journal of the preceding day was read, and

Mr. Walsh moved

That the Journal be approved,

Which motion prevailed.

Mr. Stevens moved

That the resolution introduced Tuesday by Mr. Williams and the substitute therefor offered by Mr. McCormick be referred to the Committee on Rules,

Which motion prevailed.

Mr Williams asked that the Committee on Temperance be permitted to withdraw its report for correction.

Objection being made,

Mr. Williams moved

That the rules be suspended and that the Committee on Engrossment be required to report back forthwith

House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

And that the Committee on Temperance be permitted to withdraw their report,

Which motion was withdrawn.

PETITIONS, COMMUNICATIONS, ETC.

The following communication was read:

LUDDEN, N. D., December 10, 1889.

Gentlemen of the Legislature of North Dakota:

DEAR SIR: I have read House Bill No. 6, and think that it is just the right bill to pass, and hope that all of the members of the Legislature will move the adoption of this bill.

I, as a clergyman, have worked earnestly for constitutional prohibition in South Dakota throughout the campaign, and I am now willing to do all that I can in North Dakota for the same cause. I further believe that our most dangerous places will be the drug stores. I further believe that in expressing my sentiments, I also express the sentiments of the community in which I live and am laboring.

I am, respectfully,

REV. C. F. BLEBER.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrollment made the following report:

MR. SPEAKER:

Your Committee on Enrollment to whom was referred
Concurrent Memorial to Congress,

A Joint Memorial to Congress asking that the homestead and pre-emption laws be amended,

Have compared the same with the original memorial and find it correctly enrolled.

GEORGE H. WALSH,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing the rate of toll, and regulating the exchange of manufactured products of grain for grain.

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

In Section 2, line 2, of the printed bill strike out the word "bought" and insert in lieu thereof the word "brought."

In Section 4, line 3, strike out the words "one-eighth" and insert in lieu thereof the words "one-sixth."

Also, that line 4 of Section 5 be amended by striking out the words "seven-eighths" and inserting in lieu thereof the words "five-sixths."

And that the bill when so amended do pass.

A. C. NEDRUD,
Chairman.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred

House Bill No. 53,

A Joint Resolution and Memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a military post and for appropriations for its improvement,

Have had the same under consideration and recommend that said Joint Resolution and Memorial be amended in its title so as to read, "A Concurrent Resolution" and that when so amended the same do pass.

W. H. H. RONEY,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 41,

A bill for an act to authorize the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties,

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

In section 1, line 2, printed bill, strike out "January" and insert "July." In line 7, section 1, strike out "persons, partnerships or corporations," and insert "State or National banks." At the end of section 1 add "said interest shall be based on quarterly balances. Said interest shall become a part of the county general fund; *Provided*, That interest accumulating on sinking funds shall revert to its own fund."

And as so amended recommend that the bill do pass,

JAMES McCORMICK,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 47,

A bill for an act abolishing the office of Commissioner of Immigration and imposing certain duties on the Commissioner of Agriculture and Labor.

Also,

House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit the destruction of beaver in the Territory of Dakota,"

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

Also,

That part of the Governor's Message referring to destitution in various counties in the State, having had the same under consideration, respectfully submit the following concurred resolution:

WHEREAS, In certain counties of the State of North Dakota destitution exists by reason of drouth and consequent failure of crops; and,

WHEREAS, Said destitute settlers may require aid to help them over the emergency; therefore,

Be it Resolved by the House of Representatives, the Senate concurring: That the Commissioner of Agriculture and Labor be, and it is hereby made his duty to visit such destitute localities, and to ascertain what assistance, if any, is needed; to receive and distribute contributions of all kinds received; to answer and act upon all communications relating thereto, and to report to the Governor his findings, and what action, if any, should be taken by the Legislative Assembly toward the relief of the destitute.

All of which is respectfully submitted.

C. A. CURRIER,
Chairman.

Mr. Williams moved
To adopt the resolution,
Which motion prevailed, and
The Concurrent Resolution was adopted.

REPORTS OF SELECT COMMITTEES.

The Special Committee appointed to procure committee room for the Judiciary Committee made the following report:

MR. SPEAKER:

Your committee to whom was referred the matter of procuring suitable room for the Judiciary Committee would respectfully report that it has investigated the same, and found a suitable room over the First National Bank building, at a rental not to exceed \$20 per month, including the heating thereof, and would recommend that the same be procured for the purposes mentioned in said resolution.

F. J. THOMPSON,
R. H. HANKINSON,
D. P. THOMAS.

Mr. Tyler moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

FIRST READING OF SENATE BILLS.

Senate Bill No. 21,

A bill for an act providing for an extension of the time for the payment of taxes for the year 1889,

Was read the first time.

Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,

Was read the first time.

The Committee on Engrossment submitted the following:

MR. SPEAKER:

Your Committee on Engrossment beg leave to make the following report:

Your committee has had under consideration

House Bill No. 6,
And have carefully compared the same with the copy; incorporated all amendments, and report the same correctly engrossed.

Also,

House Bill No. 10,

And report the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Speaker announced his signature to the Joint Memorial asking that the homestead and pre-emption laws be amended.

Mr. Haugen moved

That the rules be suspended, and that

House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Be placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Was read the third time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 12, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

A Concurrent Resolution for an investigation of destitution in North Dakota.

Also,

A Concurrent Resolution for the appointment of Joint Committees.

Also,

A Concurrent Resolution for the appointment of a Committee on Officers and Salaries.

All of which the Senate has adopted and your concurrence therein is requested.

The President has appointed the following committee to act with a like committee of the House on the subject of officers and salaries:

Messrs. LaMoure, Winship and McBride.

C. C. BOWSFIELD,
Secretary.

Mr. Milsted moved
 That further consideration of House Bill No. 6 be postponed until January 10th.

Roll call demanded.

The roll being called there were ayes 11, nays 49.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Hoyt,	Stadleman,	Walsh,
Langer,	Stevens,	Walton,
Milsted,	Thompson of Cass,	Zimmer.
Moore,	Tyler,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Olsgard,
Balkan,	Hangerud,	Pinkham,
Beard,	Heglie,	Reed,
Belden,	Hoyt,	Renaud,
Bowen,	Ingebretson,	Richardson,
Brittin,	Jahr,	Roney,
Buchanan,	Johnson,	Selby,
Bye,	Lilly,	Strom,
Christianson,	Lutz,	Tandberg,
Cole,	McCormick,	Thomas,
Court,	McCullough,	Thomson of Walsh,
Currier,	McDonald,	Ueland,
Estabrook,	McIntyre,	Watt,
Foss,	Montgomery,	Wickham.
Green,	Murphy,	Williams,
Gronli,	Nedrud,	Mr. Speaker.
Hankinson,	Norton,	

Messrs. Ink and Rawlings being excused.

So the motion to postpone was lost.

Mr. Zimmer moved

That the bill be made a Special Order for Monday at 3 o'clock p. m.

Mr. Haugen moved

To lay the motion on the table,

Which motion prevailed, and

The motion to make the bill a Special Order was laid on the table.

Mr. Cole moved

A call of the House,

Which motion prevailed, and

A call of the House was ordered.

Roll called.

All members present except Messrs. Ink and Rawlings, excused.

Mr. Selby moved

That further proceedings under the call be dispensed with,

Which motion prevailed.

The question being on the final passage of House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medicinal, scientific and mechanical purposes,

The roll being called there were ayes, 59; nays, 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Mr. Zimmer voting in the negative.

Messrs. Ink and Rawlings being excused.

So the bill passed,

More than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Lilly asked to be excused until next Monday,

Which request was granted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,
December, 12, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the concurrent resolution of the House of Representatives, authorizing the Commissioner of Agriculture and Labor to investigate the existing destitution in North Dakota.

C. C. BOWSFIELD,
Secretary.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Walsh moved

That the House concur in the following concurrent resolution:

Be it Resolved by the Senate, the House of Representatives Concurring,
That a committee consisting of three members of this Senate be appointed by the Chairman to act with a like committee of the House, to draft a bill regulat-

ing the number and salaries of the several officers of each branch of the Legislature.

Which motion prevailed, and
The resolution was concurred in.

Mr. Stevens moved

That the House concur in the following resolution:

WHEREAS, It is currently reported that great want and destitution prevails among the people in certain localities of the State; therefore, be it

Resolved, That a committee be appointed by the President of the Senate and Speaker of the House of Representatives, consisting of five members from each body, whose duty it shall be to investigate, during the holiday recess of the Legislative Assembly, the condition of the people in the districts affected, and report such measures of relief as the necessities of the destitute people may demand.

Which motion prevailed, and
The resolution was concurred in.

Mr. Williams moved

That the House concur in the following resolution:

Be it Resolved by the Senate, the House of Representatives Concurring, That the following named committees shall be appointed and shall act as Joint Committees during this session:

- Committee on Joint Rules.
- Committee on State Library.
- Committee on Charitable Institutions.
- Committee on Penal Institution.
- Committee on Educational Institutions.
- Committee on Public Buildings and Grounds.

Which motion prevailed, and
The resolution was concurred in.

Mr. Selby moved

That the Special Committee appointed to procure committee rooms for the Judiciary Committee be instructed to rent the room recommended to be secured by the committee at a rental not to exceed \$20 per month,

Which motion prevailed, and
The committee was so instructed.

Mr. Speaker announced as the House members of the Joint Committee to prepare for publication the Hand Book provided for in the Concurrent Resolution passed by the Legislative Assembly, the following:

Messrs. Thomas, Walsh and Currier.

Mr. Stevens moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - F I F T H D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 13, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Mr. Stevens asked that Mr. Green be excused until next Tuesday, and

Mr. Roney asked that Mr. Jahr be excused,
Which requests were granted.

Roll called.

All members present except Messrs. Green, Ink, Jahr, Lilly, Moore and Murphy excused.

Mr. Buchanan moved

That the reading of the Journal be dispensed with, and that the Chair appoint a committee of three to examine and correct the Journal and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee the following:

Messrs. Buchanan, Walsh and McCullough.

Mr. Speaker announced as the House members of the Joint Committee on salaries of officers and employes the following:

Messrs. Stevens, Tyler and Reed.

R E P O R T S O F S E L E C T C O M M I T T E E S .

The Special Committee to secure a committee room for the Judiciary Committee made the following report:

MR. SPEAKER:

Your Special Committee who was instructed to procure a proper committee room for the use of the Judiciary Committee, would respectfully report that it has secured a suitable room over

the First National Bank at a rental of \$15 per month, including heating thereof.

F. J. THOMPSON,
R. H. HANKINSON,
D. P. THOMAS.

Mr. Williams moved
That the vote by which
House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Was passed, be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Williams moved

That "unfinished business" be made the eighth order of business instead of the fourth order of business,

Which motion prevailed.

MOTIONS, RESOLUTIONS, ETC.

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

Resolved, That the following be adopted as an additional standing rule of the House:

All bills reported from standing or select committees, or from the Committee of the Whole, whether amended or not, shall not come up for third reading until the second day after such report, unless the House by a two-thirds vote otherwise order.

Mr. Walsh moved

To amend the resolution by striking out the words "second day after such report," and inserting in lieu thereof the words "first day after such report."

Mr. Stevens moved as a substitute

That the resolution be referred to the Committee on Rules,

Which motion prevailed, and

The resolution was so referred.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stevens introduced—

House Bill No. 84,

A bill for an act in relation to dower,

Which was read the first time.

Also,

House Bill No. 85,

A bill for an act in regard to garnishment,

Which was read the first time.

Mr. Stevens introduced—

House Bill No. 86,

A bill for an act relating to the admission and practice of attorneys and counselors,

Which was read the first time.

Mr. Milsted introduced—

House Bill No. 87,

A bill for an act to relieve certain parties whose horses had to be killed to check the progress of an infectious disease,

Which was read the first time.

Mr. Stevens introduced—

House Bill No. 88,

A bill for an act concerning bastardy,

Also,

House Bill No. 89,

A bill for an act to incorporate and govern fire, marine and inland navigation insurance companies doing business in the State of North Dakota.

Mr. Selby moved

That the first reading at length of

House Bill No. 88 and House Bill No. 89,

Be deferred until the same shall be printed,

Which motion prevailed.

Mr. Beard introduced—

House Bill No. 90,

A bill for an act granting women equal rights with men in the State of North Dakota,

Which was read the first time.

Mr. Roney introduced—

House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public state institutions,

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 92,

A bill for an act to amend Section 15, Chapter 130, Laws of 1887, entitled "Grain Warehouses," enabling the seller of grain to appeal to the commissioners for an inquiry into and decision upon the grade of his grain,

Which was read the first time.

Mr. Wickham introduced—

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 94,

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

Which was read the first time.

Also,

House Bill No. 95,

A bill for an act to provide for the exemption of laborers' and mechanics' wages,

Which was read the first time.

Mr. McDonald introduced—

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof,

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 97,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

Which was read the first time.

Mr. McCullough introduced—

House Bill No. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senator,

Which was read the first time.

Mr. Stevens moved that

House Bill No. 98,

Be not printed,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 13, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same."

Also,

Senate Bill No. 31,

A bill for an act to create an Institute for the Education of

the Deaf of North Dakota, and providing for its support and management.

Also,

Senate Bill No. 33,

A bill for an act to provide the University of the State of North Dakota with the general and special laws, and reports of the decisions of the Supreme Court for library purposes.

All of which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

FIRST READING OF SENATE BILLS.

Senate Bill No. 26,

A bill for an act defining the duties and prescribing the fees and fixing the salary of the Clerk of the Supreme Court,

Was read the first time.

Mr. Stevens moved

That the rules be suspended and that the bill be read the second time, and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 26,

A bill for an act defining the duties, and prescribing the fees and fixing the salary of the Clerk of the Supreme Court,

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

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business in the State of North Dakota on the failure of such company so authorized to transact business to satisfy any execution on any judgment against it,

Was read the first time.

Senate Bill No. 38,

A bill for a Concurrent Resolution for a memorial to Congress, Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 17,

A bill for an act designating a place of deposit for all abstracts and conveyances of title to the State of North Dakota of lands now owned or hereafter to be acquired by the State,

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 7 of the General Laws of 1883, entitled "Attorney General,"

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

Senate Bill No. 23,

A bill for an act prescribing the Great Seal of the State of North Dakota and the official seal of all courts and officers of the State who are authorized to use a seal,

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 21,

A bill for an act providing for the extension of the time for the payment of taxes for the year 1889,

Was read the second time, and referred to the Committee on Ways and Means.

Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,

Was read the second time, and

Mr. Ueland moved

That the bill be referred to the Committee on Educational Institutions,

Which motion was lost, and

The bill was referred to the Committee on Public Buildings.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

And for such other business as may be on the Clerk's desk,

Which motion was withdrawn.

SECOND READING OF HOUSE BILLS.

House Bill No. 74,

A bill for an act to provide for the erection and operation of a State Normal School at Valley City, Barnes county, North Dakota,

Was read the second time, and referred to the Committee on Appropriations.

House Bill No. 75,

A bill for an act to amend Chapter 70 of the General Laws of 1889, relating to interest,

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

House Bill No. 76,

A bill for an act to regulate and determine the amount of real and personal exemptions in the State of North Dakota,

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

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with calling of grand jurors, except by order of the district court,

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

House Bill No. 78,

A bill for an act to permit the assignment, satisfaction or foreclosure of mortgages and other liens by foreign executors and administrators,

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

House Bill No. 79,

A bill for an act to suppress in this State the selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 80,

A bill to amend Section 6248, Chapter 4, of Penal Code of Compiled Laws of Dakota in reference to punishment for Sabbath breaking,

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

House Bill No 81,

A bill for an act to provide for the establishment of a Board of Railroad Commissioners, defining their duties and to regulate the receiving and transportation of freight and passengers in this State,

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 82,

A Bill for an act to amend Sections 2 and 4, Chapter 58, of the Session Laws of 1879, entitled "An Act for the protection of public credit,"

Was read the second time, and referred to the Committee on Ways and Means.

House Bill No. 83,

A bill for an act defining the liabilities of railroad companies or persons caused by the setting of fires,

Was read the second time, and referred to the Committee on Railroads.

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

MR. SPEAKER:

Your committee appointed to examine the Journal of to-day

have examined the same and beg leave to report that they found the same correct.

W. S. BUCHANAN,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of

House Bill No. 15,

A bill for an act to provide for the organization and government of state banks,

And for such other business as may be on the Clerk's desk.

Mr. Thompson of Cass moved

To amend by including

House Bill No. 32, and

House Bill No. 52

In the motion,

Which amendment was accepted, and

The motion as amended prevailed.

Mr. Speaker called Mr. Walsh to the Chair.

When the committee arose the following report was presented.

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No 15,

A bill for an act to provide for the organization and government of State banks, and recommend that the following amendments proposed by the Committee on Banking be concurred in:

The first paragraph of Section 6 shall be amended to read as follows: "No association shall be organized under this title in towns containing one thousand inhabitants or less, with a less capital than ten thousand dollars; in towns of over one thousand and not over two thousand inhabitants, the capital shall not be less than twenty thousand dollars; in towns of over two thousand and not over three thousand inhabitants, the capital shall not be less than thirty thousand dollars, and in town of over three thousand inhabitants, the capital shall not be less than fifty thousand dollars." Your committee further recommend the accompanying section be inserted and numbered Section 12, and that the remaining sections be renumbered. The committee further recommend that Section 21 of the printed bill be amended by striking out all after the word "values" in line 6, and inserting the following: "or loans upon produce in transit or in store as collateral security, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed." Your committee further recommend that Section 4 be amended by striking out so much as appears in the printed bill after the words "provisions of" in lines 7 and 8, and to include the word "stock" in line 9, and to insert in lieu thereof the words "this act."

Your committee further recommend that Section 25 be amended by striking out all of that portion commencing with the words "such examiner" in line 11 and ending with the word "examined" in line 13 of the printed bill.

And that when so amended the bill do pass.

Also,

House Bill No. 32,

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,

And recommend that the following amendments proposed by the Committee on School and Public Lands be concurred in:

On page 5, Section 7, line 12, erase the word "proceeds" and in lieu thereof insert the words "interest and income."

On page 6, Section 9, line 9, commencing with the words "no lessee" shall be designated Section 10, and the succeeding sections be numbered consecutively therefrom.

On page 7, Section 10, line 5, the word "proceeds" be erased and insert in lieu thereof the words "interest and income."

On page 8, Section 14, line 3, after the word "day" insert the words "and hour."

On page 9, Section 15, line 1, after the word "day" insert the words "and hour."

On page 10, Section 17, lines 9 and 10, after the word "possession," add "after the approval and confirmation of sale by the Board of University and School Lands,"

On page 10, Section 19, lines 2 and 3, erase the words "whose sale" and insert in lieu thereof the words "the sale of which."

On page 11, Section 20, line 17, erase the word "proceeds" and insert in lieu thereof the words "interest and income."

On page 12, Section 24, strike out the whole section, and insert in lieu thereof the following:

"An emergency exists, in that, if this act shall not take effect until July 1, 1890, it will delay to the purchasers and lessees for at least a year, the cultivation of the tracts sold or leased, and thereby postpone the benefits to be derived from this act; therefore this act shall be in force immediately from and after its passage and approval,"

And that when so amended the bill do pass.

Also,

House Bill No. 52,

A bill for an act to prevent trespass upon school and public lands and to recover damages therefor,

And recommend that the following amendments proposed by the Committee on School and Public Lands be concurred in:

On page 2, Section 2, in the last line, after the word "in" shall be inserted the words "section one of."

On page 2, Section 4, line 5, omit the comma after the word "action."

On page 3, Section 7, line 5, erase the word "county" and insert in lieu thereof the word "States."

And that when so amended the bill do pass.

Also,

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act,

And recommend that the following amendments proposed by the Committee on Public Health be concurred in:

In Section 1, line 3, after the word "members" insert the following "of whom eight (8) shall be practicing physicians in good standing."

In Section 6, line 4, after the word "conviction" insert "thereof in any court of competent jurisdiction."

In line 5 of Section 6, insert "two hundred (200)" instead of three hundred (300)" after the word "than" and in line 6 of same section the words "sixty (60) days" instead of "ninety (90) days."

In lines 13 and 14 of Section 6, strike out the words "justices of the peace and the respective municipal courts shall have jurisdiction over violations of the provisions of this act."

In line 15 of Section 6, substitute the words "States Attorney" for "county attorney."

Strike out the whole of Section 8.

In title of the bill strike out the word "and" after Dakota in second line.

And that when so amended the bill do pass.

Also,

House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing the rate of toll, and regulating the exchange of manufactured products of grain for grain,

And recommend that the following amendments proposed by the Committee on Agriculture be concurred in:

In Section 2, line 2, of the printed bill strike out the word "bought" and insert in lieu thereof the word "brought,"

In Section 4, line 3, strike out the words "one-eighth" and insert in lieu thereof the words "one-sixth."

Also, that line 4 of Section 5 be amended by striking out the words "seven-eighths" and inserting in lieu thereof the words "five-sixths."

And that when so amended the bill do pass.

Also,

House Bill No. 53,

A Joint Resolution and Memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a military post and for appropriations for its improvement,

And recommended that the bill be amended in its title so as to read "a Concurrent Resolution,"

And that when so amended the bill do pass.

G. H. WALSH,
Chairman.

Mr. Stevens moved
To adopt the report,
Which motion prevailed, and
The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 14, 1889. }

Mr. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58, Session Laws of 1879, entitled "An Act for the protection of the public credit."

Also,

Senate Bill No. 51,

A bill for an act making appropriation for certain printing,

Also,

Senate Bill No. 39,

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

Also,

Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,

All of which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary

Mr. Stevens moved that

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

Be referred to the Engrossing Committee,

Which motion prevailed, and

The bill was so referred.

Mr. Williams offered the following resolution:

Resolved. That the Secretary of State be, and is hereby required to furnish to the Clerks respectively of the Judiciary and Railroad Committees, a complete set of laws for the use of the Judiciary Committee at their committee room.

Mr. Stevens moved

To amend by inserting "the railroad committee,"

Which amendment was accepted, and

The resolution as amended was adopted.

Mr. Thomas asked to be excused to-morrow and all of next week.

Mr. Buchanan asked to be excused until Tuesday.

Both of which requests were granted.

Mr. Haugerud moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - S I X T H D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 14, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Green, Ink, Jahr, Lilly, Lutz and Thomas, excused.

The Journal of the preceding day was read, corrected and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 66,

A bill for an act defining the powers and duties of the State Superintendent of Public Instruction,

Also,

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

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

Mr. Stevens moved
That the rules be suspended and that
House Bill No. 15,
A bill for an act to provide for the organization and government
of State banks,
Be read the third time and placed upon its final passage,
Which motion prevailed, and
House Bill No. 15,
A bill for an act to provide for the organization and govern-
ment of State banks,
Was read the third time and placed upon its final passage.
The roll being called there were ayes 51, nays 4.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Roney,
Beard,	Langer,	Selby,
Belden,	McCormick,	Stadlerman,
Bowen,	McCullough,	Stevens,
Brittin,	McDonald,	Strom,
Buchanan,	McIntyre,	Tandberg,
Cole,	Milsted,	Thompson of Cass,
Court,	Moore,	Thomson of Walsh,
Currier,	Montgomery,	Tyler,
Estabrook,	Nedrud,	Ueland,
Gronli,	Norton,	Walsh,
Hankinson,	Olsgard,	Walton,
Haugen,	Pinkham,	Watt,
Haugerud,	Rawlings,	Wickham,
Heglie,	Reed,	Williams,
Hoyt,	Renaud,	Zimmer,
Ingebretson,	Richardson.	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Christianson,	Foss.
Bye,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	Lilly,	Murphy,
Ink,	Lutz,	Thomas.
Jahr,		

Messrs. Green, Ink, Jahr, Lilly, Lutz and Thomas being ex-
cused.

And so the bill passed, more than two-thirds of the members
present voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved
That the vote by which

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

Was passed, be reconsidered, and that the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Buchanan moved

That the rules be suspended and that

House Bill No. 32 and House Bill No. 52

Be read the third time and placed upon their final passage,

Which motion was withdrawn.

Mr. Montgomery moved

That the rules be suspended, and that

House Bill No. 66,

A bill for an act to define the powers and duties of the State Superintendent of Public Instruction,

Be read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 66,

A bill for an act to define the powers and duties of the State Superintendent of Public Instruction,

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

The roll being called there were ayes 53, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Johnson,
Langer,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Green,
Ink,
Jahr,

Messrs—

Lilly,
Lutz,
Stadleman,

Messrs—

Thomas,
Zimmer.

Mr. Walsh voted in the negative.

Messrs. Green, Ink, Jahr, Lilly, Lutz and Thomas being excused,

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed too.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 26,

A bill for an act defining the duties and prescribing the fees and fixing the salary of Clerk of the Supreme Court,

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

F. J. THOMPSON,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 44,

A bill for an act providing bounty for tree planting,

Have had the same under consideration and recommend that the following be substituted therefor and that said substitute do pass.

A BILL

For An Act Entitled Bounty for Tree Planting.

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Every person planting one or more acres of prairie land with any kind of forest trees except black locust, and successfully growing and cultivating the same for three years, shall be entitled to receive for ten years thereafter an annual bounty of \$2 for each acre so planted and cultivated, to be paid out of the State Treasury, but such bounty shall not be paid any longer than such grove of trees is maintained and kept in growing condition.

SEC. 2. Any person wishing to secure the benefits of this act, shall within three years after planting such grove of trees, and annually thereafter file with the county auditor, or clerk of the county in which the same is located, a correct plat of the land, describing the section or fraction thereof on which such grove has been planted or cultivated, and shall make due proof of such planting and cultivation as well as to the title to the land by oath of the owner, and the affidavit of two householders residing in the vicinity, setting forth the facts in relation to the growth and cultivation of the grove of trees for which such bounty is demanded. The several county Auditors or clerks shall on or before the first Monday of August of each year, forward to the State Auditor a certified list of all the land and tree planting reported and verified to them in compliance with this act, with the name and postoffice address of the respective owners thereof; *Provided*, This act shall not apply to any railroad company for planting of trees within two hundred feet of its track for the purpose of making a snow fence, nor to any trees planted upon land held, entered and acquired under the timber culture laws of the United States.

SEC. 3. If the State Auditor shall find that the provisions of this act have been duly complied with, he shall issue to the several applicants entitled thereto, his warrant upon the State Treasurer for the bounty so earned.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed.

C. A. CURRIER,
Chairman.

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 amend Section 2408 of the Compiled Laws, relating to noxious weeds,

Have had the same under consideration and recommend that said bill be amended as indicated by the annexed draft and that when so amended, be recommitted to the Committee on Agriculture.

A BILL

For an act entitled "An Act to Amend Section 1, General Laws, 1885 Supplement, Relating to Noxious Weeds."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Every person and every corporation shall destroy upon all lands which he or she shall occupy, all weeds of the kinds known as Canada thistle, cockle burr, mustard and wild oats, at such time and in such manner as shall effectually prevent their bearing seed; such time and manner of destroying such weeds shall be prescribed by township boards of supervisors or by boards of county commissioners in counties which shall not be organized into townships, and the same shall be published at least two weeks in some newspaper published in the county, not less than two weeks before the time so prescribed; *Provided*, That if there be no newspaper published in the county, then written notices of the same shall be posted the same as election notices are posted, in lieu of such publication. Every overseer of highways of every township or county shall also, in like time and manner, destroy all such weeds that may grow, either on the highway of his road district or any unoccupied land therein, which the occupant thereof shall refuse or neglect to so destroy. For so doing such overseer shall have such compensation, payable out of the township treasury or county treasury as the township board of supervisors or board of county commissioners, upon the presentation of his account thereof, verified by his oath, and specifying by separate items the charges on each piece of land, describing the same, shall deem reasonable; and the respective accounts so paid, except for the destruction of such weeds upon the highways, shall be placed on the next tax roll of the township or county as the case may be, in a separate column headed: "For destruction of weeds" as a tax against the lands upon which such weeds were destroyed, and be collected as other taxes, and the entry of such tax on the tax roll shall be conclusive evidence of the liability of the land so taxed to such tax.

F. J. THOMPSON,
Chairman.

Mr. Williams moved

That the report be adopted, and that the bill be recommitted to the Committee on Agriculture,

Which motion prevailed, and

The report was adopted and the bill recommitted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 48,

A bill for an act to amend Chapter 3, Article 11, Section 3053,

of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to the publication of insurance statements,

Have had the same under consideration and recommend that said bill be amended as follows: That the title be amended by striking out the same, and substituting the following in its stead:

A BILL

For An Act to Amend Section 16 of Chapter 69 of the General Laws of 1885, and Section 10 of Chapter 69 of the General Laws of 1889, Relative to the Publication of Insurance Statements.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That Section 16 of Chapter 69 of the General Laws of 1885, be amended to read as follows:

"SEC. 16. Every insurance company doing business in this State must transmit to the State Auditor a statement of its condition and business for the year ending on the preceding 31st day of December, which shall be rendered on the 1st day of January in each year, or within one month thereafter, except that foreign insurance companies shall transmit their statement of business other than that taken in the United States prior to the following 1st day of May; such statement must be published at least three times in a newspaper of general circulation printed and published in each judicial district of this State, in which said insurance company shall have an agency, and a duplicate thereof, upon which shall be endorsed the names of the attorneys on whom process of law can be served as required by this act, shall be filed in the office of the register of deeds of the county wherein the agency may be established, but the provisions of this section as to the appointment of attorneys shall not apply to companies organized within this State. Statements for publication shall be made out on blanks furnished by the State Auditor, and the State Auditor's certificate of authority for the company to do business in this State. Proof of publication, to-wit: The printer's affidavit of the fact shall be filed with the State Auditor in all cases, which affidavit shall state that said insurance company has paid said newspaper one-half of the authorized rate for publishing legal notices, and that the full amount named inures to the sole benefit of the publisher or publishers thereof, and that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that every affidavit of publication shall state in plain terms the full amount authorized herein has been charged and collected for such publication; *Provided*, The State Auditor shall select three newspapers of general circulation published in each of the judicial districts, from which said company shall select one in which said statement shall be published.

SEC. 2. That Section 10 of Chapter 19, of the General Laws of 1889, entitled "Insurance" be amended so as to read as follows:

"SEC. 10. That Section 16, Chapter 69, Laws of 1885, be and the same is hereby amended by adding to said section the following words: 'And the proof of publication herein required shall be filed with the State Auditor within four months from the time of the filing of the annual statement.'"

That Section 3 be amended to read as follows:

"SEC. 3. This law is intended to define the lawful rate for the publication of insurance statements, and repeals Sections 1, 3 and 4 of Chapter 51 of the General Laws of 1887, in so far as said sections have been held to refer to the publication of insurance statements."

J. J. THOMPSON,
Chairman.

Mr. Stevens moved that
House Bill No. 48

Be recommitted to the Committee on Insurance,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Cole moved

That beginning with December 16, and during the remainder of this session, the daily sittings of this House shall be from 2 o'clock p. m. till 5 o'clock p. m. and from 7 o'clock p. m. till 9 o'clock p. m.

Mr. Thompson of Cass, moved

To lay the motion on the table,

Which motion prevailed, and

The motion was laid on the table.

Mr. Williams offered the following Concurrent Resolution and moved its adoption:

Be it resolved by the House of Representatives, the Senate concurring herein, That our Senators and Representative in Congress be, and are hereby requested to cause to be sent to the Governor for the State, such books, public documents, and maps as it is the custom of the Government to furnish to the States.

Resolved, That an engrossed copy of this resolution be sent by the Chief Clerk of the House to the Honorables Gilbert A. Pierce, Lyman R. Casey and Hon. H. C. Hansbrough.

Which motion prevailed, and

The Concurrent Resolution was adopted.

Mr. Thompson of Cass, offered the following resolution, and moved its adoption:

Resolved, That the Speaker shall direct some one of the employes of the House of Representatives to collect, at least six of the printed copies of the various Senate and House bills which are referred to the Judiciary Committee on the day so referred, and deliver the same to the Clerk of the Judiciary Committee.

Mr. Bowen moved

To amend the resolution by including also the Railroad Committee,

Which amendment was accepted, and

The resolution as amended was adopted, and

Mr. Speaker designated the clerks of the respective committees.

Mr. Thompson of Cass, offered the following resolution:

Resolved, That the Speaker designate some one or more of the employes of the House of Representatives to look after, arrange and safely keep the various House Bills not needed in distribution among the members.

Mr. Thompson of Cass, moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hoyt introduced—

House Bill No. 99,

A bill for an act prescribing the mode of listing, assessing, and

the levy and collection of taxes, and for other purposes relating thereto,

Mr. Hoyt moved

That the first reading at length of
House Bill No. 99,

Be deferred until the same shall be printed,
Which motion prevailed.

Mr. Walsh introduced—

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred condemned muskets for use of students for drill purposes,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 101,

A bill for an act to repeal Chapter 153 of the General Laws of 1887,

Which was read the first time.

Also,

House Bill No. 102,

A bill for an act fixing the liability of railroad corporations for setting fires,

Which was read the first time.

Mr. Williams asked unanimous consent to amend

House Bill No. 102,

By striking out wherever it occurs in the bill the word "territory" and inserting the word "State,"

Which consent was given, and the bill was so amended.

FIRST READING OF SENATE BILLS.

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

Was read the first time.

Senate Bill No. 33,

A bill for an act to provide the University of the State of North Dakota with the general and special laws and the reports of the decisions of the Supreme Court for library purposes,

Was read the first time.

Senate Bill No. 4,

A bill for an act to establish a board of inspectors for steam vessels and boilers, and for licensing engineers of steam engines,

Was read the first time.

Senate Bill No. 39,

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

Was read the first time.

Senate Bill No. 51,

A bill for an act making an appropriation for certain printing,
Was read the first time.

Senate Bill No. 31,

A bill for an act to create an institute for the education of the deaf of North Dakota and providing for its support and management,

Was read the first time.

Mr. McCormick moved

That the rules be suspended, and that

Senate Bill No. 31,

Be read the second time, and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 31,

A bill for an act to create an institution for the education of the deaf of North Dakota and providing for its support and management,

Was read the second time.

Mr. McCormick moved

That the bill be referred to the Committee on Educational Institutions,

Which motion prevailed, and so the bill was referred.

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of the public credit,"

Was read the first time.

Mr. Selby moved

That the rules be suspended, and that

Senate Bill No. 49

Be read the second time and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of the public credit,"

Was read the second time, and referred to the Committee on Ways and Means.

SECOND READING OF SENATE BILLS.

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the au-

thority granted any insurance company to do business within the State of North Dakota, on the failure of such company so authorized to transact business, to satisfy any execution on any judgment against it.

Was read the second time, and referred to the Committee on Insurance.

Senate Bill No. 38,

A bill for a Concurrent Resolution for a memorial to Congress,

Was read the second time and referred to the Committee on State and Federal Relations.

THIRD READING OF SENATE BILLS.

Senate Bill No. 26,

A bill for an act defining the duties and prescribing the fees and fixing the salaries of the Clerk of the Supreme Court,

Was read the third time, and

Mr. Williams asked unanimous consent to amend the bill by striking out in lines three (3) and four (4) of Section two (2) of the printed bill, the word "Governor" and inserting in lieu thereof the words "State of North Dakota," and in line four of same section by striking out the word "him" and inserting in lieu thereof the words "the Governor."

Which consent was given, and the bill was so amended.

The question being on the passage of the bill,

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Johnson,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Richardson,
Roney,
Stadleman,
Stevens,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Currier,
Green,
Hankinson,
Ingebretson,
Ink,

Messrs—

Jahr,
Langer,
Lilly,
Lutz,

Messrs—

Renaud,
Selby,
Strom,
Thomas,

Messrs. Green, Ink, Jahr, Lilly, Lutz and Thomas being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

That the vote by which

Senate Bill No. 26,

A bill for an act defining the duties, and prescribing the fees and fixing the salary of the Clerk of the Supreme Court,

Was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 84,

A bill for an act in relation to dower,

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

House Bill No. 85,

A bill for an act in regard to garnishment,

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

House Bill No. 86,

A bill for an act relating to the admission and practice of attorneys and counselors,

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

House Bill No. 87,

A bill for an act to relieve certain parties whose horses had to be killed to check the progress of an infectious disease,

Was read the second time, and referred to the Committee on Appropriations.

House Bill No. 90,

A bill for an act granting women equal rights with men in the State of North Dakota,

Was read the second time, and referred to the Committee on Woman's Suffrage.

House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public state institutions,

Was read the second time, and referred to the Committee on Military Affairs.

House Bill No. 92,

A bill for an act to amend Section 15, Chapter 130, Laws of 1887, entitled "Grain Warehouses," enabling the seller of grain to appeal to the commissioners for an inquiry into and decision upon the grade of his grain,

Was read the second time, and referred to the Committee on Warehouses and Grain Grading.

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

Was read the second time, and referred to the Committee on Insurance.

House Bill No. 94,

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

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 95,

A bill for an act to provide for the exemption of laborers' and mechanics' wages,

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

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 97,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

Was read the second time and referred to the Committee on State Affairs.

House Bill No. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senator,

Was read the second time and referred to the Committee on Elections and Privileges.

THIRD READING OF HOUSE BILLS.

House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit the destruction of beaver in the Territory of Dakota,"

Was read the third time.

Mr. Williams asked unanimous consent to amend

House Bill No. 57,

So that Section 1 shall read as follows:

"That Chapter 60 of the General laws of 1887 of the Territory of Dakota be and the same is hereby repealed."

Also, that Section two (2) be stricken out,

Which consent was given, and the bill was so amended.

Mr. Thompson of Cass, moved

That further consideration of

House Bill No. 57

Be postponed until next Wednesday,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 14, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 6,

A bill for an act authorizing railroad companies to take, acquire, purchase, sell or guarantee the payment of the bonds or other securities of any other railroad company,

Which the Senate has passed and your concurrence therein is requested.

C. C. BOWSFIELD,
Secretary

House Bill No. 47,

A bill for an act abolishing the office of Commissioner of Immigration and imposing certain duties on the Commissioner of Agriculture and Labor,

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Johnson,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	Langer,	Stevens,
Ink,	Lilly,	Thomas.
Jahr,	Lutz,	

Messrs. Green, Ink, Jahr, Lilly, Lutz and Thomas being excused,

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer,

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

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Pinkham,
Balkan,	Haugerud,	Rawlings,
Beard,	Heglie,	Reed,
Belden,	Hoyt,	Renaud,
Bowen,	Ingebretson,	Roney,
Brittin,	Johnson,	Selby,
Buchanan,	McCormick,	Tandberg,
Bye,	McDonald,	Thompson of Cass,
Christianson,	McIntyre,	Thomson of Walsh,
Cole,	Milsted,	Ueland,
Court,	Moore,	Walton,
Currier,	Montgomery,	Watt,
Estabrook,	Murphy,	Wickham,
Foss,	Nedrud,	Williams.
Gronli,	Olsgard,	Mr. Speaker.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	McCullough,	Strom,
Ink,	Norton,	Thomas,
Jahr,	Richardson,	Tyler,
Langer,	Stadleman,	Walsh,
Lilly,	Stevens,	Zimmer.
Lutz,		

Messrs. Green, Ink, Jahr, Lutz, Lilly and Thomas being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Speaker appointed M. H. Rourke as a clerk of the House.

Mr. Hankinson asked to be excused for one week,

Which request was granted.

Mr. Speaker appointed the following ladies clerks of the House:

Miss Mary Mattison, Miss Lilian Yerkes, Mrs. Norvelle to serve as enrolling clerks, service to commence January 7th.

Mr. Walsh moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

T W E N T Y - E I G H T H D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 16, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Green, Hankinson, Ink, Lilly, McDonald and Thomas, excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means have had under consideration

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of the public credit,"

And recommend that Section 1 of said bill be amended to read as follows:

SECTION 1. That Section 2 of Chapter 58, of the General Laws of 1879, be and the same is hereby amended to read as follows:

SEC. 2. The State Treasurer, with the advice and consent of the Governor and State Auditor, is hereby authorized and directed to pay all State warrants legally issued, that may have been or that may hereafter be presented to him for payment; *Provided*, The money to pay the same can be obtained at a rate of interest not to exceed 6 per cent., and the Auditor is authorized and directed to issue funding warrants in lieu of the warrants so paid, and the Treasurer is hereby authorized and directed to apply all State funds by him received and not otherwise lawfully appropriated, to the payment and cancella-

tion of the so called funding warrants; *Provided, further,* That nothing in this chapter shall authorize said Treasurer, nor shall said Auditor and Governor consent to issue funding warrants in excess of \$50,000. Nor shall they anticipate the needs of the State for a longer period than 60 days at any one time.

That Section 2 of said bill be amended by striking out the word "session" in the first line of printed bill and inserting the word "general."

That after Section 2 insert for Section 3, as follows as a repealing clause:

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed."

Change the number of Section 3 of the bill as it now stands to "Section 4."

Your committee recommend that the bill as so amended do pass.

J. F. SELBY,
Chairman.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means have had under consideration

House Bill No. 82,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of public credit,"

And respectfully report that your committee have considered Senate Bill No. 49, which has passed the Senate and is identical both as to its title and subject matter with the above House Bill No. 82. That your committee have submitted amendments in its report to Senate Bill No. 49, and recommended that the said bill as amended in its report do pass.

Your committee therefor recommend that the further consideration of House Bill No. 82 be indefinitely postponed.

J. F. SELBY,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Selby moved

That the rules be suspended and that the House do now resolve itself into Committee of the Whole for the consideration of

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58, Session Laws of 1879 entitled "an act for the protection of the public credit,"

And also the reports of the Committee on Ways and Means,
Which motion prevailed, and

Mr. Speaker called Mr. Selby to the chair.

When the committee arose the following report was made:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58, Session Laws of 1879, entitled "An Act for the protection of the public credit,"

Together with the report of the Committee on Ways and Means thereon, and

Recommend that the report of the Committee on Ways and Means be adopted, and that the bill as amended by the committee do pass.

Also,

House bill No. 82,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1887, entitled "An Act for the protection of the public credit,"

Together with the report of the Committee on Ways and Means thereon, and

Recommend that the report of the Committee on Ways and Means thereon be adopted, and that the further consideration of the bill be indefinitely postponed.

J. F. SELBY,
Chairman.

Mr. Selby moved

That the report of the Committee of the Whole be adopted,
Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Stevens moved

That the rules be suspended, and that
Senate Bill No. 49,

A bill for an act to amend Sections two (2) and four (4) of Chapter fifty-eight (58) of the Session Laws of 1879, entitled "an act for the protection of the public credit,"

Be read the third time, and placed upon its final passage,
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred.

House Bill No. 72,

A bill for an act for the destruction of gophers,

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

That in Section 1 after the word "freeholders," insert the words "of said county."

Also strike out the word "two" of said Section 1 and insert in lieu thereof the word "one."

In line 4, Section 2 of the printed bill strike out the word "first," and insert in lieu thereof the word "fifteenth."

And when so amended recommend that said bill do pass.

A. C. NEDRUD,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 32,

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,

Also,

House Bill No. 16,

A bill for an act declaing certain mills public mills, and fixing the rate of toll, and regulating the exchange of the manufactured products of grain for grain.

Also,

House Bill No. 53,

A Joint Resolution and Memorial to the Congress of the United States praying for the maintenance of Fort Abraham Lincoln as a military post and for appropriations for its improvement,

Also,

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota and to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act,

Also,

House Bill No. 52,

A bill for an act to prevent trespass upon School and Public Lands, and to recover damages therefor.

This bill is engrossed according to committee report of December 10, but an error exists in report of Committee of the Whole in the Journal of the thirteenth.

And find the same correctly engrossed.

On page 10 should be Section 7 instead of 6 in regard to State's Attorney.

E. W. BOWEN,
Chairman.

The Committee on Rules made the following report:

MR. SPEAKER:

Your Committee on Rules to whom was referred the following rule:

Resolved. That the following be adopted as an additional standing rule of the House:

All bills reported from standing or select committees or from the "Committee of the Whole," whether amended or not, shall not come up for a third reading until the second day after such report, unless the House by a two-thirds vote otherwise order.

Have had the same under consideration and recommend its adoption.

N. B. PINKHAM,
Chairman.

Mr. Bowen moved

To adopt the report,

Which motion prevailed, and

The report of the Committee on Rules was adopted.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred
House Bill No. 73,

A bill for an act to enable counties to regulate the number of
county commissioners,

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

First. After the word "commissioners" in the first line of Section 1 strike
out the word "may" and insert the word "shall."

Second. After the words "three years" in Section 2 add "thereafter they
shall hold their terms of office for three years."

Third. After the words "two expiring terms" in Section 2 insert the
words "of the same year."

And as so amended recommend that the bill do pass.

Also,

House Bill No. 34,

A bill for an act to amend Chapter forty-three (43) of the Ses-
sion Laws of the Eighteenth General Assembly of Dakota Terri-
tory, entitled 'An Act authorizing counties to issue bonds to pro-
cure seed wheat for needy farmers resident thereof,'

Have had the same under consideratton and recommend that the
bill herewith submitted be substituted in the place of said House
Bill No. 34, and recommend that the bill so substituted do pass.

A BILL

For an Act to Amend Chapter 43 of the General Laws of the Eighteenth Gen-
eral Assembly of the Territory of Dakota, Entitled "An Act Authorizing
Counties to Issue Bonds to Procure Seed Wheat for Needy Farmers Resi-
dent Thereof."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

That Chapter 43 of the General Laws of the Eighteenth General Assembly
of the Territory of Dakota, entitled "An Act authorizing counties to issue
bonds to procure seed wheat for needy farmers resident thereof," be and the
same is hereby amended to read as follows:

SECTION 1. PETITION.] Whenever a number of voters equal to one-third
of the vote cast at the last general election in any county shall petition to the
board of county commissioners of such county, asking that said board proceed
under the provisions of this act, said board may at any meeting thereof, duly
called for that purpose, prior to the first day of April of the same year, issue
the bonds of such county in an amount not to exceed two
thousand dollars for each one hundred votes cast at the last general election
therein; *Provided*, That the total amount of bonds issued by any county under
the provisions of this act shall not exceeed twenty-five thousand dollars,
and shall be in denominations of five hundred dollars, bearing date the first
day of April the same year, with interest payable semi-annually, at some place
in the city of New York, in the State of New York, to be specified in said
bonds, on the first day of April and October in each year at a rate of interest
not exceeding 7 per cent per annum, running ten years and payable at the
option of the county after five years from the date thereof.

SEC. 2. BONDS.] Such bonds shall be executed for the county, and under
the seal thereof by the chairman of the board of county commissioners, and
shall be attested by the county auditor or county clerk, and shall be negotiated
by said board in the manner hereinafter provided.

SEC. 3. SALE.] It shall be the duty of such board to receive sealed pro-
posals for the purchase of said bonds, after giving notice for ten days in three

newspapers of general daily circulation, published as follows: One in the city of St. Paul, in the State of Minnesota; one in the city of Bismarck, in the State of North Dakota, and one in the county where the bonds are to be issued, and said bonds shall be sold to the highest bidder for cash; *Provided*, Said bonds, shall not be sold for less than their par value; *Provided, further*, The said board may reject all bids and postpone the sale of said bonds for a time, not exceeding twenty days.

SEC. 4. PROCEEDS.] The proceeds arising from the sale of said bonds shall be deposited by the purchaser thereof in the treasury of the county, and shall be paid out only on the order of the board of county commissioners.

SEC. 5. TREASURER'S BOND.] It shall be the duty of said board to require the county treasurer to give a further and additional bond, with good and sufficient sureties, in the sum to be determined by said board before said bonds are paid into the treasury. Said bond shall be approved by said board.

SEC. 6. TAX.] For the purpose of prompt payment of principal and interest of the bonds herein provided for, there shall be levied by the Board of County Commissioners, at the time the other taxes are levied, such sums as shall be sufficient to pay such interest and at reasonable time prior to the maturity of said bonds in addition thereto, a sinking fund tax shall be annually levied sufficient to retire and pay said bonds at their maturity, and it shall be the duty of the county treasurer to pay promptly on the first days of April and October in each year, such interest as shall then be due, and to purchase said bonds at not more than their par value, and retire and cancel the same with the sinking fund tax as fast as the same shall be received. And no tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose; *Provided*, That the board of county commissioners may deposit any portion of the sinking fund provided for hereby in any National Bank in the State of North Dakota, which shall furnish to the county a good and sufficient bond, and receive interest on the same which shall be credited to the sinking fund itself. It shall be the duty of the treasurer when said bonds or any coupons attached thereto are paid to cancel the same by writing upon the face thereof the date of payment.

SEC. 7. REGISTRY.] Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book to be kept for that purpose, and known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable.

SEC. 8. WARRANTS.] The board of county commissioners may issue warrants instead of bonds, if in their judgment the best interests of the county are thereby served; *Provided*, That such warrants shall not be issued in any amount to exceed three thousand dollars.

SEC. 9. PURCHASE SEED WHEAT.] The fund arising from the sale of said bonds or warrants shall be applied by the said board to the purchase of seed wheat for the residents of the county who suffered partial or total loss of their crops by frost, drought, insects, or other cause, the previous season, and who are unable to procure the same; *Provided*, That not more than one hundred and fifty bushels of wheat shall be furnished to any one person.

SEC. 10. LIEN ON CROPS.] The person receiving seed wheat in accordance with this act shall become indebted to the county furnishing the seed in the amount of the purchase price therefor, with the cost of transportation and all other expenses necessarily attendant upon the carrying out of the provisions of this act, which total amount shall be a lien upon the crop of such person and in favor of the county, in accordance with Chapter 150 of the General Laws of the Territory of Dakota, entitled "An Act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same," approved March 11, 1887, which is hereby made applicable to counties furnishing seed grain under the provisions of this act. The amount of such indebtedness, with interest from the first day of April, at the rate of 7 per cent. per annum, shall become due and payable by each person receiving such aid, on the first day of November following. If the said indebt-

edness be not paid on said November first, the amount thereof shall be entered upon the tax list of such county for that year as a tax on the land upon which such seed wheat was sown, to be collected as other taxes are, and the sum so entered and levied shall be a first lien upon the crops of grain raised each year by the person receiving said seed grain, and also upon the real estate owned by such person until the said tax is fully paid, and the board of county commissioners shall keep a complete and accurate record of all its proceedings, under the provisions of this act, which record shall contain the names and residences of all persons receiving seed wheat, the extent of the loss sustained by each person, the acreage to be sown, the amount of seed furnished, and all other facts and circumstances connected with the transaction; *Provided*, That seed shall be furnished to no person until all existing chattel mortgages and other seed liens upon the crops to be grown shall be satisfied or made subject to the lien herein provided for.

SEC. 11. RESIDUE OF FUND.] If any portion of the funds provided for in this act shall be unexpended on the first day of May of the same year in which such funds were raised, they shall become a part of the sinking fund set apart to pay said bonds as their maturity.

SEC. 12. SINKING FUND.] The money received by the county treasurer in payment of the debt incurred by the persons receiving seed wheat, shall become a part of the sinking fund aforesaid.

SEC. 13. NOTICE OF PURPOSE.] The county commissioner of every county proposing to distribute seed wheat under the provisions of this act, shall advertise such intention for at least ten days prior to the 15th day of March, giving notice that all applications must be filed with the auditor or county clerk by that date (March 15) at which time, if more seed wheat is called for than can be supplied by such commissioners, a *pro rata* distribution shall be made among those applying and the commissioners shall have the right to refuse any application which they may deem it improper to grant.

SEC. 14. APPROPRIATION.] The board of county commissioners of any county having funds in its treasury belonging to the general fund of said county, not otherwise appropriated, may at the time, and subject to all the conditions and limitations in this act contained, appropriate any portion thereof, not to exceed the sum of \$25,000, for the purpose specified in this act.

SEC. 15. AFFIDAVIT.] The affidavit provided for by Chapter 150, of the General Laws of 1887, may be made by the county auditor or chairman of the board of county commissioners.

SEC. 16. APPLICATION.] All persons wishing to avail themselves of the benefit of this act, shall file with the county auditor of the county where said applicant resides, on or before the 15th day of March, an application duly sworn to before said county auditor, which application shall be attested by at least two witnesses. Said application shall contain a true statement of the number of acres the applicant has plowed or prepared for seeding, how many acres the applicant intends to have plowed and prepared for seeding time; how many bushels are necessary and what kind of wheat to seed the ground so prepared as aforesaid; that said applicant's crops was the previous year entirely destroyed by frost, drought, insects or other cause, or if only partially destroyed, how many bushels the applicant harvested the previous year, and each kind of grain; also, what amount of seed grain said applicant desires to borrow of said county; that the applicant has not procured and is unable to procure the necessary seed wheat; also, that the applicant desires the same for seed and for no other purpose, and that the applicant will not sell or dispose of the same or any part thereof; said application shall also contain a true and full description of all real and personal property owned by the applicant, and whether encumbered or otherwise, and also the government sub-division or sub-division upon which the party intends to sow said seed. And the county auditor shall upon the granting of the prayer of the applicant cause to be filed, recorded and indexed in the office of the register of deeds, in the same manner that mortgage deeds are filed, recorded and indexed, a certified copy of such application which the register of deed shall file, record and index, and the record so made shall be notice of the

lien created by this act, to all subsequent encumberancers. The fee of the register of deeds for each application filed and recorded shall be twenty-five cents which shall be paid by the applicant.

SEC. 17. LIMIT OF TIME.] Said applications shall be filed in said county auditor's office, and be open to public inspection, and no applicant shall be entitled to receive any of the benefits of this act unless on or before the 15th day of March, the applicant shall have made and filed with the county auditor of the county in which the applicant resides, the application as required and in the manner and form mentioned in this act.

SEC. 18. CONDITION OF INSURANCE.] The bonds herein provided for shall not be issued unless the same are authorized by a majority of the board of county commissioners of said county.

SEC. 19. WHEN PAYABLE.] Said board may at any time after the first day of November, with the concurrence of the owner, pay any of the bonds issued under the provisions of this act out of the funds provided for that purpose, at not more than than the par value thereof.

SEC. 20. NOTICE IN WEEKLY.] If there be no daily newspaper published in the county issuing bonds under the provisions of this act, then the notice provided for in Section 3 of this act may be published in a weekly newspaper in said county.

SEC. 21. MISDEMEANOR.] Any person who shall obtain seed wheat under the provisions of this act, and who shall use the same, or any part thereof, for any other purpose shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$500, or by both such fine and imprisonment.

SEC. 22. REPEALING CLAUSE.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 23. EMERGENCY CLAUSE.] As there are settlers who are unable to procure seed for their farms the coming spring, and an emergency exists, this act shall take effect and be in force immediately after its passage and approval by the Governor.

JAMES McCORMICK,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Williams introduced—

House Bill No. 103,

A bill for an act to encourage the development of the coal mines of the State and to determine the kind of coal that shall be used as fuel in the various State institutions,

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 104,

A bill for an act defining the marriage relation; providing who can so marry; how solemnized, and procuring and filing the license therefor,

Which was read the first time.

Also,

House Bill No. 105,

A bill for an act regulating the registration of births and deaths,

Which was read the first time.

Mr. Brittin introduced—

House Bill No. 106,

A bill for an act regulating the delivery and care of poll books and ballot boxes used at elections, and the ballots deposited therein,

Which was read the first time.

Mr. Bowen introduced—

House Bill No. 107,

A bill for an act to prevent the formation of trusts.

Which was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 6,

A bill for an act authorizing railroad companies to take, acquire, purchase, sell or guarantee the payment of the bonds and other securities of any other railroad company,

Was read the first time.

Mr. Williams moved

That the rules be suspended, and

That all Senate bills on their first reading to-day be read the second time and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 6,

A bill for an act authorizing railroad companies to take, acquire, purchase, sell or guarantee the payment of bonds and other securities of any other railroad company,

Was read the second time, and referred to the Committee on Railroads.

SECOND READING OF SENATE BILLS.

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 33,

A bill for an act to provide the University of the State of North Dakota with the general and special laws, and reports of the decisions of the Supreme Court for library purposes,

Was read the second time, and referred to the Committee on Educational Institutions.

Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 39,

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

Was read the second time, and referred to the Committee on Counties.

Senate Bill No. 51,

A bill for an act making appropriation for certain printing,

Was read the second time, and referred to the Committee on Appropriations.

THIRD READING OF SENATE BILLS.

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58, Session Laws of 1879, entitled "An Act for the protection of the public credit,"

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs--

Reed,
Renaud,
Richardson,
Roney,
Selby,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Green,
Hankinson,
Ink,

Messrs—

Lilly,
McDonald,
Stadleman,

Messrs—

Stevens,
Thomas.

Messrs. Green, Hankinson, Ink, Lilly, McDonald and Thomas being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the vote by which

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4 of Chapter 58, Ses-

sion Laws of 1879, entitled "An Act for the protection of the public credit,"

Was passed, be reconsidered, and that
The motion to reconsider be laid on the table,
Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred condemned muskets for use of students for drill purposes,

Was read the second time and referred to the Committee on Military Affairs.

House Bill No. 101,

A bill for an act to repeal Chapter 153 of the General Laws of 1887,

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

House Bill No. 102,

A bill for an act fixing the liability of railroad corporations for setting fires,

Was read the second time, and referred to the Committee on Railroads.

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 16, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in your amendments to Senate Bill No. 26,

Also,

I have the honor to transmit herewith

Senate Bill No. 27,

A bill for an act authorizing the county commissioners of the several counties of the State of North Dakota to designate the depositories for the public funds of their respective counties,

Also,

Senate Bill No. 28,

A bill for an act providing clerk hire for the various State officers, and making appropriations therefor,

Also,

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden

All of which the Senate has passed, and your concurrence therein is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, by unanimous consent made the following reports of the Committee on Judiciary:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 62,

A bill for an act to establish a State Board of Corrections and Charities for the State of North Dakota,

Have had the same under consideration and recommend that said bill be reported back and recommend that it be referred to the Committee on State Affairs.

Also,

House Bill No. 23,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code, as amended by Section 1, Chapter 145, Laws of 1887, entitled "Revenue," changing the rate of interest required upon redemption from tax sales from 30 to 18 per cent,

Have had the same under consideration and recommend that said bill be referred back and recommitted to the Committee on Tax and Tax Laws.

Also,

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with calling of grand jurors, except by order of the district court judges,

Have had the same under consideration and recommend that said bill be amended by adding the following emergency clause:

SECTION 11. Whereas an emergency exists in that the Constitution authorizing criminal prosecutions by information, and there being no provision of law carrying the same in effect, and it being necessary in order to save expense to the several counties that this act take effect long before July 1st next; therefore, this act shall take effect and be in force immediately from and after its passage and approval,

And when so amended recommend that it do pass.

Also,

House Bill No. 58,

A bill for an act to regulate taxation on mortgaged property, between mortgagee and mortgagor,

Have had the same under consideration and recommend that said bill be recommitted to the Committee on Tax and Tax Law.

T. J. THOMPSON,
Chairman.

Mr. Williams moved
That the reports be adopted,
Which motion prevailed, and

The reports of the Committee on Judiciary were adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing the rate of toll, and regulating the exchange of manufactured products of grain for grain,

Was read the third time, and

Mr. Milsted moved

That further consideration of the bill be postponed until January 10th,

Which motion prevailed, and

Further consideration was postponed until January 10.

Mr. Stevens, by unanimous consent, made the following report of the Joint Committee on Salary of Officers and Clerks:

MR. SPEAKER:

Your committee appointed to act in conjunction with a like committee of the Senate to determine upon the salaries of employes of the House and Senate, beg leave to report as follows:

The Joint Committee, being unable to agree, the following resolution was adopted:

Resolved, That each committee report to their respective bodies that they are unable to agree, and recommend that a new committee be appointed.

Your committee would further report that they find, from the opinion of the Attorney General that either the House or Senate may fix the pay of employes, and the same having been fixed by resolution of the House for Speaker and employes of the House, and an appropriation having heretofore been made for that purpose, your committee therefore respectfully recommend that no further action be taken by the House in the matter.

R. N. STEVENS,
Chairman.

Mr. Tyler moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

A Concurrent Resolution and Memorial to Congress praying for the maintenance of Fort Abraham Lincoln as a military post,

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

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,

Messrs—

Hoyt,
Ingebretson,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McCullough,
McIntyre,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh
Tyler,

Messrs—
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Gronli,
 Haugen,
 Haugerud,
 Heglie,

Messrs—
 Milsted,
 Moore,
 Montgomery,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Reed,
 Richardson,

Messrs—
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer.
 Mr. Speaker.

Absent and not voting:

Messrs—
 Green,
 Hankinson,
 Ink,

Messrs—
 Lilly,
 McDonald,
 Murphy,

Messrs—
 Rawlings,
 Renaud,
 Thomas.

Messrs. Green, Hankinson, Ink Lilly, McDonald and Thomas being excused,

And so the Concurrent Resolution was adopted.

House Bill No. 52,

A bill for an act to prevent trespass upon school and public lands, and to recover damages therefor,

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

The roll being called there were ayes 50, nays 4.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Gronli,
 Haugen,
 Haugerud,

Messrs—
 Heglie,
 Hoyt,
 Ingerbretson,
 Johnson,
 Langer,
 Lutz,
 McCormick,
 McCullough,
 McIntyre,
 Montgomery,
 Nedrud,
 Norton,
 Pinkham,
 Rawlings,
 Reed,
 Richgrdson,
 Roney,

Messrs—
 Selby,
 Stadleman,
 Stevens,
 Strom,
 Tandberg,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Milsted,
 Moore,

Messrs—
 Olsgard,

Messrs—
 Redaud.

Absent and not voting.

Messrs—
 Green,
 Hankinson,
 Ink,

Messrs—
 Jahr,
 Lilly,
 McDonald,

Messrs—
 Murphy,
 Thomas.

Messrs. Green, Hankinson, Ink, Lilly, McDonald and Thomas being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

To reconsider the vote by which House Bill No. 52, was passed, Which motion was withdrawn.

Mr. Stevens moved

That the vote by which House Bill 52 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Walsh, by unanimous consent, made the following report of the Committee on Appropriations:

MR. SPEAKER:

Your Committee on appropriation bills having examined Senate Bill No. 51,

A bill for an act making an appropriation for certain printing, Have had the same under consideration and recommend that the bill pass.

GEO. H. WALSH
Acting Chairman.

Mr. Walsh moved

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

Mr. Walsh moved

That the rules be suspended and that
Senate Bill No. 51,
Be read the third time and placed upon its final passage,
Which motion prevailed, and

Senate Bill No. 51,

A bill for an act making an appropriation for certain printing,
Was read the third time and placed upon its final passage.
The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,

Messrs—

Ingrebretson,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,

Messrs—
 Haugen,
 Haugerud,
 Heglie,
 Hoyt,

Messrs—
 Pinkham,
 Rawlings,
 Reed,
 Renaud,

Messrs—
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Green,
 Hankinson,

Messrs—
 Ink,
 Lilly,

Messrs—
 McDonald,
 Thomas.

Messrs. Green, Hankinson, Ink, Lilly, McDonald and Thomas being excused.

And so the bill passed, more than two-thirds of the members voting therefor,

And its title was agreed to.

Mr. Thompson moved that
 House Bill No. 32.

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,

Be read the third time, and placed upon its final passage,
 Which motion prevailed, and

House Bill No. 32,

A bill for act to provide for the leasing and sale of the common school lands of North Dakota,

Was read the third time.

Mr. Selby moved

That the further consideration of the bill be postponed until after January 7th,

Which motion prevailed, and

The further consideration of the bill was postponed.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
 Clerk Clerk.

T W E N T Y - N I N T H D A Y .

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 17, 1889.

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

The Speaker presiding.

Prayer by the Chaplain.

Mr. Speaker called Mr. Selby to the chair.

Roll called.

All members present except Messrs. Hankinson, Ink, Thomas and Walsh, excused.

Mr. Stevens moved

That the reading of the Journal be dispensed with, and that a committee of three be appointed to correct the Journal and report,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Stevens, Watt and Strom.

R E P O R T S O F S T A N D I N G C O M M I T T E E S .

The Committee on Warehouses, Grain Grading and Dealing made the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 21,

A bill for an act regulating elevators, warehouses and side-tracks thereto,

Have had the same under consideration and recommend that said bill do not pass, for the reason that the bill is unconstitutional, and further, that so much of it as is not unconstitutional is already covered by existing laws or measures now before this House.

A. T. COLE,
Chairman.

M E S S A G E F R O M T H E S E N A T E .

The following message was received from the Senate:

SENATE CHAMBER, }
December 17, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigating companies, and to aid the same,

Which the Senate has passed and your concurrence therein is requested.

C. C. BOWSFIELD,
Secretary

The Committee on Warehouses, Grain Grading and Dealing made the following further report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 38,

A bill for an act amending Sections 6 and 7 of Chapter 130, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds and fixing the license fee at \$50 upon every public grain warehouse,

Have had the same under consideration and recommend that said bill do not pass, for the reason that the features of this bill not clearly covered by law are embodied in House Bill No. 50.

A. T. COLE,
Chairman.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred Senate Bill No. 21,

A bill for an act providing for an extension of the time for the payment of taxes for the year 1889.

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

Strike out the last section of said bill and insert the following emergency clause:

SEC. 4. An emergency existing in that by general law the 5 per cent. penalty on delinquent taxes is added on the first day of February of each year, and all personal property taxes can then be collected by distress sale, and it is necessary that this act take effect and become operative at a time long prior to July 1st next. Therefore, this act shall take effect and be in force immediately from and after its passage and approval.

And recommend that the bill as so amended to pass.

Also,

House Bill No. 30,

A bill for an act to amend certain sections of Part 2, Chapter 13, of the Code of Civil Procedure of the Territory of Dakota, entitled "Exemptions,"

And recommend that said bill be recommitted to the Committee on Judiciary.

Also,

House Bill No. 19,

A bill for an act providing for the refunding of the outstanding bonds of the State of North Dakota,

And recommend that said bill be amended as follows:

Strike out the word "four" in Section 1, line 15 of the printed bill, and insert the words "three and one-half."

Also, to amend by adding Section 6 as follows: "That a portion of the bonds proposed to be refunded by this act being now subject to call, and there being no funds provided for the payment or refunding thereof, and it being necessary for an economical administration of the finances of the State, that this act take effect and become operative immediately, an emergency exists,

"Therefore, This act shall take effect and be in force immediately from and after its passage and approval."

And that when so amended that said bill do pass.

J. F. SELBY,
Chairman.

The Committee on Federal Relations made the following report:

MR. SPEAKER:

Your Committee on Federal Relations to whom was referred
Senate Bill No. 38,

A Concurrent Resolution for a Memorial to Congress for the appropriation of 5 per centum of the amounts of the sales of public lands situated within the limits of the State of North Dakota, and which were sold by the United States prior to the admission of the State of North Dakota into the Union, to be used as a permanent fund for the use and support of the common schools of this State,

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

JAMES BRITTIN,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883,

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

Strike out all after the enacting clause and insert the following in lieu thereof:

SEC. 3. The Attorney General shall consult with and advise the district attorneys when requested by them in all matters pertaining to the duties of their office. He shall also, when requested, give his opinion in writing without fee, upon all questions of law submitted to him by the Legislature, or either branch thereof, or by the Governor or any of the State officers.

SEC. 4. Whenever requested, by any of the State officers, he shall prepare proper drafts for contracts, forms and other writings, which may be wanted for the use of the State, and he shall report to the Legislature, or either branch thereof, whenever requested, upon any business relating to the duties of his office.

Also,
Senate Bill No. 8

A bill for an act to provide for the interchanging of district judges and for holding court when the judge thereof is for any reason unable to act,

And recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Public Building made the following report:

MR. SPEAKER:

Your Committee on Public Buildings to whom was referred Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,

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

E. A. WILLIAMS,
Chairman.

Mr. Williams moved

That the report of the Committee on Public Buildings referring to Senate Bill No. 24

Be adopted,

Which motion prevailed, and

The report of the Committee on Public Buildings was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hankinson introduced—

House Bill No. 108,

A bill for an act regulating the State Library,

Which was read the first time.

Mr. Watt introduced—

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

Which was read the first time.

Mr. Milsted introduced—

House Bill No. 110,

A bill for an act to revise and harmonize the existing system of public education,

Mr. Milsted moved

That the first reading at length of

House Bill No. 110,

Be deferred until the same shall be printed,

Which motion prevailed.

FIRST READING OF SENATE BILLS.

Senate Bill No. 27,

A bill for an act authorizing the County Commissioners of the several counties of the State of North Dakota to designate the depositories for the public funds of their respective counties,

Was read the first time, and
Mr. Williams moved
That the further consideration of
Senate Bill No. 27
Be indefinitely postponed,
Which motion was withdrawn.

Mr. Stevens moved that
Senate Bill No. 27
Be returned to the Senate with the statement that there being
no enacting clause in the same, the House has nothing to act upon,
Which motion prevailed.

Senate Bill No. 28,
A bill for an an act providing clerk hire for the various State
officers and making appropriations therefor,
Was read the first time.

Senate Bill No. 34,
A bill for an act to create the office and define the duties of fire
warden,
Was read the first time.

Senate Bill No. 11,
A bill for an act authorizing railroad companies to acquire, sell
and guarantee bonds and other securities of irrigation companies
and to aid the same,
Was read the first time.

The Committee on State Affairs by unanimous consent made the
following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 37,

A bill for an act to define the public office hours of county of-
fices within the several counties of the State of North Dakota,

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

That the first four lines, and to the word "shall" in the fifth line of Section
1 be stricken out, and the following inserted in lieu thereof: "The offices of
all salaried county officers."

And your committee recommend the passage of the bill as so
amended.

Also,

House Bill No. 79,

A bill for an act to suppress selling, lending, giving away or
showing to any one's child any paper or publication principal
devoted to illustrating or describing immoral deeds,

And recommend that said bill do pass.

Also,

House Bill No. 23,

A bill for an act prescribing the Great Seal of the State of

North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,
And recommend that said bill do pass.

C. A. CURRIER,
Chairman.

SECOND READING OF HOUSE BILLS.

Substitute for
House Bill No. 35,
A bill for an act to amend Section 1, General Laws 1885, Supplement, relating to noxious weeds,
Was read the second time.

Substitute for
House Bill No. 44,
A bill for an act to provide bounty for tree planting,
Was read the second time.

Substitute for
House Bill No. 48,
A bill for an act to amend Chapter 16, of the General Laws of 1885,
Was read the second time.

Substitute for
House Bill No. 34,
A bill for an act amending Chapter 43 of the General Laws of the Eighteenth General Assembly of Dakota Territory, entitled "An Act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,"
Was read the second time.

Mr. Williams moved
That the rules be suspended, and that
Senate Bill No. 24,
A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,
Be read the third time, and placed on its final passage,
Which motion was lost.

Mr. Milsted moved
That the House do now resolve itself into Committee of the Whole for the consideration of

Senate Bill No. 24,
A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo.

Mr. Ueland moved
To amend by making the bill a special order for 3 o'clock p. m., to-morrow,

Which amendment prevailed, and
The original motion as amended prevailed.

Mr. Pinkham moved
That the vote by which further consideration of

House Bill No. 32,
 A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,
 Was postponed until after the holidays be reconsidered,
 Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved
 That the House do now resolve itself into Committee of the Whole for the consideration of
 House Bill No. 32,

A bill for act to provide for the leasing and sale of the common school lands of North Dakota,
 Which motion prevailed, and
 Mr. Speaker called Mr. Stevens to the chair.

When the committee arose the following report was made:
 MR. SPEAKER:

Your Committee of the Whole have had under consideration
 House Bill No. 32,
 A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,
 Have listened to an address thereon by the Hon. Wm. Mitchell, Superintendent of Public Instruction,
 And recommend that the bill be amended by striking out the figures "25" in line 12 of Section 9 of the printed bill, and inserting in lieu thereof the figures "10,"
 And that when so amended the bill do pass, and that it be immediately placed on its final passage.

R. N. STEVENS,
 Chairman.

Mr. Williams moved
 That the report of the Committee of the Whole be adopted,
 Which motion prevailed, and
 The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 December 17, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
 House Bill No. 13,
 A bill for an act to transfer and reappropriate unexpended balances of the appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota,
 With the following amendments:
 Amend Section 1 by adding after the word "and" in line 12 of

said section the following: "So much thereof as may be necessary for the maintenance of the said institutions until March 8, 1890, is hereby."

Also,

Senate Bill No. 66.

A Concurrent Resolution for the appointment of a seed wheat committee for the purpose of supplying seed grain for the needy farmers of the State.

Both of which the Senate has passed, and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved that
House Bill No. 32,

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,

Be now reread the third time at length, and placed upon its final passage,

Which motion prevailed, and
House Bill No. 32,

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota,

Was reread the third time and placed upon its final passage.

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Belden,
Hankinson,
Ink,

Messrs—

Lutz,
Thomas.

Messrs—

Walsh,
Walton.

Messrs. Belden, Hankinson, Ink, Lutz, Thomas, Walsh and Walton being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Thompson moved

That the vote by which House Bill No. 32 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Ueland moved that

The House do now resolve itself into Committee of the Whole for the purpose of considering

House Bills Nos. 50, 44 and 34.

Mr. Reed moved

To amend by including also House Bills Nos. 42 and 41,

Which amendment was accepted.

Mr. Williams moved

That the House take a recess for five minutes,

Which motion prevailed, and

The House took a recess.

The House reassembled.

Mr. Ueland withdrew his motion.

Mr. Williams moved

That the rules be suspended and that

Senate Bill No. 28 be read the second time, and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 28,

A bill for an act providing clerk hire for the various State officers, and making appropriations therefor,

Was read the second time, and referred to the Committee on Appropriations.

COMMITTEE OF THE WHOLE.

Mr. Ueland moved

That the House do now resolve itself into Committee of the Whole for the consideration of

House Bill No. 50,

Mr. Reed moved

To amend by including, also,

House Bill No. 42 and House Bill No. 41,

Which amendment was accepted, and

The original motion as amended prevailed.

Mr. Speaker called Mr. Reed to the Chair.

When the committee arose the following report was presented:

Mr. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

□ Together with the report of the Committee on Warehouses, Grain Grading and Dealing thereon, and recommend that Section 4 and the amendments proposed thereto by the Committee on Warehouses, Grain Grading and Dealing be referred to the Committee on Judiciary,

Also,

Recommend that Sections 5 and 6 be referred to the Judiciary Committee.

Also,

Recommend that sections 2, 3, 7, 8, 9 and 10 be adopted.

Also,

Recommend that Section 11 be referred to the Judiciary Committee.

Also,

Recommend that all of Section 11 of the bill be recommitted to the Committee on Warehouses, Grain Grading and Dealing.

JAMES E. REED,
Chairman.

Mr. Williams moved

To adopt the report of the Committee of the Whole,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

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

MR. SPEAKER:

Your committee appointed to correct the Journal and report, respectfully report that we find the same correct.

R. N. STEVENS,
J. H. WATT,
H. H. STROM,
Committee.

Mr. Stevens moved

To adopt the report,

Which motion prevailed, and

The report was adopted, and the Journal approved.

Mr. Williams moved

That the rules be suspended and that the House proceed to consider

House Bill No. 13,

A bill for an act to transfer and reappropriate unexpended balances of the appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota,

And the Senate amendments thereto,
Which motion prevailed.

Mr. Williams moved

That the House concur in the Senate amendments to
House Bill No. 13.

Roll call demanded.

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings,
Balkan,	Ingebretson,	Reed,
Beard,	Jahr,	Renaud,
Belden,	Johnson,	Richardson.
Bowen,	Langer,	Roney,
Brittin,	Lilly,	Selby,
Buchanan,	Lutz,	Stevens,
Bye,	McCormick,	Strom,
Christianson,	McCullough,	Tandberg,
Cole,	McDonald,	Thompson of Cass,
Court,	McIntyre,	Thomson of Walsh,
Currier,	Milsted,	Tyler,
Estabrook,	Moore,	Ueland,
Foss.	Montgomery,	Walton,
Green,	Murphy,	Watt,
Gronli,	Nedrud,	Wickham,
Haugen,	Norton,	Williams,
Haugerud,	Olsgard,	Zimmer.
Heglie,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hankinson,	Stadleman,	Walsh,
Ink,	Thomas.	Mr. Speaker.

Messrs. Hankinson, Ink, Thomas and Walsh being excused.
And so the Senate amentment was concurred in.

Mr. Lutz moved that
House Bill No. 38,

A bill for an act to amend Sections 6 and 7 of Chapter 120,
Laws of 1887, entitled "An Act to regulate grain warehouses and
the inspection, weighing and handling of grain, and defining the
duties of the Railroad and Warehouse Commission in relation
thereto," modifying the requirements as to bonds and fixing the
license fee at \$50 upon every public grain warehouse,"

Be recommitted to the Committee on Ways and Means,
Which motion prevailed, and

House Bill No. 38 was recommitted to the Committee on Ways
and Means.

Mr. Currier moved that
House Bill No. 41,

A bill for an act to authorize the county commissioners of the
several counties in the State of North Dakota to designate de-
positories for the public funds of their respective counties,

Be recommitted to the Committee on Counties,
Which motion prevailed, and
House Bill No. 41
Was recommitted to the Committee on Counties.
Mr. Buchanan moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 18, 1889.

The House assembled at 2 o'clock p. m., pursuant to adjournment
The Speaker presiding.
Prayer by the Chaplain.
Roll called.

All members present except Messrs. Buchanan, Hankinson, Ink,
Thomas, Walsh and Zimmer excused.

The Journal of the preceding day was read and approved.

Mr. Speaker announced his signature to
Senate Bill No. 51,

A bill for an act making an appropriation for certain printing,
Also,

Senate Bill No. 26,

A bill for an act defining the duties and prescribing the fees
and fixing the salary of the Clerk of the Supreme Court.

Mr. McCormick moved

That the rules be suspended and that

House Bill No. 34

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

Which motion was lost.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills has examined

House Bill No. 13,

A bill for an act to transfer and reappropriate unexpended bal-
ances of the appropriations made by the Eighteenth Legislative
Assembly of the Territory of Dakota,

And find the same correctly enrolled.

W. W. BEARD,
Acting Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 56,

A bill for an act to regulate abstracting,

Have had the same under consideration and recommend that said bill be amended by adding the following Sections 2 and 3 to said bill:

SEC. 2. That it shall be the duty of the register of deeds to make an abstract of title to any real property situate within his county when so requested by any person, omitting therefrom the instruments enumerated in the preceding section, and shall charge for the entries in such abstract the same fees provided for in Section 7 of Chapter 1 of the General Laws of 1889, entitled "abstraction," and said fees may be retained by him for his own use and benefit

SEC. 3. That the register of deeds shall be liable on his official oath and bond as register of deeds for the due and faithful performance of his acts and duties as provided by this act.

And that Section 2 of said bill be amended by striking out the figure "2" after the word "Section," and inserting in lieu thereof the figure "4."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,

And recommend that Sections 1, 3 and 4 be amended to read as follows:

Amend Section 1 by striking out the word "five" where it occurs in line 8 of said section and insert in lieu thereof the word "four."

Amend Sections 3 and 4 by striking out the words "register of deeds" where they occur in said sections and insert in lieu thereof the words "auditor or county clerk."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 12,

A bill for an act fixing the times for holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto,

And recommend that said bill be amended as follows:

That Sections 3, 4 and 5 be stricken out.

That Section 6 be amended by striking out the figure "6" after "section," and insert in lieu thereof the figure "3."

That Section 7 be amended by striking out all after the word "section," and inserting in lieu thereof the figure "4" and "Whereas, it is necessary that the terms of the Supreme Court be fixed at a date long prior to July 1st, 1890, an emergency exists; now, therefore, this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military affairs to whom was referred
House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred condemned muskets for use of students for drill purposes,

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

Strike out all of Section 3 and insert in lieu thereof the following:

Inasmuch as there is no law authorizing the adjutant general to comply with the provisions of this act, and in due consideration of the fact that it is very desirable for the students to be supplied with these arms at once, it is deemed that an emergency exists and that this act shall go into effect on and after its passage and approval by the Governor.

And when so amended recommend that it do pass.

Also,

House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public state institutions,

And recommend that said bill do pass.

W. H. RONEY,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 94,

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

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

Also,

Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,

And recommend that said bill do pass.

Also,

House Bill No. 60,

A bill for an act to provide for the better protection of life and property by creating the office of boiler inspector to inspect steam boilers, and to provide for the licensing of steam engineers and masters and pilots of steamboats on the inland waters in the State of North Dakota,

Being similar in character to Senate Bill No. 4 would recommend that said House Bill No. 60 be laid on the table.

C. A. CURRIER,
Chairman.

Mr. Roney moved
 To adopt the report,
 Which motion prevailed, and
 The report of the Committee on State Affairs was adopted.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
 Senate Bill No. 28,

A bill for an act providing clerk hire for the various State
 officers, and making appropriations therefor,

Have had the same under consideration and recommend that
 Section 1 of said bill be amended as follows:

By striking out the figures "\$3,000" in line 19 of the bill and inserting
 "\$2,500."

By striking out the figures "\$2,000" in line 20 of the bill and inserting
 "\$1,500."

By striking out the figures "\$2,000" in line 21 of the bill and inserting
 "\$2,500."

By striking out the figures "\$900" in line 22 of the bill and inserting "\$500."

By striking out the figures "\$2,000" in line 24 of the bill and inserting
 "\$1,200."

By striking out the figures "\$1,500" in line 25 of the bill and inserting
 "\$1,000."

And that as so amended recommended that the bill do pass.

R. B. RICHARDSON,
 Chairman *pro tem*.

Mr. Selby moved

That the rules be suspended, and that the House do now pro-
 ceed to consider

Senate Bill No. 28.

Mr. Thompson of Cass, moved

To amend by including also,

Senate Bill No. 12.

Mr. Williams moved

That the consideration of Senate Bill No. 24

Be deferred until the next order of business,

Which motion prevailed.

Mr. Thompson's amendment to Mr. Selby's motion prevailed,
 and

The original motion as amended prevailed.

Mr. Speaker announced his signature to

House Bill No. 13,

A bill for an act to transfer and reappropriate unexpended bal-
 ances of the appropriations made by the Eighteenth Legisla-
 tive Assembly of the Territory of Dakota,

Mr. Selby moved

That the amendments proposed to Section 1 of

Senate Bill No. 28,

By the Committee on Appropriations be adopted,

Which motion prevailed, and
The bill was so amended.

Mr. Selby moved

That Section 1 be further amended by striking out the following words, "and when so amended recommend that the bill do pass,"

Which motion prevailed.

Mr. Selby moved that

Senate Bill No. 28,

A bill for an act providing clerk hire for the various State officers, and making appropriations therefor,

As amended, be referred to the Committee on Engrossment,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the amendments to

Senate Bill No. 12,

A bill for an act fixing the time and places of holding general and special terms of the Supreme Court of the State of North Dakota and providing for the expenses incident thereto,

Proposed by the Judiciary Committee be adopted, and that the bill be referred to the Committee on Engrossment,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Selby moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering

Senate Bill No. 24,

Which motion prevailed, and

Mr. Speaker called Mr. Roney to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,

And recommend that Sections 1, 2, 3, 4 and 5 be adopted.

Also,

Recommend that Section 6 be amended by striking out wherever it occurs in the section, the word "Legislature" and insert in lieu thereof the words "Legislative Assembly."

Also,

Recommend that Sections 7 and 8 be adopted,

Also,

Recommend that Section 9 be amended by striking out in line 2 of the section, the words "State Legislature," and inserting in lieu thereof the words "Legislative Assembly,"

Also,

Recommend that Sections 10, 11, 12, 13, 14, 15 and 16 be adopted,

Also,

Recommend that Section 17 be amended by striking out in line 3 of the section the words "State Legislature," and insert in lieu thereof the words "Legislative Assembly,"

Also,

Recommend that Sections 18 and 19 be adopted.

Also,

Recommend that Section 20 be amended by adding thereto the following:

Provided, That two-thirds of the \$15,000 appropriated in said act shall be expended on a farm near Agricultural College and one-third of said \$15,000 be used annually on a branch station located on the southwest quarter of section 5, township 133, north of range 64 west, said land being near the city of Edgeley, LaMoure county, North Dakota. Said branch station to be used for testing the different grains, grasses, trees and shrubbery under other conditions than those existing at the main station and for experiments in relation to irrigation and for any other purpose the board of directors may deem said station suitable.

Provided, That the aforesaid described land be donated free of cost to said college directors.

Also,

Recommend that Section 21 be amended by striking out the first line of the section as appears in the printed bill, and substituting therefor the words: "The assent of the Legislative Assembly of the State of North Dakota is hereby."

And that the bill as amended do pass.

W. H. H. RONEY,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December 18, 1889. }

MR. SPEAKER:

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

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Which the Senate has passed with the following amendments:

In the fourth line from the bottom of the second sheet of Section 2, after the word "the" insert the words "town, village."

In the last line of the second sheet of Section 2, after the word "the" insert the words "town, village."

In the third line of the third sheet of Section 2, after the word "the" insert the words "town, village."

In line 15 of the fourth sheet, Section 2, after the word "the" insert the words "town, village."

In line 5 of the fifth sheet, Section 2, after the word "such" insert the words "town, village."

In line 1 of the eight sheet, Section 2, after the word "the" insert the words "town, village."

Insert after the word "offense" at the end of line 14 of the second sheet of Section 10, the words "and if upon trial are."

Strike out all of Section 24 of said bill.

Renumber the remaining sections of said bill after Section 23, so that they shall be numbered respectively, 24, 25, 26, 27, 28, 29, 30, 31 and 32.

Insert after the word "shall" at the end of line 7 of Section 27, the words "within this State," and in line 8 of the same section, after the word "knowingly," insert the word "receive."

Amend Section 1, line 14, by inserting the words "and wine for sacramental" after the word "scientific," and strike out the word "and" in said line 14.

Also, insert after the words "and wine for sacramental" and strike out the word "and" at the end of line 27 of said Section 4.

Amend Section 12, lines 40 and 46, by striking out "\$25" and inserting "\$10."

Amend Section 12, line 26, by striking out the word "ten" where it occurs before the word "days," and insert the word "thirty."

Amend Section 3, line 86, by inserting "\$300" instead of "\$200" where it occurs.

Amend Section 11, line 11, by striking out "\$25" and inserting "\$10."

Amend Section 16, line 11, by striking out "\$200" and inserting "\$300."

Strike out the words "uses intoxicating liquors as a beverage" where they appear in line 3 of Section 25, page 38, of the printed bill, and insert in lieu thereof the words "is in the habit of becoming intoxicated."

In Section 32, line 5, strike out "May 1, 1890," and insert "July 1, 1890."

Your concurrence in these amendments is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That the report of the Committee of the Whole on
Senate Bill No. 24,

Be adopted, with the exception of that part relating to the proposed amendment to Section 20.

Mr. Selby moved

To amend the motion by excepting also that part relating to the adoption of Section 4,

Which amendment was lost.

Mr. Ueland moved

To amend the motion by striking out the exception,

Which motion was ruled out of order, and

The original motion prevailed, and

The report of the Committee of the Whole, with the exception of that part relating to the proposed amendment to Section 20, was adopted.

Mr. Williams moved that

Senate Bill No. 24

Be considered engrossed and that the bill be now read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,
Was read the third time and placed upon its final passage.
The roll being called there were ayes 36, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Langer,	Rawlings,
Belden,	Lilly,	Reed,
Brittin,	Lutz,	Renaud,
Bye,	McCormick,	Richardson,
Court,	McDonald,	Stadleman,
Currier,	McIntyre,	Stevens,
Estabrook,	Milsted,	Thompson of Cass,
Green,	Moore,	Tyler,
Hoyt,	Montgomery,	Watt,
Ingebretson,	Murphy,	Wickham,
Jahr,	Norton,	Williams,
Johnson,	Pinkham,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Selby,
Balkan,	Heglie,	Strom,
Bowen,	McCullough,	Tandberg,
Cole,	Nedrud,	Thomson of Walsh
Foss,	Olgard,	Ueland,
Gronli,	Roney,	Walton.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Haugen,	Walsh,
Christianson,	Ink,	Zimmer.
Hankinson,	Thomas.	

Messrs. Buchanan, Ink, Thomas, Walsh and Zimmer being excused.

Mr. Christianson being paired with Mr. Zimmer and Mr. Haugen being paired with Mr. Walsh.

Mr. Selby explained his vote.

And so the bill passed and its title was agreed to.

Mr. Williams moved

That the vote just taken be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Haugen moved that

The House now proceed to consider
House Bill No. 6,

And the Senate amendments thereto,
Which motion prevailed.

Mr. Norton moved to adjourn,

Which motion was lost.

Mr. Thompson of Cass, moved

That the Senate amendments to

House Bill No. 6,
 Be concurred in,
 Which motion prevailed, and
 Mr. Stevens moved
 That the roll be called on the passage of the bill as amended,
 Which motion prevailed, and
 The question being shall
 House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Pass, as amended,
 The roll being called there were ayes 49, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Reed,
Balkan,	Hoyt,	Richardson,
Beard,	Ingebretson,	Roney,
Belden,	Jahr,	Selby,
Bowen,	Johnson,	Stevens,
Brittin,	Langer,	Strom,
Bye,	Lilly,	Tandberg,
Christianson,	McCormick,	Thompson of Cass,
Cole,	McCullough,	Thomson of Walsh,
Court,	McDonald,	Tyler,
Currier,	McIntyre,	Ueland,
Estabrook,	Montgomery,	Walton.
Foss,	Nedrud,	Watt.
Green,	Olsgard,	Wickham,
Gronli,	Pinkham,	Williams,
Haugen,	Rawlings,	Mr. Speaker.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Lutz,	Murphy,	Renaud,
Milsted,	Norton,	Stadleman.
Moore,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Ink,	Walsh,
Hankinson,	Thomas,	Zimmer.

Messrs. Buchanan, Hankinson, Ink, Thomas Walsh and Zimmer, excused.

And so the passed, and its title was agreed to.

Mr. Brittin asked to be excused for the remainder of this week,
 Which request was granted.

Mr. Williams moved

That the Engrossment Committee be instructed to report back forthwith

Senate Bill No. 28,

Which motion prevailed.

Mr. Williams moved that

Senate Bill No. 28

Be recommitted to the Committee on Appropriations,

Which motion prevailed, and

The bill was recommitted.

Mr. Stevens moved

That when the House adjourn to-morrow evening it adjourn to meet on January 7th, and that the Senate be asked to concur in the motion,

Which motion prevailed.

The Committee on Enrolled Bills submitted the following report:

Mr. SPEAKER:

Your Committee on Enrolled Bills respectfully report that

House Bill No. 13,

Was delivered to his Excellency, the Governor, for his approval at the hour of 3:20 o'clock p. m., December 18, 1889.

W. W. BEARD,
Acting Chairman.

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

Resolved, That the salary of the Janitor of the House, Captain William Gleason, is hereby fixed at \$5 *per diem*.

Mr. Estabrook moved

To adopt the resolution.

Mr. Williams moved

To amend the resolution by adding thereto the following:

And also that Mr. R. R. Dutton, an old soldier of four years' service, be and he is hereby appointed doorkeeper of the cloak room, and an Assistant Janitor, at two dollars and fifty cents per day.

Mr. Stevens moved, as an amendment to the amendment,

That the amendment of Mr. Williams be amended by making the compensation of the Janitor of the cloak room \$5 per day,

Which amendment prevailed, and

The question recurring on the original amendment,

The original amendment was adopted, and

The original resolution as amended was adopted.

Mr. Thompson of Cass, by unanimous consent, offered the following resolution and moved its adoption:

Resolved, That Mr. Newcomer be employed as Janitor of the committee room at \$5 *per diem*.

Which motion prevailed, and

The resolution was adopted.

Mr. McCullough moved that

House Bill No. 98

Be ordered printed,
Which motion prevailed, and
House Bill No. 98
Was ordered printed.

Mr. Renaud moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
December 19, 1889.

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

The Speaker presiding.
Prayer by the Chaplain.
Roll called.

All members present except Messrs. Brittin, Buchanan, Court, Hankinson, Ink, McDonald, Stevens, Thomas, Walsh, Watt and Zimmer, excused.

Mr. Speaker announced an informal recess.
House reassembled.

Mr. Speaker announced his signature to
House Bill No. 6,

A bill for an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 6.
And find the same correctly enrolled.

W. W. BEARD,
Acting Chairman.

Mr. Montgomery moved that
Senate Bill No. 13

Be recalled from the Senate for correction,
Which motion prevailed.

Mr. Thompson of Cass, moved

That the reading of the Journal be dispensed with, and that a
committee be appointed to revise and correct the same and re-
port to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee: Messrs. Pinkham,
Lilly and Thomson of Walsh.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
Senate Bill No. 12,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Thompson of Cass moved

The rules be suspended and that
Senate Bill No. 12,

Be now read the third time and placed upon its final passage.

Which motion prevailed, and

Senate Bill No. 12,

A bill for an act fixing terms of the Supreme Court,

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

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugerud,
Heglie,
Hoyt,
Ingebretson,

Messrs—

Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Olgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Brittin,
Buchanan,
Court,
Hankinson,

Messrs—

Haugen,
Ink,
McDonald,
Murphy,
Stevens,

Messrs—

Thomas,
Walsh,
Watt,
Wickham,
Zimmer.

Messrs. Brittin, Buchanan, Court, Hankinson, Ink, McDonald, Stevens, Thomas, Walsh, Watt and Zimmer being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Mr. Williams asked that Mr. Stevens be excused until January 10th,

Which request was granted.

Mr. Thompson of Cass, moved

That the vote by which

Senate Bill No. 12

Was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Ueland moved

That the rules be suspended and that

Substitute for

House Bill No. 34

Be now read the third time and placed upon its final passage,

Which motion prevailed, and

Substitute for

House Bill No. 34,

A bill for an act to amend Chapter forty-three (43) of the General Laws of the Eighteenth General Assembly of Dakota Territory, entitled "An Act authorizing counties to issue bonds to procure seed wheat for needy farmers resident thereof,"

Was read the third time.

Mr. Estabrook moved that

Substitute for House Bill No. 34,

Be recommitted to the Committee on Judiciary,

Which motion prevailed, and

The bill was recommitted.

Mr. Richardson moved that

Substitute for House Bill No. 34,

Be ordered printed,

Which motion was withdrawn.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
December, 19, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the amendments of the House to

Senate Bill No. 24.

Also,

In your motion to adjourn on Thursday, December 19th, to meet again on January 7, 1890.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act,

Which was recalled from the Senate for correction.

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

The roll being called there were ayes 39, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Reed,
Balkan,	Heglie,	Roney,
Beard,	Ingebretson,	Selby,
Bowen,	Johnson,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McCullough,	Thompson of Cass,
Cole,	McIntyre,	Thomson of Walsh,
Currier,	Milsted,	Tyler,
Estabrook,	Moore,	Ueland,
Foss,	Montgomery,	Walton,
Green,	Nedrud,	Wickham.
Gronli,	Norton,	Williams,
Haugen,	Pinkham,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hoyt,	Murphy,	Renaud,
Jahr,	Olsgard,	Richardson,
Lilly,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Stevens,
Brittin,	Langer,	Thomas,
Buchanan,	Lutz,	Walsh,
Court,	McDonald,	Watt,
Hankinson,	Stadleman,	Zimmer,

Messrs. Brittin, Buchanan, Court, Hankinson, Ink, McDonald, Stevens, Thomas, Walsh, Watt and Zimmer being excused.

And so the bill passed and its title was agreed to.

The following communication was read:

OMAHA, Neb. December 19, 1889.

To Hon. David Wellman:

The Interstate Prohibition Convention, now in session in this city, desire you to return our sincere thanks to the body over which you preside over its faithful performance of duty in passing the Rowe Temperance Bill.

JAS. A. TRAUTMAN,
President.

Mr. Richardson moved

That the rules be suspended, and that
Senate Bill No. 4

Be now read the third time and placed on its final passage,
Which motion was lost.

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

MR. SPEAKER:

Your committee appointed to correct the Journal have examined the same and found it correct with the exception of a few typographical errors.

N. B. PINKHAM,
GEO. W. LILLY,
ALEX. THOMAS.

Mr. Speaker called Mr. Williams to the Chair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER, }
December 19, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate could not concur in the House amendments to

Senate Bill No. 12,

And that the Senate adopted a resolution,

To appoint a Conference Committee of three to consult with a like committee from the House on the amendments,

And the President appointed as such committee,

Messrs. Dodds, Worst and Yager.

C. C. BOWSFIELD,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Richardson moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 57,

Which motion prevailed, and

Mr. Speaker called Mr. Richardson to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit the destruction of beaver in the Territory of Dakota,"

And recommend that the bill do pass.

R. B. RICHARDSON,
Chairman.

Mr. Selby moved

That the report of the Committee of the Whole be adopted,
Which motion prevailed, and

The report of the Committee of the Whole was adopted.

The Committee on Enrolled Bills submitted the following report:

MR. SPOAKER.

Your Committee on Enrolled Bills respectfully report that House Bill No. 6

Was delivered to his Excellency, the Governor, for his approval at the hour of 2:42 o'clock p. m., December 19, 1889.

W. W. BEARD,
Acting Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 19, 1889. }

Mr. SPEAKER:

I have the honor to transmit herewith Senate Bill No. 55,

A Memorial and Concurrent Resolution requesting Congress to reimburse the State of North Dakota for the expenses of the Constitutional Convention over and above the amount appropriated by Congress for that purpose,

Also,

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers.

Both of which the Senate has passed and your concurrence therein is requested.

Also,

That they have concurred in Concurrent Resolution and Memorial to Congress praying for the maintenance of Fort Abraham Lincoln as a military post.

C. C. BOWSFIELD,
Secretary.

Mr. Selby moved

That the Speaker appoint a committee of three to confer with a similar committee from the Senate on

Senate Bill No. 12

And the amendments thereto,

Which motion prevailed, and

Mr. Speaker appointed as such committee, Messrs. Selby, Roney and Pinkham.

Mr. Wickham moved

That the rules be suspended, and that

House Bill No. 57

Be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit destruction of beaver in the Territory of Dakota,"

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

The roll being called there were ayes 46, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Pinkham,
Balkan,	Ingrebretson,	Rawlings,
Belden,	Jahr,	Reed,
Bowen,	Johnson,	Renaud,
Bye,	Lilly,	Richardson,
Christianson,	Lutz,	Roney,
Cole,	McCormick,	Selby,
Currier,	McCullough,	Strom,
Estabrook,	Milsted,	Tandberg,
Foss,	Moore,	Thomson of Walsh,
Green,	Montgomery,	Tyler,
Gronli,	Murphy,	Ueland,
Haugen,	Nedrud,	Walton,
Haugerud,	Norton,	Wickham,
Heglie,	Olsgard,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	McDonald,	Thompson of Cass,
Buchanan,	McIntyre,	Walsh,
Court,	Stadleman,	Watt,
Hankinson,	Stevens,	Zimmer,
Ink,	Thomas.	Mr. Speaker.

Messrs. Beard and Langer voting in the negative.

Messrs. Brittin, Buchanan, Court, Hankinson, Ink, McDonald, Stevens, Thomas, Walsh, Watt and Zimmer, excused.

And so the bill passed and its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Educational Institutions made the following report:

MR. SPEAKER:

Your Committee on Educational Institutions to whom was referred

Senate Bill No. 31,

A bill for an act to create an institution for the education of the deaf of North Dakota and providing for its support and management,

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

Strike out the enacting clause as it appears in the bill and insert the correct form: "Be it enacted by the Legislative Assembly of the State of North Dakota."

In Section 3, line 3, strike out "two of said trustees," and insert "three of said board of trustees."

Strike out all of Section 5 and insert "the board of trustees shall direct the disposition of all moneys appropriated by the Legislative Assembly of the State of North Dakota, or received from any other source for the benefit of said institution."

In Section 8, line 5, strike out the word "and," and insert the word "which."
In same line strike out "also the necessary traveling expenses of each."

In line 6, same section, strike out the word "expenses."

And as so amended recommend that the bill do pass.

J. M. McCULLOUGH,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 28,

A bill for an act providing clerk hire for the various State officers and making appropriations therefor,

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

R. B. RICHARDSON,
Chairman *pro tem*.

The Committee on Warehouses, Grain Grading and Dealing made the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 92,

A bill for an act to amend Section 15, Chapter 130, Laws of 1887, entitled "Grain Warehouses," enabling the seller of grain to appeal to the Railroad Commissioners for an inquiry into and decision upon the grade of his grain,

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

SEC. 2. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

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

Add to Section 12 as follows: "*Provided, further,* That all books, pages, written or printed matter, that are used for the purpose of registering the weight, grade, dockage, price, etc., of any grain, and which is the memorandum upon which the purchase, storage, handling, shipping or other transaction is based by the warehouseman in his dealings with any person or persons in the prosecution of his business, shall not be deemed private."

Amend Section 32, in fourth line, by striking out the word "wheat" and inserting instead the word "grain."

And, further, your committee recommend that amendments previously reported be also adopted, and when so amended the bill do pass.

A. T. COLE,
Chairman.

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 providing for the creation of a State Board of
Equalization,

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

That the first two lines and to the word "shall" in the third line of Section 1 be stricken out and the following substituted in lieu thereof: "That the Governor, State Treasurer, State Auditor and one person from each judicial district, to be appointed by the judges of their respective districts on or before the first day of April of each year, shall constitute the State Board of Equalization."

Strike out the figure "2" after the word "section" and insert the figure "4" in Section 2, thereby making Section 2 Section 4, and insert Sections 2 and 3 as follows:

"SEC. 2. The said board of equalization shall constitute a board of assessment in conformance with Section 179 of the Constitution.

"SEC. 3. The members of said board appointed by the judges of their respective districts shall be entitled to a compensation of five dollars per day for services actually rendered and mileage at the rate of ten cents per mile each way."

And that when so amended the bill do pass.

C. A. CURRIER,
Chairman.

Mr. Currier moved

That the report of the Committee on Education on
Senate Bill No. 31,

Be adopted,

Which motion prevailed, and

The report of the Committee on Education was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
December 19, 1889. }

To the Speaker of the House of Representatives:

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

House Bill No. 13,

An Act to transfer and reappropriate certain unexpended balances of appropriations made by the Eighteenth Assembly of Dakota,

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

Respectfully,
JOHN MILLER
Governor.

Mr. Richardson moved

That the rules be suspended and that
Senate Bill No. 28

Be read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 28,

A bill for an act providing clerk hire for State offices, and making appropriations therefor,

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

Mr. Thompson of Cass, asked unanimous consent to amend
Senate Bill No. 28,

By inserting the word "dollars" after each row of figures in
Section 1 of the bill,

Which consent was given, and the bill was so amended.

Mr. Richardson asked unanimous consent to further amend the
bill by striking out in Section 1 the words, "and as so amended
recommend that the bill do pass,"

Which consent was given and the bill was so amended.

Mr. Hoyt asked unanimous consent to amend the bill by insert-
ing after the word "dollar" wherever it occurs following the fig-
ures in the first Section 1 the words, "per annum,"

Which consent was given and the bill was so amended.

The question being on the passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Gronli,
Haugan,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingerbretson,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,

Messrs—

Norton,
Rawlings,
Reed,
Redaud,
Richardson,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Wickham.

Those who voted in the negative were:

Messrs—

Green,
McDonald,

Messrs—

Murphy,

Messrs—

Williams.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Court,
Foss,
Hankinson,
Ink,

Messrs—

Langer,
Olsgard,
Pinkham,
Roney,
Selby,
Stadleman,

Messrs—

Stevens,
Thomas,
Walsh,
Watt,
Zimmer,
Mr. Speaker.

Messrs. Brittin, Buchanan, Court, Hankinson, Ink, McDonald, Stevens, Thomas, Wash, Watt and Zimmer being excused,
And so the bill passed and its title was agreed to.

Mr. Thompson of Cass, moved

That the vote just taken be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. McCormick moved

That the rules be suspended and that
Senate Bill No. 31,
Be now read the third time and placed on its final passage,
Which motion was lost.

MOTIONS, RESOLUTIONS, ETC.

Mr. Haugen offered the following resolution, and moved its adoption:

Resolved, That the Secretary of State furnish the printer with a certified copy of the prohibition law and that 2,500 copies of the same be printed in pamphlet form, and that twenty-five copies of the same be forwarded to each member of the Legislature during the holiday recess.

Which motion prevailed, and

The resolution was adopted.

Mr. Williams offered the following resolution:

WHEREAS, A bill is pending in this House requiring all public institutions in the State of North Dakota to use coal from the mines of North Dakota, and information is essential to intelligent action; be it

Resolved, That the Commissioner of Agriculture and Labor be and is hereby instructed to furnish this House at as early a date as possible, with all available information in relation to the coal veins of North Dakota, indicating location and depth of veins, extent of development, etc.;

And be it further resolved, That the Board of Railroad Commissioners be and are hereby requested to make inquiry as to the railroad rates from the mines in North Dakota to points in North Dakota, and report whether equal rates are granted to all mine operators.

Mr. Wickham moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Selby moved

That the House concur in the Senate Concurrent Resolution, entitled:

A Memorial and Concurrent Resolution requesting Congress

to reimburse the State of North Dakota for the expenses of the Constitutional Convention over and above the amount appropriated by Congress for that purpose.

Which motion prevailed, and
The Concurrent Resolution was concurred in.

Mr. Ueland moved

That the House concur in the Senate Concurrent Resolution, entitled:

A Concurrent Resolution for the appointment of a seed wheat committee for the purpose of supplying seed grain for the needy farmers of the State,

Which motion prevailed, and
The Concurrent Resolution was concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 19, 1889. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bill No. 13,

Also,

That the Chief Clerk of the House be requested to keep Senate bills in the House until they receive their third reading.

C. C. BOWSFIELD,
Secretary.

The Special Committee to confer with a similar committee from the Senate on

Senate Bill No. 12

Made the following report:

MR. SPEAKER:

The Conference Committee of the House and Senate appointed to confer on the differences on

Senate Bill No. 12,

Respectfully report that they have carefully considered the questions in difference and recommend that the action of the House be concurred in.

J. F. SELBY,
N. B. PINKHAM,
W. H. RONEY,
Committee of the House.

D. S. DODDS,
J. H. WORST,
E. L. YAGER,
On the part of the Senate.

Mr. Selby moved
To adopt the report,

Which motion prevailed, and
The report was adopted.

The Committee on Insurance, by unanimous consent, made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
House Bill No. 48,

A bill for an act to amend Chapter 3, Article 1, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws 1889, relating to publication of insurance statements,

Have had the same under consideration and recommend that said bill be amended by inserting at the close of said bill the following:

SEC. 4. Whereas the insurance statements must be published so soon after the first day of January as possible, and whereas the law now in force is inadequate and emergency exists therefrom, this law shall take effect and be in force immediately after its passage and approval.

And when so amended the bill do pass.

B. B. WICKHAM,
Chairman.

The Committee on Educational Institutions by unanimous consent made the following report:

MR. SPEAKER:

Your Committee on Educational Institutions to whom was referred

Senate Bill No. 33,

A bill for an act to provide the University of the State of North Dakota with the general and special laws, and reports of the decisions of the Supreme Court for library purposes,

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

J. H. McCULLOUGH,
Chairman.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Speaker announced the following committee on the part of the House to act with a similar committee on the part of the Senate to investigate the seed wheat question:

Messrs. Selby, Rawlings, Reed, McCormick and Haugen.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
December 19, 1889. }

To the Speaker of the House of Representatives:

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

House Bill No. 6,

An act to prescribe penalties for the unlawful manufacture, sale, and keeping for sale intoxicating liquors and to regulate the sale, barter, and giving away of such liquors for medical, scientific and mechanical purposes.

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

Respectfully,

JOHN MILLER,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
December 19, 1889. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 32,

A bill for act to provide for the leasing and sale of the common school lands of North Dakota,

Which the Senate has passed unchanged.

Also,

That the Senate has concurred in the House amendments to Senate Bills Nos. 28 and 12.

C. C. BOWSFIELD,
Secretary.

Mr. Selby, on behalf of the members of the Constitutional Convention, presented a group photograph of the members of the Convention to be hung in this hall.

Mr. Williams moved

That the word "joint" be stricken out of the first subdivision of Rule 39, House Rules,

Which motion prevailed.

Mr. Williams moved

That the following subdivisions of Rule 39, to-wit: Sections 25, 29, 30, 31, 33, be stricken from the standing committees of the House, and that the members of the several committees above stated be appointed members of the joint committees on the same subjects,

Which motion prevailed.

Mr. Green moved

That the group photo presented to the House be accepted and hung in the hall,

Which motion prevailed.

Mr. Roney moved

That further consideration of Senate Bill No. 4

Be postponed, and that the bill be made a Special Order for January 10th at 4 o'clock p. m.,

Which motion prevailed.

Mr. Williams moved

That there be a committee appointed on Coal Lands and Mining, to be known as one of the standing committees of the House,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 57,

Also,

Senate Bill No. 28,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Speaker appointed the members of the present House Committees on Rules as members also on the Joint Committee on Rules.

The members of the present House Committee on State Library as the Joint Committee on Library,

The members of the present Committee on Charitable Institutions as members of the Joint Committee on Charitable Institutions,

The members of the present Committee on Penal Institutions as members of the Joint Committee on Penal Institutions,

The members of the present Committee on Educational Institutions as members of the Joint Committee on Educational Institutions,

And the members of the present Committee on Public Buildings and Grounds as members of the Joint Committee on Public Buildings and Grounds.

Mr. Speaker appointed the following assistant clerks:

H. E. Lavayea for the Enrollment Committee and John O'Connors, C. P. Lawrence, W. R. Merrick, C. H. Shields and M. F. Keptner for the Engrossment Committee.

The Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that they have examined

House Bill No. 32,

And find the same correctly enrolled.

W. W. BEARD,
Acting Chairman.

Mr. Speaker announced his signature to

Senate Bill No. 28,

A bill for an act providing clerk hire for the various State officers and making appropriations therefor.

Also,

Senate Bill No. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,

Also,

House Bill No. 32,

A bill for an act to provide for the leasing and sale of common school lands of North Dakota.

Mr. Millsted moved

That the Chief Clerk be instructed to have printed 150 extra copies of

House Bill No. 110,

Which motion prevailed.

Mr. McCullough moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 7, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Brittin, Buchanan, Bye, Foss, Hankinson, Langer, McDonald, Nedrud, Norton, Olsgard, Rawlings, Renaud, Stevens, Thomas, Tyler, Walsh, Watt, Wickham and Zimmer, excused.

The Journal of the thirty-first day was read and approved.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Thomson of Walsh, introduced—

House Bill No. 111,

A bill for an act to empower county commissioners to purchase poison for the destruction of gophers,

Which was read the first time.

Mr. Selby introduced—

House Bill No. 112,

A bill for an act regulating the practice in the Supreme Court,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 113,

A bill for an act declaring that all mills for the grinding of grain, the owner or owners of which take advantage of the provisions of the act, entitled "An Act to encourage the erection of mills, dams and mills," approved January 7, 1863, shall be public mills,

Which was read the first time.

Mr. Murphy introduced—

House Bill No. 114,

A bill for an act to prescribe regulations for the sale of property seized under chattel mortgages,

Which was read the first time.

Mr. Lilly introduced—

House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof,

Which was read the first time.

Mr. McCormick introduced—

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties,

Which was read the first time.

Mr. Thompson of Cass, introduced—

House No. Bill 117,

A bill for an act to encourage the building of roads and highways in unorganized towns, and to relieve the owners of land upon which such roads shall have been built,

Which was read the first time.

Mr. Strom introduced—

House Bill No. 118,

A bill for an act to amend Subdivision 14 of Section 5, Chapter 28, of the Political Code, entitled "Revenue,"

Which was read the first time.

Also,

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to "Sabbath Breaking,"

Which was read the first time.

Mr. Lilly introduced--
 House Bill No. 120,
 A bill for an act to revise the law in relation to replevin in justice court,
 Which was read the first time.
 Also,
 House Bill No. 121,
 A bill for an act to revise the law of forcible entry and detainer in justice courts,
 Also,
 House Bill No. 122,
 A bill for an act to revise the law in relation to attachment before justices of the peace.
 Mr. Lilly moved
 That the first reading at length of
 House Bill No. 121 and House Bill No. 122
 Be deferred until the same shall be printed,
 Which motion prevailed.
 Mr. Thomson of Walsh, introduced--
 House Bill No. 123,
 A bill for an act to regulate the fees of the clerk of the district court,
 Which was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 45,
 A bill for an act to fix the salaries of certain State officers,
 Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 11,
 A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigation companies and to aid the same.

Was read the second time, and referred to the Committee on Railroads.

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden,

Was read the second time, and referred to the Committee on Counties.

Mr. Williams moved

That the order of business—third reading of Senate Bills—be passed for the day,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 103,

A bill for an act to encourage the development of the coal mines

of the State and to determine the kind of coal that shall be used as fuel in the various State institutions,

Was read the second time and referred to the Committee on Coal Lands and Mining.

House Bill No. 104,

A bill for an act defining the marriage relation; providing who can so marry; how solemnized, and procuring and filing the license therefor,

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

House Bill No. 105,

A bill for an act regulating the registration of births and deaths,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 106,

A bill for an act regulating the delivery and care of poll books and ballot boxes used at elections, and the ballots deposited therein,

Was read the second time and referred to the Committee on Elections and Privileges.

House Bill No. 107,

A bill for an act to prevent the formation of trusts,

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

House Bill No. 108,

A bill for an act regulating the State Library,

Was read the second time, and referred to the Joint Committee on Library.

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

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

Mr. Speaker appointed as Assistant Enrolling and Engrossing Clerks J. J. Clark and Carrie Anderson.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY - FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 8, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Mr. Selby requested unanimous consent to excuse Chief Clerk Hamilton on account of a telegram announcing the death of his wife's mother,

Which request was granted.

Roll called.

All members present except Messrs. Bye, Langer, Montgomery, Nedrud, Rawlings, Reed, Stevens and Wickham, excused.

The Journal of the preceding day was read and approved.

Mr. Bowen asked unanimous consent to change the word "respectful" in the first section of substitute for House Bill No. 34 to "respective,"

Which consent was given and the bill was so changed.

MOTIONS, RESOLUTIONS, ETC.

Mr. Cole offered the following Concurrent Resolution, and moved its adoption:

CONCURRENT RESOLUTION

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

WHEREAS, There is to be held at some point in the United States a World's Fair, in the year 1892; and

WHEREAS, The object of such fair is not only to bring together the people and products of the world, but likewise to present to our visitors on that occasion the extent, resources and enterprise of the United States; and

WHEREAS, In order to induce visitors to such fair to become acquainted with the character of the different sections of the United States, it is necessary that it be held at some point in the interior; therefore, be it

Resolved by the Legislative Assembly of the State of North Dakota, That it is the sense of this Assembly that the World's Fair be held in the City of Chicago, in the State of Illinois, by reason of its favorable location; be it

Resolved further, That the Chief Clerk of the House be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Which motion prevailed, and

The Concurrent Resolution was adopted.

Mr. Cole introduced the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives the Senate, Concurring, That the Legislative Assembly now in session do adjourn *sine die* at a date not later than February 10th, next.

Mr. Hankinson moved to adopt the resolution.

Mr. Williams moved to lay the resolution on the table,

Which motion prevailed, and

The Concurrent Resolution was laid on the table.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Thompson of Cass, introduced—

House Bill No. 124,

A bill for an act relating to appointment of notaries public in unorganized counties,

Which was read the first time.

Mr. Williams introduced—

House Bill No. 125,

A bill for an act declaring the maintenance of mill dams across the flowing streams and natural water courses of this State unlawful when not used to furnish power for public mills,

Which was read the first time.

Mr. Selby introduced—

House Bill No. 126,

A bill for an act regulating appeals from the district courts to the Supreme Court; and to repeal Chapters 2 and 16 of the Code of Civil Procedure of Dakota Territory as published in Levissee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory of the year 1887; also Sections 5213 to 5239 both inclusive of the Compiled Laws of the Territory of Dakota of the year 1887,

Which was read the first time.

Also,

House Bill No. 127,

A bill for an act providing standing annual appropriations for salaries of State officers,

Which was read the first time.

Mr. Ink introduced—

House Bill No. 128,

A bill for an act to organize a county board of supervisors, one from each township, ward or city and incorporated village, to take the place of the board of county commissioners, and prescribing duties thereof,

Which was read the first time.

Mr. Strom introduced—

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885,

Which was read the first time.

Also,

House Bill No. 130,

A bill for an act to exempt roads and public highways from taxation,

Which was read the first time,

Mr. Ink introduced—

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889,"

Which was read the first time.

Mr. Court introduced—

House Bill No. 132,

A bill for an act relating to foreclosure of real estate mortgages,

Which was read the first time.

Mr. Milsted (by request) introduced—

House Bill No. 133,

A bill for an act to amend Sections 1 and 5 of Chapter 50, of the Session Laws of 1887,

Which was read the first time,

Also,

House Bill No. 134,

A bill for an act to provide for the election of road supervisors.

Which was read the first time.

Also, (by request)

House Bill No. 135,

A bill for an act relating to damages and liabilities for personal injuries,

Which was read the first time.

Mr. Lutz introduced—

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887 of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses, and requiring additional duties,

Which was read the first time.

FIRST READING OF HOUSE BILLS.

House Bill No. 99,

A bill for an act prescribing the mode of listing, assessing, and

the levy and collection of taxes, and for other purposes relating thereto,

Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers.

Was read the second time, and referred to the Committee on State Affairs.

THIRD READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to provide for the interchanging of district judges and for holding court when the judge thereof is for any reason unable to act,

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Renaud,
Balkan,	Hoyt,	Richardson,
Beard,	Ingrebretson,	Roney,
Belden,	Ink,	Selby,
Bowen,	Jahr,	Stadleman,
Brittin,	Johnson,	Strom,
Buchanan,	Lilly,	Tandberg,
Christianson,	Lutz,	Thomas.
Cole,	McCormick,	Thompson of Cass,
Court,	McCullough,	Thomson of Walsh,
Currier,	McDonald,	Tyler,
Estabrook,	McIntyre,	Ueland,
Foss,	Milsted,	Walsh,
Green,	Moore,	Walton,
Gronli,	Murphy,	Watt,
Hankinson,	Norton,	Williams,
Haugen,	Olsgard,	Zimmer,
Haugerud,	Pinkham,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bye,	Nedrud,	Stevens,
Langer,	Rawlings,	Wickham.
Montgomery,	Reed,	

Messrs. Bye, Langer, Montgomery, Nedrud, Rawlings, Reed, Stevens and Wickham being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 23,

A bill for an act prescribing the Great Seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal,

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Pinkham,
Balkan,	Heglie,	Renaud,
Beard,	Hoyt,	Richardson.
Belden,	Ingebretson,	Roney,
Bowen,	Ink,	Selby,
Brittin,	Jahr,	Stadleman,
Buchanan,	Johnson,	Strom,
Christianson,	Lilly,	Tandberg,
Cole,	Lutz,	Thomas,
Court,	McCormick,	Thomson of Walsh,
Currier,	McCullough,	Tyler,
Estabrook,	McDonald,	Ueland,
Foss.	McIntyre,	Walsh,
Green,	Milsted,	Walton,
Gronli,	Moore,	Watt,
Hankinson,	Murphy,	Zimmer.
Haugen,	Norton,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bye,	Olsgard,	Thompson of Cass,
Langer,	Rawlings,	Wickham,
Montgomery,	Reed,	Williams,
Nedrud,	Stevens,	

Messrs. Bye, Langer, Montgomery, Nedrud, Rawlings, Reed, Stevens and Wickham being excused.

And so the bill passed, more than two-thirds of the members present voting therefor,

And the title of the bill was agreed too.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 8, 1890. }

To the House of Representatives:

I would most respectfully beg leave to call the attention of your honorable body to the present financial aspect of our State. In my first message to the Joint Session of the Legislative Assembly I called attention to a prospective deficiency of \$155,870.80. The estimate at that time was based on figures furnished by the outgoing Territorial Auditor. Upon a more rigid investigation and fuller knowledge of our affairs it has become evident that the estimated deficiency given above is entirely too small. The total expenditures of North Dakota for the maintenance of her public institutions and for the payment of one-half of the current expenses of the Territory of Dakota, as shown by the most carefully prepared statement made for the purpose of settlement between North and South Dakota, from the 8th day of March to the 4th day of November, 1889, being eight months, is \$248,826.08. At the same ratio of cost for the balance of the year, it would make the total cost of the maintenance of North Dakota's public institutions, and one-half of the current general expenses of the Territory from the 8th day of March, 1889, to the 8th day of March, 1890, \$373,239.13. This it will seem, is exclusive of the cost of the present session of the Legislature, and also of the additional cost of the

four months from November 4, 1889, to March 8, 1890, to the State government over and above North Dakota's share of the cost of maintenance of the Territorial government.

Adding therefore to the above amount \$100,000 for the estimated cost of the Legislature, and \$16,666.66, the estimated amount of the excess for four months of cost of State government over North Dakota's share of cost of Territorial government for the same time, and we have as the probable total cost for the year ending March 8, 1890, \$489,905.79. The total estimated receipts are \$241,898.55, leaving a total prospective deficiency of \$248,007.24, which, upon the present basis of expenditures, is likely to be considerably exceeded. There is apparently no just foundation for the expectation that our receipts will exceed the amount of the above estimates. There is a possibility that they may be lessened by the change which the Constitution necessitates in our present mode of taxing railroad property. By the terms of a bill, now under consideration in the Legislative Assembly, it is proposed to defer for several months the date when taxes shall become delinquent, which will tend to lessen the amount of funds immediately available for current expenses. I desire to most respectfully call your attention to the important question: How, with the above estimated expenditure, the State is to provide for the payment thereof?

Section 182 of the Constitution provides as follows: "The State may, to meet casual deficits or failures in the revenue, or in case of extraordinary emergencies, contract debts, but such debts shall never in the aggregate exceed the sum of \$200,000, exclusive of what may be the debt of North Dakota at the time of the adoption of this Constitution."

It will be seen therefore that the amount of indebtedness that can be incurred is limited to \$200,000, all of which is to be soon used on the present basis of expenditures. It is also very clear from Section 187, which is as follows: "No bond or evidence of indebtedness of the State shall be valid unless the same shall have indorsed thereon a certificate, signed by the Auditor and Secretary of State that the bond or evidence of debt is issued pursuant to law and is within the debt limit," that not only cannot the bonded indebtedness exceed \$200,000, but that no evidence of indebtedness in excess of that amount can be legally issued. This section clearly prohibits the Auditor, under any circumstances, for any purpose to issue warrants in excess of \$200,000. How then, and by what means, are the expenses of the maintenance of the State government and the various public institutions to be met?

It must be clearly seen that when the limit provided by the Constitution is reached, the State or State officers have no means of providing for the maintenance of the State or State institutions and the latter must either be closed or maintained upon the credit of private individuals. Therefore in view of the pressing exigencies of the case I again urge upon you the great importance of carefully guarding the credit and financial standing of the commonwealth, in the stability of which every citizen is directly interested, by legislation looking to the greatest possible economy in every department, and that shall at the earliest possible date, bring our expenditures within our income.

Respectfully,

JOHN MILLER,
Governor.

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

Resolved, That the communication of His Excellency, the Governor, upon the financial condition of the State, be printed in the Journal, and when so printed, it be referred to the Committee on Ways and Means with instruction to report thereon as soon as practicable.

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,
January 8, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at rail-
road crossings and the maintenance of depots at the same,

Which the Senate has passed, and your concurrence is re-
quested.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Speaker announced the following:

COMMITTEE ON COAL LANDS AND MINING—Messrs. Williams, Haugerud,
Wickham, Strom, Nedrud, Stadleman, Christianson, Heglie and Balkan.

Mr. Currier (by unanimous consent) made the following report
of the committee to edit and prepare for publication a Legislative
Manual:

MR. SPEAKER:

Your Joint Committee entrusted with the work of editing and preparing
for publication the Constitution and Legislative Manual, respectfully report
that in accordance with the resolution 1,000 copies of the Manual have been
printed and are now ready for distribution.

Your committee would respectfully recommend that the books be distributed
as follows: Five copies to each member of this Legislature; one copy to each
clerk and officer of this Legislature; five copies to each State officer; three
copies to each State institution; one copy to each district judge, district at-
torney and county auditor; twenty-five copies for the State Library; 100 copies
to be preserved by the Secretary of State for the use of the next Legislature;
fifty copies for exchange with other states and territories; the balance to be re-
tained by the Secretary of State for distribution from time to time as in his
judgment seems proper.

A. C. CURRIER.

Mr. Williams moved

To adopt the report of the committee,

Which motion prevailed, and

The report of the committee was adopted.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 94, 91, also, Substitute for House Bill No. 35,
and House Bill No. 79, and Substitute for House Bill No. 44,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 8. 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

A Concurrent Resolution favoring Chicago, Ills., as the place for holding the World's Fair in 1892,

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

C. C. BOWSFIELD,
Secretary.

Mr. Cole moved

That the House concur in the Senate Concurrent Resolution favoring Chicago as the place of holding the World's Fair, Which motion prevailed.

Mr. Speaker called Mr. Walsh to the Chair.

Mr. Williams moved

That the rules be suspended, and that House Bill No. 91,

Be now read the third time, and placed upon its final passage, Which motion prevailed, and

House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public state institutions,

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

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugerud,

Messrs—

Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Norton,
Olsgard,
Pinkham,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Bye,
Green,
Haugen,
Hoyt,
Langer,

Messrs—

Lilly,
McCullough,
Montgomery,
Murphy,
Nedrud,
Rawlings,

Messrs—

Reed,
Stadleman,
Stevens,
Thompson of Cass,
Wickham,
Mr. Speaker.

Messrs. Bye, Langer, Montgomery, Nedrud, Rawlings, Reed, Stevens and Wickham being excused.

And so the bill passed, and its title was agreed to.

Mr. Pinkham moved

That the rules be suspended and that House Bill No. 99

Be read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 99,

A bill for an act prescribing the mode of listing, assessing and the levy and collection of taxes, and for other purposes,

Was read the second time, and referred to the Committee on Taxation and Tax Laws.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 9, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll Called.

All members present except Messrs. Bye, Langer, Nedrud, Stadleman, Stevens, Thompson of Cass, and Wickham, excused.

The Journal of the preceding day was read, and

Mr. Pinkham moved

To dispense with the reading of the communication of the Governor,

Which motion prevailed, and

The Journal was approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Concurrent Resolution and Memorial to the Congress of
the United States praying for the maintenance of Fort Abraham
Lincoln as a military post, and for appropriation for its improve-
ment,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom
was referred

Senate Bill No. 39,

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

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

JAMES McCORMICK,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

House Bill No. 43,

A bill for an act repealing Chapter 150 of the Session Laws of
1889,

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

H. D. COURT,
Chairman *pro tem*.

Mr. Currie moved

To adopt the report of the Committee on Counties,

Which motion prevailed, and

The report of the Committee on Counties was adopted.

MOTIONS, RESOLUTIONS, ETC.

Mr Selby offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives, the Senate Concurring, That
the President of the Senate and Speaker of the House of Representatives shall
close the present session of the Legislative Assembly by adjourning their res-
pective houses sine die on Thursday the 6th day of February next, at or before
12 o'clock p. m. of said day.*

Mr. Hankinson moved

To adopt the Concurrent Resolution.

Roll call demanded.

The roll being called there were ayes 25, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Lutz,	Richardson,
Buchanan,	McCormick,	Selby,
Christianson,	McCullough,	Strom,
Cole,	McDonald,	Thomson of Walsh,
Court,	McIntyre,	Tyler,
Hankinson,	Norton,	Uelaud,
Haugerud,	Olsgard,	Watt.
Heglie,	Pinkham,	Zimmer.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hoyt,	Reed,
Beard,	Ingebretson,	Renaud,
Belden,	Jahr,	Roney,
Bowen,	Johnson,	Tandberg,
Brittin,	Lilly,	Thomas,
Currier,	Milsted,	Walsh,
Estabrook,	Moore,	Walton.
Green,	Montgomery,	Williams,
Gronli,	Murphy,	Mr. Speaker.
Haugen,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bye,	Nedrud,	Thompson of Cass,
Foss,	Stadleman.	Wickham.
Langer,	Stevens,	

Messrs. Bye, Langer, Nedrud, Stadleman, Stevens, Thompson of Cass and Wickham being excused.

And so the motion to adopt the Concurrent Resolution was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 9, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 57,

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 concurrence is re-
quested,

C. C. BOWSFIELD,
Secretary.

Mr. Richardson offered the following Concurrent Resolution:

CONCURRENT RESOLUTION

Fixing the Date of adjournment.

Be it Resolved by the House of Representatives, the Senate Concurring,
That the first session of the Legislative Assembly of the State of North Dakota be brought to a close by final adjournment not later than February 18, 1890.

Mr. Watt moved
To adopt the resolution.

Mr. Williams moved
To amend the resolution by striking out "February 18th" and inserting in lieu thereof "January 16th."

Mr. Currier moved
To lay the resolution and amendment on the table,
Which motion prevailed, and
The resolution was laid on the table.

Mr. Williams moved
To suspend the rules and take up House Bills on their third reading,

Which motion prevailed, and
Substitute for House Bill No. 35,
A bill for an act to amend Section 1, General Laws 1885, Supplement, relating to noxious weeds,

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

Mr. Ueland asked unanimous consent to amend the bill as follows:

By adding after the words "cockle burrs, mustard and wild oats" the following words, "and Russian cactus (*Salsola colina* pall.)"

Also, amend further by striking out the word "and" between the word "mustard" and the words "wild oats," all in line three as printed in Journal.

Which consent was given and the bill was so amended.

Mr. Selby moved
That the further consideration of the bill be postponed until January 15,

Which motion prevailed.
Substitute for House Bill No. 44,
A bill for an act entitled "bounty for tree planting,"
Was read the third time, and placed upon its final passage.

Mr. McCormick moved
That the bill be recommitted to the Committee on State Affairs,

Which motion prevailed, and
The bill was recommitted.

House Bill No. 79,
A bill for an act to suppress selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds,

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

The roll being called there were ayes 50, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Strom,
Tandberg,
Thomas,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bye,
Langer,
Lutz,
McIntyre,

Messrs—

Nedrud,
Stadleman,
Stevens,

Messrs—

Thompson of Cass,
Thomson of Walsh
Wickham.

Messrs. Gronli and Norton voting in the negative.

Messrs. Bye, Langer, Nedrud, Stadleman, Stevens, Thompson of Cass and Wickham being excused.

And so the bill passed, and its title was agreed to.

House Bill No. 94,

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

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

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugan,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Redaud,
Richardson,
Roney,
Selby,
Strom,
Tandberg,
Thomas,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bye,
Christianson,
Green,
Langer,
Lutz,

Messrs—

McIntyre,
Nedrud,
Reed,
Stadleman,
Stevens,

Messrs—

Thompson of Cass,
Thomson of Walsh,
Wickham.
Williams.

Messrs. Bye, Langer, Nedrud, Stadleman, Stevens, Thompson of Cass, and Wickham being excused.

And so the bill passed, and its title was agreed to.

House Bill No. 21,

A bill for an act regulating elevators, warehouses and side tracks thereto,

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

Mr. Ueland moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

The Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 32

Was delivered to his Excellency, the Governor, for his approval at the hour of 3 o'clock p. m., January 9, 1890.

GEO. H. WALSH,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Selby moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 77.

Mr. Lutz moved

To amend by adding "and for such other business as may be on the Clerk's desk,"

Which amendment prevailed, and

The original motion as amended prevailed.

Mr. Speaker called Mr. Hankinson to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with calling of grand jurors, except by order of the district court judges,

And recommend that the bill be amended by adding the following emergency clause proposed by the Judiciary Committee:

SEC. 11. Whereas, an emergency exists, in that the Constitution authorizing criminal prosecutions by information, and there being no provision of law carrying the same into effect, and it being necessary in order to save expense to

the several counties that this act take effect long before July 1st next; therefore, this act shall take effect and be in force immediately from and after its passage and approval.

And that when so amended the bill do pass.

Also,

Senate Bill No. 31,

A bill for an act to create an institution for the education of the deaf of North Dakota and providing for its support and management,

Have listened to an address thereon by Mr. Spear, and recommend that the following amendments proposed by the Committee on Educational Institutions be adopted:

Strike out the enacting clause as it appears in the bill and insert the correct form: "Be it enacted by the Legislative Assembly of the State of North Dakota."

In Section 3, line 3, strike out "two of said trustees" and insert "three of said board of trustees."

Strike out all of Section 5 and insert "the board of trustees shall direct the disposition of all moneys appropriated by the Legislative Assembly of the State of North Dakota, or receive from any other source for the benefit of said institution."

In Section 8, line 5, strike out the word "and," and insert the word "which." In same line strike out "also the necessary traveling expenses of each."

In line 6, same section, strike out the word "expenses."

Also, recommend that Section 2 be amended by striking out the words "three years," and substituting therefor the words "two years."

Also, recommend that Section 7 be amended by striking out the word "Legislature" and substituting therefor the words "Legislative Assembly."

Also, recommend that Section 14 be amended by striking out the word "Legislature" wherever it occurs and substituting therefor the words "Legislative Assembly."

Also, recommend that the bill be further amended by adding after the word "deaf" wherever it occurs in the bill the words "and dumb."

And that when so amended the bill do pass.

The committee arose, reports progress and asks leave to sit again.

R. H. HANKINSON,
Chairman.

Mr. Williams moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Speaker announced his signature to

Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in the State of North Dakota, and to license physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act.

Also,

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 4, Chapter 58, Session Laws of 1879, entitled "An Act for the protection of the public credit."

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 9, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 29,

A bill for an act to repeal Chapter 45 of the Sessions Laws of 1885,

Also, the following Concurrent Resolution for the distribution of the Constitution and Legislative Manual:

CONCURRENT RESOLUTION

For the Distribution of the Constitution and Legislative Manual.

Be it Resolved by the Senate, the House of Representatives Concurring: That five copies be given to each member of this Legislature; one copy to each clerk and officer of this Legislature; five copies to each State officer; three copies to each State institution; one copy to each district judge, district attorney and county auditor; twenty-five copies to the State Library; 100 copies to be preserved by the Secretary of State for the use of the next Legislature; fifty copies for exchange with other states and territories, and the remainder to be retained by the Secretary of State for distribution from time to time as in his judgment seems proper. The Secretary of State is hereby authorized to make the distribution in accordance with the provisions of this resolution.

Both of which the Senate has passed, and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That the House concur in the Senate Concurrent Resolution regarding distribution of the Legislative Manual,

Which motion prevailed.

Mr. Williams moved

That the rules be suspended and that Senate Bill No. 31 be now read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 31,

A bill for an act to create an institute for the education of the deaf of North Dakota, and providing for its support and management,

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

The roll being called there were ayes 34, nays 21.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Buchanan

Messrs—

Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,

Messrs—

Reed,
Renaud,
Roney,
Thomas,
Tyler,

Messrs—
 Court,
 Currier,
 Estabrook,
 Green,
 Hoyt,
 Ingebretson,
 Lilly,

Messrs—
 Moore,
 Montgomery,
 Murphy,
 Norton,
 Pinkham,
 Rawlings,

Messrs—
 Ueland,
 Walsh,
 Watt,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Allen,
 Balkan,
 Christianson,
 Cole,
 Foss,
 Gronli,
 Hankinson,

Messrs—
 Haugen,
 Haugerud,
 Heglie,
 Ink,
 Jahr,
 Johnson,
 McCullough,

Messrs—
 Olsgard,
 Richardson,
 Selby,
 Strom,
 Tandberg,
 Thomson of Walsh,
 Walton.

Absent and not voting:

Messrs—
 Bye,
 Langer,
 Nedrud,

Messrs—
 Stadleman,
 Stevens,

Messrs—
 Thompson of Cass,
 Wickham.

Messrs. Bye, Langer, Nedrud, Stadleman, Stevens, Thompson of Cass, and Wickham being excused.

The Speaker ruled, subject to the decision of the House, that the bill not having received a two-thirds vote of the members present and voting, the emergency clause was lost, and the bill was passed to take effect July 1, 1890,

And the title of the bill was agreed to.

Mr. McCullough moved

To reconsider the vote just taken on Senate Bill No. 31,
 Which motion prevailed.

Mr. Williams moved

That Senate Bill No. 31 be amended by striking out the emergency clause,

Which motion prevailed, and
 The bill was so amended.

The question then being shall the bill, as amended, pass,
 The roll being called there were ayes 33, nays 20.

Those who voted in the affirmative were:

Messrs.
 Beard,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Court,
 Currier,
 Estabrook,
 Green,
 Hoyt,
 Ingebretson,

Messrs.
 Lilly,
 Lutz,
 McCormick,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Pinkham,
 Rawlings,

Messrs.
 Reed,
 Renaud,
 Roney,
 Thomas,
 Ueland,
 Walsh,
 Watt,
 Williams,
 Tyler,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Richardson,
Balkan,	Heglie,	Selby,
Cole,	Ink,	Strom,
Foss,	Jahr,	Tandberg,
Gronli,	Johnson,	Thompson of Walsh,
Hankinson,	McCullough,	Walton,
Haugen,	Olsgard,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bye,	Nedrud,	Stevens,
Christianson,	Norton,	Thompson of Cass,
Langer,	Stadleman,	Wickham.

Messrs. Bye, Langer, Nedrud, Stadleman, Stevens Thompson of Cass, and Wickham being excused.

And so the bill passed, and its title was agreed to.

Mr. McCormick moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 111,

A bill for an act to empower county commissioners to purchase poison for the destruction of gophers,

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

House Bill No. 112,

A bill for an act regulating the practice of the Supreme Court,

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

House Bill No. 113,

A bill for an act declaring that all mills for the grinding of grain, the owner or owners of which take advantage of the provisions of the act, entitled "An Act to encourage the erection of mills, dams, and mills," approved January 7, 1863, shall be public mills,

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

House Bill No. 114,

A bill for an act to prescribe regulations for the sale of property seized under chattel mortgages,

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

House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof,

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

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 117,

A bill for an act to encourage the building of roads and highways in unorganized towns, and to relieve the owners of land upon which such roads shall have been built,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 118,

A bill for an act to amend Subdivision 14 of Section 5, Chapter 28, of the Political Code, entitled "Revenue,"

Was read the second time, and referred to the Committee on Taxation and Tax Laws.

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to "Sabbath Breaking,"

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

House Bill No. 120,

A bill for an act to revise the law in relation to replevin in justice court,

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

House Bill No. 123,

A bill for an act to regulate the fees of the clerk of the district court,

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

House Bill No. 124,

A bill for an act relating to appointments of notaries public in unorganized counties,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 125,

A bill for an act declaring the maintenance of mill dams across the flowing streams and natural water courses of this State unlawful when not used to furnish power for public mills,

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

House Bill No. 127,

A bill for an act providing standing annual appropriations for salaries of State officers,

Was read the second time, and referred to the Committee on Appropriations.

House Bill No. 128,

A bill for an act to organize a county board of supervisors, one from each township, ward or city and incorporated village, to take the place of the board of county commissioners, and prescribing duties thereof,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885,

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

House Bill No. 130,

A bill for an act to exempt roads and public highways from taxation,

Was read the second time, and referred to the Committee on Taxation and Tax Laws.

House Bill No. 132,

A bill for an act relating to foreclosure of real estate mortgages,

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

House Bill No. 133,

A bill for an act to amend Sections 1 and 5 of Chapter 50, of the Session Laws of 1887,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 134,

A bill for an act to provide for the election of road supervisors,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 135,

A bill for an act relating to damages and liabilities for personal injuries,

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

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887 of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses, and requiring additional duties,

Was read the second time, and referred to the Committee on Warehouses, Grain Grading and Dealing.

Mr. Belden asked to be excused until the first of next week,
Which request was granted.

Mr. Haugerud moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 10, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Belden, Bye, Christianson, Green, Langer, McIntyre, Thomas, Watt and Wickham, excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on County and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on County and County Boundaries to whom was referred

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden,

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

Amend Section 3 by adding after the word "district," in line 31, original bill, "with teams, tools and other implements in their possession."

Amend Section 5 of original bill by inserting the word "the" after the word "within" in line 16.

Add at the end of Section 6, "*Provided*, That nothing in this act shall apply to any person or persons who comply with existing laws."

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays,

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

In Section 1 of the printed bill strike out the proviso.

In Section 2, line 2, strike out the word "October," and insert in lieu thereof the word "November."

In Section 3, after line 7, add the following: "Any person or persons taking up property as herein described, and failing to advertise, shall be guilty of a misdemeanor."

In Section 4, line 1, after the word "transmit" insert the following: "If said property is uncalled for while being published in a local paper, the third insertion of."

In same Section, after line 4, "And any failure on the part of the proprietor of such local paper shall be a misdemeanor."

In Section 5, line 2, after the words "of the," strike out the words "register of deeds or recorder," and insert in lieu thereof "county auditor." In line 3 of same section after the word "the" strike out "register or recorder," and insert in lieu thereof "county auditor."

In Section 6 strike out the whole of said section and insert in lieu thereof: "The board of county commissioners of each county in the State of North Dakota shall on the first Monday in January of each year appropriate the sum of \$5 to pay the official estray paper for such service."

In Section 8 strike out all of line 2 after the word "stock," and of line 3 up to the word "living," and insert in lieu thereof, "and party taking up estray each choose one disinterested person as arbitrators freeholders, and the two so chosen shall choose a third party."

In Section 10 strike out all of line 1 after the word "shall" and all of line 2 up to the word "whose," and insert in lieu thereof, "notify the board of county commissioners to appraise or appoint some suitable person or persons."

In Section 16, line 2, after the word "by" insert the word "the."

In Section 18 strike out all after the word "but" in line 2 and all of line 3 up to the word "shall." After the word "thereof" in line 4 add: "If they shall have used or worked the same." Strike out all of section 20.

And that when so amended recommend that said bill do pass.

H. D. COURT,
Chairman *pro tem*.

The Committee on State Affairs made the following report:

MR. SPEAKER.

Your Committee on State Affairs to whom was referred
House Bill No. 44,

A bill for an act providing bounty for tree planting,

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

That after the word "grove" in Section 1 the words "of trees is" be stricken out and the following inserted: "Shall have at least 400 living trees to the acre."

Also,
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
And recommend that said bill do pass.

Also,
Senate Bill No. 17,

A bill for an act designating a place of deposit for all abstracts
and conveyances of title to the State of North Dakota of lands
now owned or hereafter to be acquired by the State,

And recommend that said bill do pass as amended by the
Senate.

C. A. CURRIER,
Chairman.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the Secretary of State be requested to deliver to each member
of this House a copy of the Debates of the Constitutional Convention.

Which motion prevailed, and
The resolution was adopted.

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

WAEREAS, It has appeared in public print and from complaints made to
members of the House that the railroads doing business in this State are dis-
criminating against shippers of North Dakota; now, therefore, be it

Resolved, That the Speaker appoint a special committee of five who shall
investigate the question of freight rates in North Dakota, and of discrimina-
tion in favor of the cities of St. Paul and Minneapolis, and that they report to
the House for its use at as early a day as possible.

Which motion prevailed, and
The resolution was adopted.

Mr. Bowen moved
To re-establish the House Committees as provided in Subdi-
visions 25, 29, 30, 31 and 33 of Rule 39,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 10, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 52,

A bill for an act to prevent trespass upon school and public
lands, and to recover damages therefor,
Which the Senate has passed unchanged.

Also,
Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the

Supreme Court Reporter and to repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the year 1879,

Which the Senate has passed, and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Estabrook (by unanimous consent) presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

The undersigned residents of Townships Nos. 155, 156 and 157, Ranges 60 and 61, known as No Man's Land, respectfully protest against being attached to either Ramsey, Nelson or Walsh counties for the following reasons. viz.:

First. Each of these counties are heavily indebted for what would be of but little benefit to us.

Second. Devils Lake is distant twenty miles from the nearest point of this Territory and forty from the central portion of same, without any railroad communications or any prospect of same.

Third. We are thinly settled and most of us have only been here two years and have never raised a crop. Have made our improvements and would be taxed out of existance before we would be able to have any say in regard to the county's business, and it would be taxation without representation.

Fourth. We have a direct promise of a railroad through this land the coming season, and until such time as this should occur we would earnestly desire to be let alone.

And we respectfully ask your honorable body that we be attached to Ramsey county for judicial purposes only until such time as we may take steps for our further advancement.

Signed by GEORGE W. CUNNINGHAM and 39 others.

Mr. Bowen moved

That the rules be suspended and that the petition be referred to the Committee on Counties.

Mr. Stevens called for a division of the question, and

The question being on the suspension of the rules, the rules were suspended.

Mr. Estabrook moved

As an amendment

That the petition be referred to some committee to be appointed by the Speaker,

Which amendment was lost.

Mr. Stevens moved *

To amend by adding to the motion "and that there be added to the Committee on Counties for the purpose of considering this petition as many members from the counties affected thereby as there are now on the Committee on Counties from Ramsey county."

Which amendment was withdrawn.

Mr. Williams moved as a substitute

That the petition and Senate Bill No. 39 relating to the same subject be referred to General Orders,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Moore introduced—

House Bill No. 137,

A bill for an act authorizing counties lying northwest or west of any terminal line of railroad to bond for the construction of the same through their respective counties,

Which was read the first time.

Mr. Milsted introduced—

House Bill No. 138,

A bill for an act to provide for the summoning of jurors as talesmen in the district courts in this State,

Which was read the first time.

House Bill No. 88,

A bill for an act concerning bastardy,

Was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter, etc.,

Was read the first time.

Senate Bill No. 57,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the State government,

Was read the first time.

Senate Bill No. 29,

A bill for an act to repeal Chapter 45 of the Sessions Laws of 1885,

Was read the first time.

Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,

Was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 33,

A bill for an act to provide the University of the State of North Dakota with the general and special laws, and reports of the decisions of the Supreme Court for library purposes,

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

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Renaud,
Balkan,	Ingrebretson,	Richardson,
Beard,	Ink,	Roney,
Bowen,	Jahr,	Stadleman,
Brittin,	Johnson,	Stevens,
Buchanan,	Lilly,	Tandberg,
Cole,	Lutz,	Thompson of Cass,
Court,	McCormick,	Thomson of Walsh,
Currier,	McCullough,	Tyler,
Estabrook,	Montgomery,	Ueland,
Foss,	Nedrud,	Walsh,
Gronli,	Norton,	Walton,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Zimmer,
Heglie,	Reed,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	McDonald,	Selby,
Bye,	McIntyre,	Strom,
Christianson,	Milsted,	Thomas.
Green,	Moore,	Watt,
Hankinson,	Murphy,	Wickham.
Langer,	Olsgard,	

Messrs. Belden, Bye, Christianson, Green, Langer, McIntyre, Thomas, Watt and Wickham being excused.

And so the bill passed, and its title was agreed to.

Senate Bill No. 38,

A Concurrent Resolution for a Memorial to Congress for the appropriation of 5 per centum of the amounts of the sales of public lands situated within the limits of the State of North Dakota, and which were sold by the United States prior to the admission of the State of North Dakota into the Union to be used as a permanent fund for the use and support of the common schools of this State,

Was read, and

Mr. Selby moved

That the Concurrent Resolution be adopted,

Which motion prevailed, and

The Concurrent Resolution was adopted.

Mr. Milsted moved

That the first reading at length of House Bill No. 110 be deferred until the Committee on Education make their report,

Which motion prevailed.

Mr. Speaker announced his signature to

Senate bill No. 47,

A bill for an act to promote forest tree culture,

The Chief Clerk called attention to the fact that Senate Bill No. 47, which the Speaker had just signed, had never been received in the House, nor read either the first, second or third times, and had been erroneously transmitted for the signature of the Speaker.

Mr. Williams moved

That the rules be suspended and that the House proceed to the consideration of General Orders,

Which motion prevailed.

Mr. Williams moved

That the rules be suspended and that the House proceed to the consideration of Senate Bill No. 4,

Which motion prevailed, and

Senate Bill No. 4,

A bill for an act to establish a board of inspectors for steam vessels and boilers, and for licensing engineers of steam engines,

Was read the third time.

Mr. Estabrook moved

That the bill be recommitted to the committee from which it came,

Which motion prevailed.

Mr. Williams moved

That House Bill No. 16 be made a special order for 4 o'clock p. m. next Tuesday,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Reed to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

Substitute for House Bill No. 48,

A bill for an act to amend Chapter 3, Article 1, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws 1889, relating to publication of insurance statements,

And recommend that the bill be recommitted to Mr. Stevens with permission to report at any time.

Also,

House Bill No. 92,

A bill for an act to amend Section 15, Chapter 130, Laws of 1887, entitled "Grain Warehouses," enabling the seller of grain to appeal to the Railroad Commissioners for an inquiry into and decision upon the grade of his grain,

And recommend that the following amendment proposed by the Committee on Warehouses, Grain Grading and Dealing be adopted, viz.:

That the following be added as Section 2:

“All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.”

And that when so amended the bill do pass.

Also,

Senate Bill No. 21,

A bill for an act providing for the extension of the time for the payment of taxes for the year 1889,

Together with the report of the Committee on Ways and Means thereon.

The committee arose, reports progress and asks leave to sit again.

JAS. E. REED,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,
January 10, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in House amendments to

Senate Bill No. 31,

A bill for an act to create an institution for the education of the deaf of North Dakota and providing for its support and management,

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That Senate Bill No. 21

Be now read the third time and placed upon its final passage.

Mr. Milsted moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 11, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll Called.

All members present except Messrs, Belden, Bye, Langer, Lutz, McDonald, McIntyre, Moore, Thomas, Thompson of Walsh, Watt and Wickham, excused.

Mr. Stevens moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same, and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee:

Messrs. Stevens, Renaud and McCormick.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 11, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 47,

A bill for an act to promote forest tree culture,

Which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

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. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Have had the same under consideration and recommend that said bill be amended as follows: Strike out all after the enacting clause and insert the following:

SECTION 1. DEFINITIONS OF TERMS USED IN THIS ACT.] The word "money" or "moneys" wherever used in this act shall be held to mean gold and silver coin, treasury notes, bank notes, and every deposit which any person owning the same or holding in trust and residing in this State is entitled to withdraw on money or demand; the term "credits," wherever used in this act, shall be held to mean and include every claim and demand for money or other valuable things, and every annuity or sum of money receivable at stated periods, due, or to become due, and all claims and demands secured by deeds or mortgage, due, or to become due. The terms "tract" or "lot" and piece or parcel of real property, and "piece or parcel of land," wherever used in this act shall each be held to mean any contiguous quantity of land in the possession, owned by, or recorded as the property of the same claimant, person or company; every word importing the singular number only may be extended to, and embrace the plural number; and every word importing the plural may be applied and limited to the singular number; and every word importing the masculine gender only may be extended and applied to females as well as males; wherever the word "oath" is used in this act, it may be held to mean affirmation; and the word "swear" in this act may be held to mean affirm; the words "town" or "district," wherever used in this act, shall be construed to mean township, village, city or ward, as the case may be. The term "true and full value," wherever used in this act, shall be construed to mean the usual selling price at the place where the property to which the term is applied shall be at the time of the assessment, being the price at which it could be obtained therefor at private sale, and not at forced auction or sale. The term "person," wherever used in this act, shall be construed to include firm, company or corporation.

SEC. 2. PROPERTY SUBJECT TO TAXATION.] All real and personal property in this State, and all personal property of persons residing therein, and the property of corporations, now existing or hereafter created, and the property of all banks or banking companies now existing or hereafter created, except such as is hereinafter expressly excepted, is subject to taxation; and such property, or the value thereof, shall be entered in the list of taxable property for that purpose, in the manner prescribed by this act; *Provided*, That railroad companies shall be taxed in such manner as now is, or may be hereafter, fixed by law.

SEC. 3. REAL PROPERTY DEFINED.] Real property, for the purpose of taxation, shall be construed to include the land itself, whether laid out in town lots or otherwise, and all buildings, structures and improvements (except plowing) trees or other fixtures, of whatsoever kind thereon, and all rights and privileges thereto belonging or in any wise appertaining, and all mines, minerals, quarries in and under the same.

SEC. 4. PERSONAL PROPERTY DEFINED.] Personal property shall, for the purpose of taxation, be construed to include all goods, chattels, moneys, credits and effects, wheresoever they may be; all ships, boats and vessels belonging to the inhabitants of this State, whether at home or abroad, and all capital invested therein; all moneys at interest, whether within or without this State, due the person to be taxed, more than he pays interest for, and all other debts due such persons, more than their indebtedness; all public stocks and securities; all stock in turnpikes, railroads, canals and other corporations, except national banks out of the State, owned by inhabitants of this State; all personal estate of moneyed corporations, whether the owners thereof reside in

or out of the State, and the income of any annuity, unless the capital of such annuity be taxed within the State; all shares of stock in any bank organized, or that may be organized, under any law of the United States or of this State; and all improvements made by persons upon lands held by them under the laws of the United States, and all such improvements upon lands, the title of which is still vested in any railroad company, or any other corporation whose property is not subject to the same mode and rule of taxation as other property.

SEC. 5. PROPERTY EXCEPT FROM TAXATION.] All property described in this section to the extent herein limited shall be exempt from taxation, that is to say:

First. All public school houses, academies, colleges, institutions and seminaries of learning, with the books and furniture therein, and the grounds attached to such buildings necessary for their proper occupancy, use and enjoyment, and not leased or otherwise used with a view to profit; houses used exclusively for public worship, and the lots or parts of lots upon which such houses are erected.

Second. All lands used exclusively for burying grounds or cemeteries.

Third. All property, whether real or personal, belonging exclusively to the State or to the United States.

Fourth. All buildings belonging to the counties used for holding courts, for jails, for county offices, with the ground, not exceeding in any county ten acres on which buildings are erected.

Fifth. All lands, houses and other buildings belonging to any county, township, or town used exclusively for the accommodation or support of the poor.

Sixth. All buildings belonging to institutions of purely public charity, including public hospitals, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining, and belonging exclusively to such institutions; and all land owned and occupied by agricultural societies, not leased, or used with a view to profit, not exceeding eighty acres.

Seventh. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town or fire company organized therein.

Eighth. All public market houses, public squares or other public grounds, town or township houses, or halls used exclusively for public purposes, and all works, machinery or fixtures belonging to any town and used exclusively for conveying water to such town.

Ninth. All public libraries and real and personal property belonging to or connected with the same.

Tenth. The personal property of each individual liable to assessment and taxation under the provisions of this act, of which such individual is the actual and bona fide owner, to an amount not exceeding \$200 in value; *Provided*, That each person shall list all his personal property for taxation, and the county auditor shall deduct the amount of exemption authorized by this section from the total amount of his assessment and levy taxes upon the remainder.

SEC. 6. LISTING OF REAL AND PERSONAL PROPERTY.] All real property in this State subject to taxation shall be listed and assessed every even numbered year, with reference to its value, on the first day of May preceding the assessment, and all real estate becoming taxable any intervening year shall be listed and assessed with reference to its value on the first day of May of that year.

SEC. 7. MANNER OF LISTING PROPERTY.] Personal property shall be listed in the manner following:

First. Every person of full age and sound mind, being a resident of this State, shall list all his moneys,^t credits, bonds or stock shares, or stock of joint or other companies (when the property of such company is not assessed in this State,) moneys loaned or invested, annuities, franchises, royalties and other personal property.

Second. He shall also list separately and in the name of his principal all moneys and other personal property invested, loaned or otherwise controlled by him as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever; and all moneys deposited subject to his order, draft or check, and credits due from or owing to any person or persons, body corporate or politic.

Third. The property of a minor child shall be listed by his guardian or by the person having such property in charge.

Fourth. The property of an idiot or lunatic, by the person having charge of such property.

Fifth. The property of a person for whose benefit it is held in trust by the trustee of the estate of a deceased person, by the executor or administrator.

Sixth. The property of corporations whose assets are in the hands of receivers, by such receivers.

Seventh. The property of a body politic or corporate, by the president or proper agent or officer thereof.

Eighth. The property of a firm or company, by a partner or agent thereof.

Ninth. The property of manufacturers and others in the care of an agent, by such agent in the name of his principal, as merchandise. Personal property shall be listed and assessed annually with reference to its value, on the first day of May.

SEC. 8. PLACE OF LISTING PERSONAL PROPERTY.] Personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed and assessed in the county, town or district where the owner or agent resides; the capital stock and franchises of corporations and persons, except as may be otherwise provided, shall be listed in the county, town or district where the principal office or place of business of such corporation or person is located in this State; if there be no principal office or place of business in this State, where any such corporation or persons transact business, then personal property pertaining to the business of a merchant or manufacturer shall be listed in the town or district where his business is carried on.

SEC. 9. PROPERTY OF TRANSPORTATION COMPANIES, ETC.—WHERE TO BE LISTED.] The personal property of express, transportation and stage companies shall be listed and assessed in the county, town or district where the same is usually kept. All persons, companies and corporations in this State owning steamboats, sailing vessels, wharf boats, barges and other water crafts shall be required to list the same for assessment and taxation in the county, town or district in which the same may belong, or be enrolled, registered or licensed, or kept not enrolled, registered or licensed.

SEC. 10. OF GAS AND WATER COMPANIES—WHERE LISTED.] The personal property of gas and water companies shall be listed in the town where the principal works are located; gas and water mains and pipes laid in road, streets or alleys, shall be held to be personal property.

SEC. 11. OF STREET RAILWAY COMPANIES—WHERE LISTED, ETC.] The personal property of street railroad, plank road, gravel road, turnpike or bridge companies shall be listed and assessed in the county, town or district where the principal place of business is located; and the track, road or bridge shall be held to be personal property.

SEC. 12. NON-RESIDENT'S FARM PROPERTY—WHERE LISTED.] When the owner of live stock or other personal property connected with a farm does not reside thereon, the same shall be listed and assessed in the town or district where the farm is situated; *Provided*, If the farm is situated in several towns or districts, it shall be listed and assessed in the town or district where the principal place of business of such farm is located.

SEC. 13. PERSONAL PROPERTY MOVED BETWEEN MAY AND JULY—WHERE LISTED.] The owner of personal property moving from one county, town or district to another, between the first day of May and the first day of July, shall be assessed in either in which he is first called upon by the assessor. The owner of personal property moving into this state from another state or territory between the first day of May and the first day of July, shall list the property owned by him on the first day of May of such year, in the county,

town or district in which he resides; *Provided*, If such person has been assessed and can make it appear to the assessor that he is held for tax of the current year on the property in another territory or state, county, town or district, he shall not be again assessed for such year.

SEC. 14. PLACE OF LISTING—HOW DECIDED AND IN CASE OF DOUBT.] In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties, or places in different counties, by the Auditor of the State; and when fixed, in either case shall be binding as if fixed by this act.

SEC. 15. LIST OF PERSONAL PROPERTY TO BE MADE UNDER OATH.] Every person required by this act to list property, shall make out and deliver to the assessor, when required, a statement verified by oath, of all the personal property in his possession or under his control, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as a guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; but no person shall be required to include in his statement any share or portion of the capital stock or property of any company or corporation, which such company is required to list or return as its capital and property for taxation in this State.

SEC. 16. VALUATION TO BE FIXED BY ASSESSOR—ITEM OF LIST.] It shall be the duty of the assessor to determine and fix the true and full value of all items of personal property included in such statement, and enter the same opposite such items respectively, so that, when completed, such statement shall truly and distinctly set forth:

First. The number of horses under three years old, and three years old and over, and the value thereof.

Second. The number of cattle under two years old; the number of cows two years old and over; the number of all other cattle two years old and over, and the value thereof.

Third. The number of mules and asses of all ages and the value thereof.

Fourth. The number of sheep of all ages, and the value thereof.

Fifth. The number of hogs of all ages, and the value thereof.

Sixth. The number of wagons and carriages of whatsoever kind and value thereof.

Seventh. The number of melodeons and organs, and the value thereof.

Eighth. The number of piano fortes, and the value thereof.

Ninth. The value of household furniture.

Tenth. The value of agricultural tools, implements and machinery.

Eleventh. The value of gold and silver plate and plated ware.

Twelfth. The value of diamonds and jewelry.

Thirteenth. The value and description of every franchise, annuity, royalty and patent right.

Fourteenth. The value of every steamboat, sailing vessel, wharf boat, barge or other water craft.

Fifteenth. The value of goods and merchandise which such person is required to list as a merchant.

Sixteenth. The value of materials and manufactured articles which such person is required to list as a manufacturer.

Seventeenth. The value of manufacturers' tools and implements and machinery, including engines and boilers.

Eighteenth. The amount of moneys of banks (other than those whose capital is represented by shares of stock), bankers, brokers or stock jobbers.

Nineteenth. The amount of credit of banks (other than those whose capital is represented by shares of stock), bankers, brokers or stock jobbers.

Twentieth. The amount of moneys other than of banks, bankers, brokers or stock jobbers.

Twenty-first. The amount of credit other than of banks, bankers, brokers and stock jobbers.

Twenty-second. The amount and value of bonds and stocks, other than bank stock.

Twenty-third. The amount and value of shares of bank stock.

Twenty-fourth. The amount and value of shares of capital stock of companies and associations not incorporated by the laws of the State.

Twenty-fifth. The value of stock and furniture of sample rooms and eating houses, including billiard table or other similar tables.

Twenty-sixth. The value of all other articles of personal property, not included in the preceding twenty-five items.

Twenty-seventh. The value of all elevators, warehouses and improvements on lands, the title of which is vested in any railroad company.

Twenty-eighth. The value of all improvements, except plowing, on lands held under the law of the United States.

SEC. 17. EXAMINATION UNDER OATH BY ASSESSOR—REFUSAL TO ANSWER.] Whenever the Assessor shall be of opinion that the person listing property for himself or for another person, company or corporation, has not made a full, fair and complete list of such property, he may examine such person under oath in regard to the amount of property he is required to list; and if such person shall refuse to answer under oath and a full discovery make, the Assessor may list the property of such person or his principal, according to his best judgment and information.

SEC. 18. DEDUCTIONS FROM CREDITS—HOW MADE.] In making up the amounts of credits which any person is required to list for himself or other person, company or corporation, he shall be entitled to deduct from the gross amount thereof the amount of all *bona fide* indebtedness of himself or of any such person, company or corporation; but no acknowledgment of indebtedness, not founded on actual consideration, believed when received to have been adequate, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt in the meaning of this section. Nothing in this section shall be so construed as to apply to any bank, banker, company or corporation exercising banking powers or privileges, or to authorize any deductions allowed by this section, from the value of any other item of taxation than credits; *Provided*, That grain to the amount of \$300 in value, held for sale by the producer of the same, may be included with credits in the deductions herein authorized.

SEC. 19. WHAT ARE PROPER DEDUCTIONS—VERIFICATIONS OF DEDUCTIONS.] No person, company or corporation shall be entitled to any deductions on account of any bond, note or obligation of any kind given to any mutual insurance company nor on account of any unpaid subscription to or installment payable on the capital stock of any company, whether incorporated or unincorporated; and in all cases where deductions are claimed from credits, the Assessor shall require that such deductions be verified by oath of the person, officer or agent claiming the same; and any such person, officer or agent knowingly or wilfully making a fraudulent statement of such deductions claimed, so verified by affidavit, shall be liable to a fine of not less than \$100 nor more than \$1,000 in addition to all damages sustained by the State, county or other local corporation, to be recovered in any proper form of action in any court of competent jurisdiction, in the name of the State of North Dakota.

SEC. 20. WHO ARE DEEMED TO BE MERCHANTS—PROPERTY CONSIGNED—NURSERY STOCK.] Whoever owns or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property, within this State, with authority to sell the same which has been purchased either in or out of the State with a view to being sold at an advanced price or profit, or which has been consigned to him out of this state, for the purpose of being sold at any place within this State shall be held to be a merchant, and when he is by this act required to make out and deliver to the Assessor a statement of his personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property, the product of this State; nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such prop-

erty, nor any profit to be derived from its sale. The stock of nurserymen or otherwise shall be listed and assessed as merchandise.

SEC. 21. WHO ARE DEEMED TO BE MANUFACTURERS—WHAT TO BE LISTED.] Every person who purchases, receives or holds personal property of any description, for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making gain or profit by so doing, shall be held to be a manufacturer; and he shall, when required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind, and every manufacturer shall list, as part of his manufacturer's stock, the value of all his engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, including all tools and implements of every kind used or designed to be used for the aforesaid purpose, except such fixtures as have been considered as part of any parcel of real property.

SEC. 22. PROPERTY OF COMPANIES OR ASSOCIATIONS, HOW AND BY WHOM LISTED.] The president, secretary or principal accounting officer of any company or association, whether incorporated or unincorporated, except railroad, companies and banking corporations whose taxation is specifically provided for in this act, shall make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly.

First. The name and location of the company and association.

Second. The amount of capital stock authorized and the number of shares into which said capital stock is divided.

Third. The amount of capital stock paid up.

Fourth. The market value, or if they have no market value, then the actual value of the shares of stock.

Fifth. The total amount of all indebtedness except the indebtedness for current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth. The value of all real property, if any.

Seventh. The value of its personal property. The aggregate amount of the fifth, sixth and seventh items shall be deducted from the total amount of the fourth, and the remainder, if any, shall be listed as "bonds or stocks," under Subdivision 24 of Section 16 of this act; the real and personal property of each company or association shall be listed and assessed the same as other personal property; in all cases of failure or refusal of any person, officer, company or association to make such return or statement it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

SEC. 23. BANKERS, BROKERS STOCK AND JOBBERS, HOW AND WHAT THEY SHALL LIST.] The accounting officer of every bank whose capital is not represented by shares of stock, and every private banker, broker or stock jobber, shall make out and deliver to the assessor, when required to list personal property, a statement which he shall verify by oath, showing:

First. The amount of money on hand or in transit.

Second. The amount of funds in the hands of other banks, brokers or others subject to draft.

Third. The amount of checks or cash items, the amount thereof not being included in either of the preceding items.

Fourth. The amount of bills receivable discounted or purchased and other credits due or to become due, including accounts receivable, interest accrued but not due, and interest due and unpaid.

Fifth. The amount of bonds and stocks of every kind (except United States bonds) and shares of capital stock of joint stock or other companies or corporations held as an investment or in any way representing assets.

Sixth. All property pertaining to said business, other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

Seventh. The amount of all deposits made with them by other parties.

Eighth. The amount of all accounts payable other than current deposit accounts.

The amount of the seventh and eighth item shall be deducted from the aggregate amount of the first, second, third and fourth items, and the remainder, if any, shall be listed as money under Subdivision 18 of Section 16 of this act. According to the provisions of said Section 16, the amount of the fifth item shall be listed as bonds and stocks under the said Section 16, and the said sixth item shall be listed the same as other similar personal property is listed under this act, except that in the case of savings banks organized under the laws of this State, the amount of the seventh and eighth items above enumerated shall be deducted from the aggregate amount of the first, second, third, fourth, fifth and sixth items also above enumerated, and the remainder, if any, shall be listed as credits according to the provisions of Section 16.

SEC. 24. BANK STOCK—WHERE AND AT WHAT VALUATION TO BE LISTED.] The stockholders of every bank located in this State, whether such bank has been organized under the banking laws of this State, or of the United States, shall be assessed and taxed on the value of their shares of stock therein in the county, town, district, city or village where such bank or banking association is located, and not elsewhere, whether such stockholders reside in such places or not; such shares shall be listed and assessed annually, with regard to the ownership and value thereof, on the first day of May of each year. To aid the assessor in determining the value of such shares of stock, the accounting officer of every bank shall furnish a statement to the assessor, verified by oath, showing the amount and number of such shares of capital stock of such bank, the amount of its surplus or reserve fund, and the amount of its legal investments in real estate, which real estate shall be assessed and taxed as other real estate is assessed and taxed under this act. The assessor shall deduct the amount of such investments in real estate from the aggregate amount of such capital and surplus fund, and the remainder shall be taken as a basis for the valuation of such shares of stock in the hands of the stockholders, subject to the provisions of law requiring all property to be assessed at its true and full value. The shares of capital stock of national banks not located in this State, held in this State, shall not be required to be listed under this act.

SEC. 25. BANK TO KEEP AND FURNISH LIST OF STOCKHOLDERS.] In every bank and banking office there shall be kept at all times a full and correct list of the names and residences of the stockholders, owners or parties interested therein, showing the number of shares and amount held, owned or controlled by each party in interest, which statement or list shall be subject to the inspection of the officer authorized to assess property for taxation; and it shall be the duty of the accounting officer or cashier of each bank or banking institution to furnish the assessor with a duplicate copy of such statement, verified by oath, which shall be returned to the county auditor and filed in his office.

SEC. 26. TAXES ON BANK STOCK TO BE A LIEN ON DIVIDENDS.] To secure the payment of taxes on bank stock or banking capital, it shall be the duty of every bank, or managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholders or owners as shall be necessary to pay any taxes levied upon their shares of stock or interest, respectively, until it shall be made to appear to such bank or its officers that such taxes have been paid; and any officer, or any such bank who shall pay over or authorize the paying over of any such dividend or a portion thereof, contrary to the provisions of this section shall thereby become liable for such tax; and if the said tax shall not be paid, the county treasurer where said bank is located shall sell such shares or interest to pay the same, like other personal property; and, in case of sale, the provisions of law in regard to the transfer of stock, when sold on execution, shall apply to such sale.

SEC. 27. CERTAIN PROPERTY HELD TO BELONG TO LESSEE OR EQUITABLE OWNER.] Property held under a lease for a term of three or more years, or a contract for the purchase thereof, belonging to the State, or to any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, or to any railroad company or corporation whose property is not taxed

in the same manner as other property, shall be considered, for all purposes of taxation, as the property of the person so holding the same.

SEC. 28. ALL PROPERTY TO BE ASSESSED AT FULL VALUE—VALUE, HOW DETERMINED.] All property shall be assessed at its true and full value in money. In determining the true and full value of real and personal property, the assessor shall not adopt a lower or different standard of value; because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value, the price for which said property would sell at auction or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon, and the aggregate value of the property including all structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair voluntary sale for cash. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof. Every credit for a sum certain, payable either in money, property of any kind, labor or services, shall be valued at the full price of the same so payable; if for a specific article or a specific number or quantity of any article of property, or for a cert-in amount of labor or for services of any kind, it shall be valued at the current price of such property or for such labor or services at the place where payable.

SEC. 29. COUNTY AUDITOR TO FURNISH BOOKS, ETC.—LIST OF REAL PROPERTY—OF MORTGAGES—MEETING OF ASSESSORS.] The county auditor shall annually provide the necessary assessment books and blanks, at the expense of the county, for and to correspond with each assessment district or township. He shall make out in the real property assessment book complete lists of all lands or lots subject to taxation (showing the names of owners, if to him known, and, if unknown, so state it) the number of acres, and the lots, or parts of lots or block, included in each description of property. There shall be appended to each personal property assessment book a list of all mortgages, or other real estate securities, held, owned or controlled by the residents of the town or district, showing the names of the owners or agents, alphabetically arranged, and the amount due on each separate instrument. It is hereby made the duty of the register of deeds to make out such lists according to the records of his office, and deliver them to the county auditor on or before the last Saturday of March in each year. The assessment books and blanks shall be in readiness for delivery to the assessors on the last Saturday of March in each year; and the assessors shall meet on that day, at the office of the county auditor, for the purpose of receiving such books and blanks, and for conference with the auditor and county commissioners in reference to the performance of their duties, and the county commissioners shall meet upon that day for that purpose.

SEC. 30. BOARD OF ASSESSORS.] Each county in this State shall be divided into not less than three, nor more than ten, assessment districts, said division to be made by the board of county commissioners; said districts shall be bounded by the lines of organized townships or cities, and one assessor shall be appointed for each of said districts for a term of two years, said appointment to be made by a board of appointment consisting of the county judge, the county auditor and the clerk of the district court; said assessors so appointed shall receive as compensation for their services \$3 per day, and no more, for the time actually employed in making and completing said assessment; *Provided*, That cities organized under the General Laws of this State shall not be included in the districts provided for in this section, but the assessors of such cities shall act with the board of county assessors in meetings or consultations of such board.

SEC. 31. BOND AND OATH OF ASSESSOR.] Every person elected or appointed to the office of assessor shall, at or before the time of receiving the

assessment books, file with the county auditor his bond, payable to the State of North Dakota, with at least one good freeholder surety, to be approved by the State's attorney, in the penal sum of \$500, conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by law; and he shall moreover, take and subscribe on said bond an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this act, and if any person so elected or appointed fails to give bond, or fails to take the oath required within the time prescribed, such failure shall be deemed a refusal to serve.

SEC. 32. ASSESSMENTS—WHEN AND HOW MADE.] The assessor shall perform the duties required of him during the months of May and June of each year, except in cases otherwise provided, and in the following manner to-wit: He shall actually view, when practicable, and determine the true and full value of each tract or lot of real property listed for taxation, and shall enter the value thereof in one column and the value of all improvements and structures thereon in another column, opposite each description of property, also the total value of the same including improvements and structures. He shall make an alphabetical list of the names of all persons in his town or district liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property; and the assessor shall thereupon determine the value of the property included in such statement, and enter the same in his assessment books opposite the name of the party assessed; and in making such entry in his assessment books he shall give the name and the postoffice address of the party listing the property, and, if the party resides in a city, the assessor shall give the street and number, or other brief description of the residence or place of business.

SEC. 33. The assessor shall every odd numbered year, at the time of taking a list of personal property, also assess all real property situated in his town or district, that may have become subject to taxation since the last previous assessment of property therein, and all new buildings or structures, whether completed or in process of construction, of any kind, of over \$100 in value, the value of which has not been previously added to, or included in the value of the land, on which such structure has been erected, and shall make return thereof to the county auditor, with his return of personal property, showing the tract or lot of real property on which each structure has been erected, and the true value added to such parcel of real property by the erection thereof; and in case of the destruction by fire, flood or otherwise of any building or structure of any kind over \$100 in value, the value of which has been included in the last preceding valuation of land upon which such building or structure stood, the assessor shall determine as near as practicable, how much less such land would sell for at private sale in consequence of such destruction, and make a return thereof to the county auditor.

SEC. 34. STATEMENT OF PERSONAL PROPERTY TO BE MADE BY OWNERS.] The assessor shall call at the office, place of doing business or residence of each person required by this act to list property and list his name, and shall require such person to make a correct statement of his property in accordance with the provisions of this act; and every person so required shall enter a true and correct statement of such property in the form prescribed, which statement shall be signed and verified by the oath of the person listing the property and delivered to the assessor, who shall thereupon assess the value of such property and enter the same in his books; *Provided*, If any property is listed or assessed on or after the fourth Monday in June and before the return of the assessor's books, the same shall be as legal and binding as if listed and assessed before that time.

SEC. 35. SICKNESS AND ABSENCE OF OWNER—DUTY OF ASSESSOR.] If any person required by this act to list property be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office or usual place of business of such person a written or printed notice, requiring such

person to make out and leave at the place named by such assessor, on or before some convenient day named therein, the statement or list required by this act, the date of leaving such notice, and the person required to list the property shall be noted by the assessor in his assessment book.

SEC. 36. REFUSAL TO LIST OR SWEAR TO STATEMENT, DUTY OF ASSESSOR—OATH.] In any case where any person whose duty it is to list personal property for taxation, has refused or neglected to list the same when called on by the assessor for that purpose, or to take and subscribe an oath in regard to the truth of his statement of personal property, or any part thereof, when required by the assessor the assessor shall enter opposite the name of such person in an appropriate column the words: "Refused list," or "Refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent or unable by sickness to list the same, the assessor shall enter opposite the name of such person in an appropriate column the words: "Absent" or "sick." The assessor is hereby authorized to administer oaths to all persons who by the provisions of this act are required to swear, or whom he may require to testify in any case; and he may examine, upon oath, any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or to verify his list of personal property.

SEC. 37. NUMBER OF SCHOOL DISTRICT TO BE GIVEN WHERE PROPERTY IS ASSESSED.] It shall be the duty of assessors, when assessing personal property, to designate the number of the school district in which each person assessed is liable for tax, which designation shall be made by writing the number of the district opposite each assessment in a column provided for that purpose in the assessment book. When the personal property of any person is assessable in several school districts, the amount in each shall be assessed separately and the name of the owner placed opposite each amount.

SEC. 38. FAILURE TO OBTAIN ASSESSMENT—DUTY OF ASSESSOR.] In all cases of failure to obtain a statement of personal property, from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property, and assess the same at such amount as he believes to be the true value thereof. The assessor when requested shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor. The assessor of each district shall, on or before the fourth Monday in June of each year, file with the town or city clerk of each organized town or city, the assessment list or roll for such town or city, where it shall remain subject to the inspection of the residents or property owners of such town or city until the Saturday following.

SEC. 39. TOWN BOARD OF REVIEW—DUTIES, COMPLAINTS AND GRIEVANCES.] The board of supervisors of each town, the recorder and president of each incorporated village, and the assessor, recorder and mayor of each city (except cities whose charters provide for a board of equalization) shall meet on the fourth Monday of June at the office of the town clerk or recorder, for the purpose of reviewing the assessment of property in each town or district, and they shall immediately proceed to examine, ascertain and see that all taxable property in their town or district has been properly placed upon the list and duly valued by the assessor; and in case any property, real or personal, shall have been omitted by inadvertance or otherwise, it shall be the duty of the said board to place the same upon the list with the true value thereof, and proceed to correct the assessment, so that each tract or lot of real property, and each article, parcel or class of personal property shall be entered on the assessment list at the true value thereof; but the assessment of the property of any person shall not be raised, until each person shall have been duly notified of the intent of the board so to do, and on the application of any person considering himself aggrieved, they shall review the assessment and correct the same as shall appear to them just; any two of said officers are authorized to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented on that day; *Provided*, That they shall complete the equalization within six days. All complaints and grievances of

individuals, residents of the town or district, in reference to the assessment of personal property, shall be heard and decided by the town board; *Provided*, That the complaints of non-residents in reference to the assessment of any property, real or personal; and of others in reference to any assessment made after the meeting of the town board of review shall be heard and determined by the county board.

SEC. 40. NOTICE OF MEETING OF BOARD OF REVIEW TO BE POSTED.] The assessor shall cause at least ten days previous, notice of the time and place of the meeting of the town board of review, by posting notice in at least three public places in each town or district; but the failure to give such notice or hold such meeting shall not vitiate such assessment, except as to the excess of valuation of tax thereon shown to be unjustly made or levied.

SEC. 41. ASSESSOR'S STATEMENT AND RETURN TO AUDITOR.] The assessors shall add up and note the amount of each column in their assessment books after making the corrections made by the town board of review. They shall also make in each book, under proper headings, a tabular statement, showing the footings of the several columns upon the page, and shall add up and set down, under the respective headings, the total amount of the several columns; and on or before the first Monday of July or within two days thereafter, he shall make return to the county auditor of his assessment books, and deliver therewith the lists and statements of all persons assessed, all of which shall be filed and preserved in the office of the county auditor. Such returns shall be verified by his affidavit, and substantially in the following form:

STATE OF NORTH DAKOTA, }
COUNTY. } ss:

I,, assessor of, do solemnly swear that the book to which this is attached contains a full list of all the real property (or personal property, as the case may be), subject to taxation in, so far as I have been able to ascertain the same, and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is in each case the true and full value of such property, to the best of my knowledge and belief (where the assessment has been corrected by the town board, except as corrected by the town board), and that the footings of the several columns in said book and the tabular statement returned herewith is correct, as I verily believe.

.....
 Assessor.

Subscribed and sworn to before me this.....day of.....18...

[L. S.] Auditor of.....County.

SEC. 42. LIST GIVEN TO AUDITOR FOR PERSONS SICK OR ABSENT.] If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such person, or his agent having charge of such property, may, at any time before the extension of taxes thereon by the county auditor, make out and deliver to the county auditor a statement of the same as required by this act, and the county auditor in such case shall make an entry thereof and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the county auditor from any person who refused or neglected to make oath to his statement when required by the assessor, as provided herein; nor from any person, unless he makes and files with the county auditor an affidavit that he was absent from his town and district without design to avoid the listing of his property, or was prevented by sickness from giving the assessor the required statement when called upon for that purpose.

SEC. 43. AUDITOR TO EXAMINE ASSESSMENT BOOKS AND HAVE RETURNS CORRECTED.] The county auditor shall carefully examine the assessment books when returned to him by the assessors, and if he discovers that the assessment of any property has been omitted he shall enter the same upon the proper list and forthwith notify the assessor making such omission, who shall immediately

proceed to ascertain the value of such property and make the necessary corrections.

SEC. 44. COUNTY BOARD OF EQUALIZATION—MEETINGS—DUTIES.] The county commissioners, or a majority of them, with the county auditor, shall form a board for the equalization of the assessment of the property of the county; they shall meet for this purpose annually, on the second Monday in July, at the office of the auditor; and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns and assessment of the property of the several towns or districts of the county, and proceed to equalize the same, so that each tract or lot of real property shall be entered on the assessment list at its true and full value, subject to the following rules:

First. VALUATION OF REAL PROPERTY—WHEN TO BE RAISED.] They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true full value to such price and sum as they believe to be the true and full value thereof.

Second. SAME—WHEN TO BE REDUCED.] They shall reduce the valuation of each tract or lot which in their opinion is returned above its true and full value to such price and sum as they believe to be the true and full value thereof.

Third. VALUATION OF PERSONAL PROPERTY—WHEN TO BE RAISED.] They shall raise the valuation of each class of personal property which in their opinion is returned below its true and full value to such price and sum as they believe to be the true and full value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate valuation is less than the valuation of the taxable personal property of such individual to such amount as they believe was the true and full value thereof.

Fourth. SAME—WHEN TO BE REDUCED.] They shall, upon complaint of any party aggrieved, being a non-resident of the town or district in which his property is assessed, reduce the valuation of each class of personal property enumerated in Section 16 aforesaid, which, in their opinion, is returned above its true and full value, to such price and sum as they believe to be the true and full value thereof; upon like complaint they shall reduce the aggregate valuation of the personal property of such individual, who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and full value of the personal property.

Fifth. AGGREGATE VALUATION NOT TO BE REDUCED, BUT MAY BE INCREASED.] They shall not reduce the aggregate value of the real property, or the aggregate value of the personal property of their county below the aggregate value thereof, as returned by the assessors, with the additions made thereto by the auditor as hereinbefore required, but they may raise the aggregate valuation of such real property and of each class of personal property of said county or any town or district thereof, whenever they believe the sum is below the true and full value of said property or class of property, to such aggregate amount as they believe to be the true and full value thereof.

Sixth. AUDITOR TO PUBLISH RECORD—LENGTH OF TIME.] The county auditor shall keep an accurate journal or record of the proceedings and orders of said board, showing the facts and evidence upon which their action is based; and said record shall be published the same as other proceedings of county commissioners, and a copy of such published proceeding shall be transmitted to the Auditor of the State, with the abstract of assessment hereinafter required. The county board of equalization may continue in session, and adjourn from day to day not exceeding ten days, commencing on the said second Monday of July; the county commissioners on completion of equalization must proceed to make the the levy for taxes for the current fiscal year.

SEC. 45. CORRECTED LISTS—ABSTRACTS FOR STATE AUDITOR.] The county auditor shall calculate the changes of the assessment lists determined by the county board of equalization, and make corrections accordingly. Having made such corrections of the real or personal lists, or both, as the case may be, he shall make duplicate abstracts of the same, one copy of which he shall file in

his office and one copy he shall forward to the Auditor of the State, on or before the fourth day of August following each county equalization.

SEC. 46. STATE BOARD OF EQUALIZATION—HOW CONSTITUTED—MEETINGS—RULES FOR EQUALIZING.] The Governor, State Auditor and Attorney General, with one qualified elector, not a member of any county board of equalization, from each judicial district of the State, to be appointed by the Governor, with the advice and consent of the Senate, shall constitute the State board of equalization. The persons so appointed shall hold their office for the term of two years from the first day of March succeeding their appointment, except that the term of office of the members of said board appointed for the year 1890 shall expire March 1, 1891. The Governor shall fill all vacancies that may occur in said board by special appointment. The Governor shall be ex-officio president of said board, and the State Auditor shall act as secretary. The board may adjourn from day to day, and may employ such clerical assistance as may be deemed necessary to facilitate its labors. The members of said board shall receive the same *per diem* and mileage as may be allowed to members of the Legislative Assembly. The said board shall meet annually on the third Tuesday in August at the office of the State Auditor, and each member having taken the oath prescribed by law, they shall examine and compare the returns of the assessment of the property in the several counties of the State, and proceed to equalize the same, so that all the taxable property in the State shall be assessed equally and at its true and full value. In the performance of their duties they shall be governed by the following rules:

First. They shall add to the aggregate valuation of the real property of every county, which they believe to be valued below its true and full value in money, such *per centum* in each case as will bring the same to its true and full value in money.

Second. They shall deduct from the aggregate valuation of the real property of every county, which they believe to be valued above its true and full value, such *per centum* in each case as will reduce the same to its true and full value in money.

Third. If they believe that the valuation of the real property of any town or district in any county or of the real property of any county not in towns, villages or cities, should be raised or reduced, without raising or reducing the other real property of such county, or without raising or reducing it in the same ratio, they may in every such case add to or take from the valuation of any one or more of such towns, villages or cities or of the property not in towns, villages or cities, such *per centum* as they believe will raise or reduce the same to its true and full value in money.

Fourth. They shall add to the aggregate valuation of any class of personal property of any county, town, village or city which they believe to be valued below the true and full value thereof such *per centum* in each case as will raise the same to its true and full value in money.

Fifth. They shall take from the aggregate valuation of any class of personal property in any county, town, village or city, which they believe to be valued above the true and full value thereof, such *per centum* as will reduce the same to its true and full value in money.

Sixth. They shall not reduce the aggregate valuation of all the property in the State, as returned by the several county auditors, more than one *per centum* on the whole valuation thereof.

SEC. 47. The secretary shall keep a record of the proceedings of the board, which shall be published in the annual report of the State Auditor, and upon final adjournment he shall transmit to each county auditor an abstract of such proceedings specifying the *per centum* added to or deducted from the valuation of the real property of each of the several towns, villages or cities, and of the real property not in towns, villages and cities, in case an equal *per centum* has not been added to or deducted from each, and specifying also the *per centum* added to or deducted from the several classes of personal property, in each of the towns, townships, villages and cities in the State; and the county auditor shall add to or deduct from each tract or lot of real property in his county the required *per centum* on the valuation thereof, as it stands

after the same has been equalized by the county board of equalization, adding in each case any fractional sum of fifty cents or more, and deducting in each case any fractional sum of less than fifty cents, so that the value of any separate tract or lot shall contain no fraction of a dollar, and shall also add to or deduct from such class of personal property in his county, the required *per centum* on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, adding or deducting in manner as aforesaid, any fractional sum, so that the value of any separate class of personal property shall contain no fraction of a dollar.

SEC. 48. All county, township, town, city and school district taxes, except special taxes for local improvement in cities or villages, or unless specially provided for by law, shall be levied or voted in specific amounts and the rate *per centum* shall be determined from the amount of property as equalized by the State board of equalization each year. The State tax shall be levied by the Legislature, and the rate of such tax shall be certified by the State Auditor to each county auditor on or before the fifteenth day of September annually. The county taxes shall be levied by the county commissioners at the time of their meeting in July of each year. Such taxes shall be based upon an itemized statement of the county expenses for the ensuing year, which statement shall be included in the published proceedings of said board, and no greater levy of county tax shall be made upon the taxable property of any county than will be equal to the amount of such expenses, with an excess of 5 per cent. of the same. The taxes voted by incorporated cities, villages, townships or school districts, shall be certified by the proper authorities to the county auditor on or before the twentieth day of July in each year.

The rate *per centum* of all taxes except the State tax and such other taxes, the rates of which may be fixed by law, shall be calculated and fixed by the county auditor, according to the limitations hereinafter prescribed; *Provided*, that if any county, city, town or school district shall return a greater amount than the prescribed rate will raise, then the county auditor shall only extend such amount of tax as the limited rate will produce.

SEC. 49. TAX LIST TO BE MADE OUT BY COUNTY AUDITOR—FORM OF THE BOOKS.] The county auditor shall make out the tax lists according to the prescribed form, and to correspond with the assessment districts of the county. The rate per cent. necessary to raise the required amount of the various taxes shall be calculated on the assessed valuation of property as determined by the State Board of equalization; but in calculating such rates, no rates shall be used resulting in any fraction, or less than one-tenth of a mill; and in extending any tax whenever it amounts to the fractional part of a cent it shall be made one cent. The tax list shall also be made out to correspond with the assessment book, in reference to ownership and description of property, with columns for the valuation and for the various items of tax included in the total amount of all taxes set down opposite each description of property. The amount of special taxes shall be entered in the proper columns, but the general taxes may be shown by entering the rate per cent. of each tax at the head of the proper columns without entending the same, in which case a schedule of the rates per cent. of such taxes shall be made on the first page of each tax list; such lists shall also show in a separate column the years for which any piece or parcel has been sold for taxes, if the same has not been redeemed, or deeded for such taxes. The county auditor shall on or before the first day of December in each year, make and transmit to the State Auditor, in such form as the State Auditor may prescribe, a complete abstract of the tax list of his county.

SEC. 50. CERTIFICATE OF COUNTY AUDITOR TO TAX BOOK.] It shall be the duty of the county auditor to make in each tax book or list a certificate in the following form, viz.:

STATE OF NORTH DAKOTA, }
.....COUNTY. }

I,....., auditor of.....county, State of North Dakota, hereby certify that the following is a correct list of the taxes levied on the real

and personal property in the town [or district, as the case may be] of ,
for the year one thousand eight hundred and

Witness my hand and official seal this day of 18

County Auditor.

SEC. 51. TAX LIST—WHEN TO BE DELIVERED TO TREASURER.] The county auditor shall deliver the lists of the several districts of the county to the county treasurer, on or before the first day of December in each year, taking his receipt therefor; and such lists shall be full and sufficient authority for the county treasurer to receive and collect taxes therein levied.

SEC. 52. COUNTY TREASURER TO BE COLLECTOR OF TAXES.] The county treasurer shall be the receiver and collector of all taxes extended upon the tax list of the county, whether levied for state, county, city, town, school, poor, bridge, road or other purposes, anything in the charter of any city or town, or in any other act of the Legislature heretofore passed to the contrary notwithstanding; except the special taxes for local improvements provided for in Article 15, Chapter 73, Laws of 1887, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county; and he shall proceed to collect the same according to law, and place the same, when collected, to the credit of the proper funds; but this provision shall not be construed so as to include any fines or penalties according to any municipal corporation for the violation of its ordinances and which were recovered before any city justice.

SEC. 53. THE RECEIPTS—WHAT THEY SHALL SPECIFY—DUPLICATE STUBS.] The county treasurer, upon the payment of any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, town or city lot, or what other property, on which said tax was levied, according to its description on the tax list, or in some other sufficient manner, and the year or years for which the tax was levied, and each year's tax shall be on a separate receipt, and the receipts for each year shall be numbered from one upwards, until the tax list is returned to the auditor. Each receipt shall also specify the years for which any of the real estate described therein has been sold for taxes and not redeemed. The said receipt shall have a duplicate stub, showing the name of the person, description of property and the amount and date of payment; and the county treasurer shall return all such duplicate stubs, made by himself or deputies, to the auditor at the end of each day, who shall file and preserve them in his office, charging the treasurer with the amount thereof.

SEC. 54. WHAT ORDERS RECEIVED FOR TAXES.] The county treasurer shall receive State warrants for State taxes and county warrants on the several county funds for which taxes may be levied, to the amount of the tax for such fund, without regard to priority of number; and he shall write or stamp across the face of all such county warrants the date of their receipt, and the name of the person from whom received.

SEC. 55. DELINQUENT PERSONAL PROPERTY TAX—PENALTY—DISTRESS.] All unpaid personal property tax shall be deemed delinquent on the first day of March next after they become due, and thereupon a penalty of five per cent. shall attach and be charged upon all such taxes. After the first day of March the county treasurer shall immediately proceed to collect all delinquent personal property taxes, and if such taxes are not paid on demand, he shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with the said penalty of five per cent. and all accruing costs, and shall immediately proceed to advertise the same in three public places in the town or district where such property is taken, stating the time when and the place where such property will be sold, and if the taxes for which such property is distrained, and the costs which accrue thereon, are not paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such treasurer or his deputy shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay said taxes and costs of such distress and sale.

SEC. 56. LIST OF UNCOLLECTED TAXES TO BE FILED WITH THE AUDITOR—CANCELLATION BY COMMISSIONERS.] If the county treasurer is unable for want of goods or chattels whereupon to levy, to collect, by distress or otherwise, the

taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation or any executor or administrator, guardian, receiver or a counting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of June following, a list of such taxes with an affidavit of himself or the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes and was unable to make or collect the same; he shall note on the margin of such list the place to which any delinquent tax payer may have removed, with the date of his removal, if he is able to ascertain such fact. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied can not be collected.

SEC. 57. SUIT AND JUDGMENT FOR DELINQUENT TAX PROCEEDINGS.] Within ten days after the adjournment of the board of county commissioners, the auditor shall file a copy of such revised list with the clerk of the district court of the county, and within ten days after the filing of such copy, the clerk shall issue and deliver to the sheriff of the county where the person against whom such tax is claimed may at the time reside or be, for service, a citation to each delinquent named on said list, stating the amount of tax and penalty, and requiring such delinquent to appear on the first day of the next general term of the district court in the county and show cause, if any there be, why he should not pay said tax and penalty; and if he fails to pay said tax, penalty and costs to the sheriff before the first day of the term, or on said day to show cause as aforesaid, the court shall direct the clerk to enter a judgment against such delinquent for the amount of such tax, penalty and costs; *Provided, however,* That whenever the sheriff has for any reason been unable to serve any citation, heretofore issued in such proceeding in any year or years, or whenever the court has or hereafter may for any reason decide that the service of any such citation heretofore made or attempted to be made, or that the issuance thereof by the clerk was illegal, the clerk of said court shall in every such case issue another citation of the character aforesaid, and requiring such delinquent to appear on the first day of the next general term of said district court, held in said county, to show cause as aforesaid, and if he fails to pay the tax, penalty and costs to the sheriff before said first day of said term, or to show cause as aforesaid, the court shall direct the clerk to enter judgment as aforesaid; *Provided, further,* That all citations other than the first, shall only be issued upon the request of the State's Attorney for said county; and, *Provided further,* The citation herein provided for, shall be *prima facie* evidence that all the provisions of law in relation to the assessment and levy of taxes have been complied with, and no omission of any of the things by law provided in relation to such assessment or levy, or of anything required by any officer or officers to be done prior to the issuance of such citation, shall be a defense or objection to such taxes, unless it be made to appear that such omission has resulted to the prejudice of the party objecting, and that such taxes have been unfairly or unequally assessed, and in such case, but in no other, the court may reduce the amount of such taxes and give judgment accordingly. It shall, however, always be a defense to such taxes, that the same have been paid, or that the property upon which the same were assessed, was not subject to taxation.

SEC. 58. CLERK'S FEES FOR JUDGMENT—EXECUTION.] The clerk shall receive as fees for issuing such citation and perfecting judgment, \$1.50 in case not contested; and in contested cases, such fees as are allowed by law in civil actions. Executions shall be issued upon such judgment at the request of the county attorney, and shall state that the judgment was obtained for delinquent taxes, and no property shall be exempt from seizure thereon.

SEC. 59. PENALTY FOR NEGLECT FOR REFUSAL OF TREASURER.] If any county treasurer shall refuse or neglect to collect any tax assessed upon personal property where the same is collectible, or to file the delinquent list and affidavit, as herein provided, he shall be held, in his next settlement with the auditor, liable for the whole amount of such taxes uncollected; and the same shall be de-

ducted from his salary or fees and applied to the several funds for which they were levied.

SEC. 60. REMOVAL OF DELINQUENT TAX-PAYER TO ANOTHER COUNTY—DUTY OF THE AUDITOR.] The county auditor, within thirty days after receiving the delinquent list of personal property taxes, shall make out and forward to the clerk of the court of any county in this State to which any delinquent tax payer may have removed, a statement or account of such delinquent taxes, specifying the value of property on which said taxes were levied thereon, to which he shall add an amount equal to the sum of 25 *per centum* on the taxes levied, if said delinquent tax payer left the county in which said taxes were levied after the time required by law for the county auditor to deliver the tax list to the county treasurer; but if he left the county previous to the time required by law for the delivery of the list to the county treasurer, then the said county auditor shall not add 25 *per centum*.

SEC. 61. MANNER OF COLLECTING FROM SUCH PERSON.] On receipt of any such statement or account, the clerk of the court receiving the same shall in his warrant to the sheriff of his county, and the sheriff shall immediately proceed to collect the same of the person so charged with said taxes and *per centum*, together with a fee of twenty-five cents for each warrant so issued; which sum when collected shall be paid to the clerk as his fee for issuing the same and all taxes thus collected shall be by him remitted to the treasurer of the county to which said taxes belong; and, at the same time, he shall return the original statement or account to the auditor of the county from which it was received, stating the amount of his collections, and, if any taxes remained unpaid the reason why said taxes could not be collected, certifying in his official capacity to the same; and the auditor shall charge the treasurer to whom such remittance is made with the amount thereof, and cancel said taxes from the list; *Provided*, That in case of all delinquent taxes collected by the sheriff, receipts shall be issued to him and payment shall be made in the manner provided in Section 53 of this act.

SEC. 62. THE TREASURER'S FEES FOR MAKING DISTRESS AND SALE.] The county treasurer or his deputy shall be allowed the same fees for making distress and sale of goods and chattels, for the payment of taxes, as are allowed by law for constables for making levy and sale of property on execution; traveling fees to be computed from the place of holding elections of any town or district to the place of making the distress, unless such distress is made by his deputy, in which case the same shall be computed from the residence of such deputy; which fee shall be added to the tax and collected by the treasurer. Upon payment to the county treasurer of any personal property tax for which judgment has been obtained, the treasurer shall deliver a certificate of the fact of such payment, to the clerk of the court, who shall satisfy the judgment upon the margin of the record thereof, by stating the date of payment, and number of the receipt given therefor, and file such certificate.

SEC. 63. SETTLEMENT BETWEEN TREASURER AND AUDITOR.] On the first day of each month (except the month of February) of each year, the county treasurer shall make a full settlement with the county auditor of his receipts and disbursements since the last settlement, and turn over to the auditor county warrants paid by him and all auditor's warrants paid, taking the receipt of the auditor for such vouchers, and the auditor and treasurer shall distribute and credit to the proper funds all sums received since the last settlement.

SEC. 64. ACCOUNTS TO BE KEPT BY AUDITOR WITH TOWNSHIP, ETC.] The county auditor shall keep accounts with the State, county, and with each township, city, incorporated village and school district in the county; and immediately after each settlement with the county treasurer, he shall credit the collections to the proper funds; and upon application of any town, city, village or school district treasurer, the auditor shall give him an order on the county treasurer for the amount due such township, city, village or school district, and shall charge them respectively with the amount of such order; *Provided*, That the person so applying for such order shall deposit with the auditor a certificate from the clerk of the township, city, village or school district, stating that

such person is treasurer of such township, city, village or school district, duly elected or appointed, and that he has given bond according to law.

SEC. 65. WHEN TREASURER SHALL PAY OVER THE FUNDS COLLECTED.] The county treasurer shall immediately after each settlement pay over to the treasurer of the State, or of any municipal corporation or organized township, or any body politic, on the order of the county auditor, all moneys received by him, arising from taxes levied and collected, belonging to the State or to such municipal corporation or organized township or school district, taking duplicate receipts therefor, one of which shall be filed in the office of the county auditor forthwith.

SEC. 66. RETURN OF TAX LISTS TO COUNTY AUDITOR ON JUNE 1ST—FIVE PER CENT. PENALTY.] On the first day of June of each year the county treasurer shall exhibit to the county auditor the several tax lists in his hands, having compared the same with his duplicate receipts, on file in the auditor's office and written opposite the amount of each tax so receipted for, the word "paid," and the number of the treasurer's receipt given in discharge of such tax; and each tract or lot of real property against which the taxes remain unpaid shall be deemed delinquent, and thereupon a penalty of five (5) per cent. shall immediately accrue and thereafter be charged upon all such delinquent taxes without including such penalty therein, and any treasurer who shall receive payment of such taxes without including such penalty shall be liable to the county for the amount of such penalty.

SEC. 67. At the settlement on the first day of October in each year, the treasurer shall return the tax list to the auditor, and any person desiring to pay delinquent taxes contained in said list, shall receive from the auditor a statement of the amount due, and shall pay the said amount to the treasurer, taking his receipt therefor, and said receipt when countersigned by the auditor, shall be a full discharge of such tax. On the first day of October an additional five cent. shall accrue and be charged on all real estate taxes due and unpaid, to be computed upon the original tax and included in the statement provided for above.

SEC. 68. AUDITOR'S NOTICE OF SALE.] The county auditor, under the direction of the board of county commissioners, or a majority thereof, shall give notice of the sale of real property by the publication thereof, once a week, for three consecutive weeks, commencing the first week in November preceding the sale, in one of the official newspapers of the county, if there be one, and if there be no paper published in his county, shall give notice by a written or printed notice posted on the door of the court house or building in which courts are commonly held, or the usual place of meeting of the county commissioners, for three weeks previous to the sale. Such notice shall contain a notice that all lands on which the taxes of the preceding year [mentioning it] remain unpaid will be sold, and the time and place of sale; which time shall be the first Tuesday in the December following, and said notice must contain a list of the lands to be sold and the amount of taxes and penalty due. The auditor shall add to each description of land so advertised the sum of ten (10) cents for each description other than town lots, and for each town lot the sum of five (5) cents to defray the expenses of advertising, which amount shall be paid by the county commissioners at the expiration of the sale upon the affidavit of the publisher; *Provided*, That in no case shall the property so advertised be charged for such advertising an amount exceeding the sum paid for the same, as provided for in Section 84 of this act.

SEC. 69. PENALTY AND INTEREST—DISPOSITION OF.] All penalty and interest collected on delinquent taxes prior to the sale or assignment thereof for such delinquent taxes, shall be kept as a separate fund for the payment of the salaries of the treasurer and auditor, and necessary clerk hire for said offices; *Provided*, That if the amount collected in any one year shall exceed the expenses of said offices for that year, the remainder shall be credited to the county revenue fund, and no commissions or percentage for the collection of any taxes levied after the year 1889 shall be allowed or deducted therefrom, but the full amount collected for each fund shall be credited to said fund, and paid out as provided by law.

SEC. 70. AUDITOR TO SELL AT PUBLIC VENDUE.] The auditor shall sell by public vendue each piece or parcel of land separately in the order in which they are described in the delinquent list returned and by the description therein; but if the sum bid for any piece or parcel shall not be paid before the sale closes, he shall again offer such piece or parcel for sale; he shall state the amount for which each piece or parcel is to be sold, and shall then offer the same in fee to the highest bidder, who shall bid not less than the amount for which the same is to be sold. If no bidder shall bid an amount equal to that for which the piece or parcel is to be sold, then he shall bid in the same for the State at such an amount. The county treasurer shall attend the sale and receive all moneys paid thereon.

SEC. 71. CERTIFICATE OF SALE OF EACH PARCEL—WHAT TITLE PASSES.] The auditor shall execute to the purchaser of any piece or parcel of land a certificate, which may be substantially in the following form:

COUNTY CERTIFICATE OF TAX SALE.

STATE OF NORTH DAKOTA, }
 COUNTY. } ss.

I,, auditor of the county of in the State of North Dakota, do hereby certify that the following described real estate in said county and State, to-wit: [describing same] was on the day of, 18.., duly sold by me in manner provided by law for the delinquent taxes of the year 18.. thereon, amounting to dollars, including interest and penalty thereon and the costs allowed by law, to for the sum of dollars, he being the highest bidder for the same.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said or assigns will be entitled to a deed therefor on and after the day of A. D. 18.., on the surrender of the certificate.

In witness whereof I have hereunto set my hand this day of, A. D. 18..

Auditor.

SEC. 72. CERTIFICATE AS EVIDENCE—GROUNDS FOR AVOIDING SALE.] Such certificate shall in all cases be *prima facie* evidence that all the requirements of the law with respect to the sale have been duly complied with, and that the grantee named therein is entitled to a deed therefor after the time of redemption has expired. And no sale shall be set aside or held invalid, unless the party objecting to the same shall prove, either that the taxes were paid prior to such sale or that notice of such sale as required by law, was not given; or that the piece or parcel of land was not offered at said sale to the bidder who would pay the amount for which the piece or parcel was to be sold, or that the original tax levied was in excess of the amount allowed by law to be levied, nor unless the action in which the validity of the sale shall be called in question, be brought, or the defense alleging its invalidity be interposed within three years after the date of the sale, and if any sale be set aside by reason of any defect in the proceeding subsequent to the levying of such tax, the court so setting aside the sale shall have power in such case to order a new sale to be made, as near as may be in accordance with the provisions of this act.

SEC. 73. TAX SALE RECORD.] The county auditor shall make a record of the sale of real estate for delinquent taxes in a book kept for that purpose, which shall show the name of the owner (if known), the description of each piece or parcel of property as contained in the tax list, the amount of tax, the penalty and costs, the amount sold for, date of sale, to whom sold, number of the certificate, to whom assigned, date and amount of redemption (if redeemed), and by whom redeemed; if bid in for State the record shall so state.

SEC. 74. FEES FOR DEED AND CERTIFICATE.] The auditor is authorized to demand 25 cents for each deed or certificate made by him on such sale, and the fee of the notary public or other officer acknowledging the deed; but only one number of parcels of land bought by any one person shall be included in one deed or certificate; and whenever the auditor makes a deed of any land sold

for taxes, he shall enter an account thereof in the sale book opposite the description of the land conveyed.

SEC. 75. WHO MAY NOT PURCHASE—EFFECT OF PURCHASE BY OWNER.] Any person except county auditors, county treasurers, and each of their deputies or clerks, may become the purchaser at such sale. If the owner purchase, the sale shall have the effect to pass to him (subject to redemption as herein provided) every right, title and interest of any and every person, company or corporation, free from any claim, lien or incumbrance, as the owner so purchasing may be legally or equitably bound to protect against such sale, or the taxes for which such sale was made; and no such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner; *Provided*, That nothing herein contained shall be so construed as to prevent any officer or his deputy or clerk from becoming the purchaser at such sale of any lands, of which he may be the owner, or upon which he may have a lien; *Provided*, That no county auditor, county treasurer, their deputies or clerks shall act as attorney for the purchasers at such sale.

SEC. 76. TAXES FOR SUBSEQUENT YEARS ON PROPERTY SOLD AT TAX SALE.] The taxes for subsequent years shall be levied on property so sold or bid in for the State, in the same manner as though the sale had not been made; and if the purchaser or assignee of the State shall pay such taxes, the amount thereof with interest from the date of payment, after they shall have become delinquent, at the same rate as is provided upon the amount bid at the sale, shall be added to and be a part of the money necessary to be paid for redemption from sale.

SEC. 77. PROPERTY BID IN FOR THE STATE—TO WHOM ASSIGNED—FORM OF ASSIGNMENT.] At any time after any piece or parcel of land shall have been bid in for the State, and before such piece or parcel of land shall become forfeited to the State, and while such tract or parcel of land shall remain unredeemed, the county auditor shall assign and convey the same and all the right of the State in any such piece or parcel of land acquired at such sale, to any person, except the county auditor, county treasurer and their deputies and clerks, who shall pay the amount for which the same shall have been bid in, and the amount of all subsequent delinquent taxes, penalties, costs and interest upon the same; and shall execute to such person a certificate or conveyance for each piece or parcel, which may be substantially in the following form:

I,, auditor of the county of, State of North Dakota, do hereby certify that at the sale of real estate for the delinquent taxes thereon for the county of and State aforesaid, which sale was held at the in said county of on the day of A. D. 18. for the taxes of the year the following described piece or parcel of land situate in said county of, State of North Dakota, to-wit: (insert description) was offered for sale to the highest bidder above the amount for which the same was subject to be sold; and no one bidding upon such offer on amount equal to that for which said piece or parcel was subject to be sold, the same was then bid in for the State at such amount, being the sum of and the same still remaining unredeemed, and, on this day having paid into the treasury of said county the amount for which the same was so bid in, and all subsequent tax, penalties, costs and interest amounting in all to dollars; therefore, in consideration thereof, and pursuant to law, I do hereby assign and convey all the right, title and interest of said State to said piece or parcel of land, acquired therein at said sale, to the said his heirs and assigns, subject to redemption as provided by law.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said or assigns will be entitled to a deed therefor, on and after the expiration of the time for redemption, as provided by law, and upon the surrender of this certificate. In witness whereof I have hereunto set my hand and seal this day of 18.

County Auditor.

SEC. 78. REDEMPTION WITHIN TWO YEARS FROM SALE.] If at said sale any piece or parcel of land, shall be sold to a purchaser, or bid in for the State,

the same may be redeemed at any time within three years from the date of sale, by any person having an interest therein, who shall pay into the treasury of the county for the use of the person thereto entitled.

First. WHEN RIGHT OF STATE NOT ASSIGNED.] If such piece or parcel shall have been bid in for the State, and the right of the State shall not have been assigned, the amount for which the same was bid in, together with a penalty of 5 per cent. to be added immediately at the close of the sale on the amount sold for, with interest at the rate of 15 per cent. per annum, and all subsequent delinquent taxes, penalties, costs and interest thereon.

Second. WHEN RIGHT HAS BEEN ASSIGNED.] If the right of the State shall have been assigned, the amount paid by the assignee, with interest from the day when so paid, and all unpaid delinquent taxes, interest, costs and penalties that may have accrued on such piece or parcel, after such assignment; and if he shall have paid any delinquent taxes, penalties, costs or interest accruing subsequent to the assignment, the amount so paid by him with interest at the rate of 15 per cent. per annum from the day of such payment.

Third. WHEN SOLD TO A PURCHASER.] If the same shall have been sold to a purchaser, the amount paid by such purchaser with interest, and penalty at the rate above provided, and if he shall have paid any subsequent delinquent taxes, penalties, costs or interest accruing subsequent to the sale, the amount so paid by him with interest from the date of paying the same, at the rate of 15 per cent. per annum, and all unpaid delinquent taxes, penalties, interest and costs accruing subsequent to the sale; *Provided*, That, when the property is bid in for the State the 5 per cent. penalty collected under the provisions of this section shall go to the salary fund, and in case of sale to a purchaser at the sale, the said penalty shall go to said purchaser.

SEC. 79. CERTIFICATE BY AUDITOR—RECEIPT BY TREASURER] The county auditor shall certify to the amount due upon such redemption, and on payment of the same to the county treasurer, he shall make duplicate receipts for the certified amount, describing the property redeemed, one of which shall be filed with the county auditor, which shall have the effect to annul the sale. If the amount so paid for the purpose of redemption be less than required by law, it shall not invalidate such redemption, but the auditor shall be liable for the deficiency to the persons entitled thereto.

SEC. 80. REDEMPTION BY MINORS, ETC.—WHEN TO BE MADE.] Minors, insane persons, idiots or persons in captivity, or in any country with which the United States are at war, having an estate in or lien on lands sold for taxes, may redeem the same within two years after such disability shall cease; but in such case the right to redeem must be established in a suit for that purpose, brought against the party holding the title under the sale.

SEC. 81. UNDIVIDED ESTATES—HOW REDEEMED.] Any person who has, or claims an interest in, or lien upon any undivided estate in any piece or parcel of land sold, may redeem such undivided estate by paying into the treasury a proportionate part of the amount required to redeem the whole; and in such case the certificate shall express the estate or interest redeemed.

SEC. 82. WARRANTS TO BE DRAWN FOR MONEY DUE OWNERS.] Upon application of the party entitled thereto, the auditor shall give to such party his warrant upon the treasurer for any money paid into the treasury on the sale of any piece or parcel of land in excess of the amount due upon such piece or parcel at the time of sale, or for any money paid in for redemption which may be due to the purchaser at the sale, or his assignee; *Provided*, That the certificate of sale shall be surrendered and cancelled at the time of such payment, or if the redemption is for a part, or undivided interest in such piece or parcel, the amount of such redemption and the proportion redeemed shall be indorsed thereon, which shall be a cancellation of such part of the certificate.

SEC. 83. RIGHTS OF PURCHASER WHEN LAND IS NOT REDEEMED.] The purchaser of any piece or parcel of land shall, if there be no redemption, be entitled to the possession, rents and profits at the end of two years from the date of sale; and if, on demand of such purchaser to the party or parties in possession, such party or parties refuse or neglect to render such possession, such party or parties may be proceeded against as persons holding over after the de-

termination of his or their estate, which proceedings may be instituted and prosecuted pursuant to the provisions of law in such case made and provided.

SEC. 84. VOID SALES—REPAYMENT OF MONEY TO PURCHASER.] When a sale of land as provided in this act is declared void by judgment of court, the judgment declaring it void shall state for what reason such sale is declared void. In all cases where any such sale has been or hereinafter shall be so declared void, or any certificate or deed issued under such sale shall be set aside or cancelled for any reason, or in case of mistake, or wrongful act of the treasurer or auditor, land has been sold upon which no tax was due at the time, the money paid by the purchaser at the sale, or by the assignee of the State upon taking the assignment, and all subsequent taxes, penalties and costs paid by such purchaser or assignee, shall, with interest at the rate of ten per cent. per annum from the date of such payment, be returned to the purchaser or assignee or the party holding his right, out of the county treasury on the order of the county auditor, and so much of said money as has been paid into the State treasury shall be charged to the State by the county auditor and deducted from the next money due the State on account of taxes. The county treasurer or auditor shall be liable on their bond for any loss occasioned by any such wrongful act. Whenever any sale of land, or certificate or deed, made or given under this act is declared void by judgment of court, unless the judgment declares the tax to be illegal, said tax and subsequent taxes, returned to the purchaser or assignee as provided in this section, shall remain a lien upon the land sold, and the county auditor shall advertise the same at the next succeeding annual sale, for the full amount of taxes, penalties and costs due on said piece or parcel of land.

SEC. 85. INDORSEMENT ON CERTIFICATE OF RECORD.] Before any certificate, assignment or conveyance provided for herein shall be recorded, the holder thereof shall present the same to the county auditor, who shall certify thereon that the property therein described still remains unredeemed, and no such certificate, assignment or conveyance shall be recorded by the register of deeds, unless such indorsement is made, for which the auditor shall be entitled to a fee of 25 cents for each certificate.

SEC. 86. SALE OF PROPERTY BID IN FOR THE STATE.] All pieces or parcels of real property bid in for the State under the provisions of this act, and not redeemed or assigned within three years from the date of sale shall become the absolute property of the State, and may be disposed of by the county auditor at public or private sale, as the State Auditor may direct, subject to such rules and restrictions as he may prescribe.

All tracts or lots becoming so forfeited to the State shall be stricken from the tax lists, and shall not be assessed or taxed until sold to an actual purchaser. The county auditor shall, when required by the State Auditor, make out and transmit to him a list of all forfeited lands and lots, showing the date of forfeiture, assessed valuation, amount of taxes, penalties, interest and costs, due on each description of property; and no tract or lot shall be sold for less than the amount so shown to be due thereon, unless such amount exceeds the actual value of the property, in which case it may be sold for such sum as it will bring at public or private sale. Any person having an interest in or lien upon any piece or parcel of forfeited land may redeem the same, at any time after forfeiture, and before sale thereof, by paying the amount due thereon.

SEC. 87. DEED TO BE GIVEN ON SALE OF FORFEITED.] Upon the sale of any tract or lot of forfeited real property, the county auditor shall execute to the purchaser thereof a deed in fee simple of the property so purchased, which shall pass to such purchaser absolute title therein described, without any act or deed whatsoever; and, when so sold, such land or lots shall be again listed for taxation. If the former owner of the forfeited property becomes the purchaser, such deed shall pass to him any and all rights of any action which may have arisen, or may exist, for any trespass committed upon such property prior to the execution of the deed. Such deed may be recorded as other deeds of real estate, and the record thereof shall have the same force and effect in all respects as the record of such deeds, and shall be evidence in like manner. The proceeds of lands or lots sold at such sale for a sum equal to or exceeding the amount of taxes thereon, shall be distributed the same as other collections of taxes, but if

any tract or lot shall be sold for any sum less than such amount the State shall first be paid, and the remainder, if any, shall be divided equally between the county revenue and the general school funds.

SEC. 88. TAXES PAID BY OCCUPANT OR TENANT.] When any tax on any real estate is paid by or collected of any occupant or tenant, or any other person, which, by agreement or otherwise, ought to have been paid by the owner, lessor or other party in interest, such occupant, tenant, or other person, may recover by action the amount which such owner, lessor or party in interest ought to have paid, with interest thereon at the rate of 12 per cent. per annum, or may retain the same for any rent due or accruing from him to such owner or lessor for real estate on which such tax is so paid, and the same shall, until paid, constitute a lien upon said real estate.

SEC. 89. TAXES PAID BY MORTGAGEES OR OTHERS HAVING LIENS.] Any person who has a lien by mortgage or otherwise upon any real property on which the taxes have not been paid, may pay such taxes and the interest, penalty and costs thereon, and the receipt of the county treasurer shall constitute an additional lien on such land to the amount therein stated, and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument, shall be collected with, as a part of and in the same manner, as the amount secured by the original lien.

SEC. 90. LIEN OF TAXES BETWEEN GRANTEE AND GRANTOR, ON PERSONAL PROPERTY.] The taxes assessed upon real property shall be a lien from and including the first day of May in the year in which they are levied, until the same are paid; but, as between grantor and grantee, such a lien shall not attach until the first day of December of said year. The taxes assessed upon personal property shall be a lien upon the personal property of the person assessed from and after the time the tax books are received by the county treasurer.

SEC. 91. DEED NOT TO BE RECORDED WITHOUT AUDITOR'S CERTIFICATE OF TAXES PAID, ETC.] When any deeds, plat of any townsite or instrument affecting the same, or any other conveyance of real estate is presented to the county auditor for transfer, he shall ascertain from the books and records in his office, and if there be delinquent taxes due, he shall certify to the same, and upon payment of such delinquent or other taxes that may be in the hands of the county treasurer for collection, he shall transfer the same, and note upon every deed of real property so transferred over his official signature, "taxes paid," or if the land described has been sold or assigned to an actual purchaser, for taxes, "paid by sale of lands within;" and unless such statement is made upon such deed or other instrument, the register of deeds shall refuse to receive or record the same. A violation of the provisions of this section, by the register of deeds, shall be deemed a misdemeanor, and, upon conviction thereof, he shall be punished by a fine of not less than \$100, nor not exceeding \$1,000; and he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained; *Provided*, That the sheriffs' or referees' certificates of sale on execution, decrees or foreclosures of mortgages may be recorded by the register of deeds without any such certificate from the county auditor, and said auditor shall keep a record of such transfers in a book kept for that purpose showing the names of the grantor and grantee, a description of the property, and the date of transfer, and shall receive 25 cents for each certificate, from the person or persons presenting the same for certification, and shall retain said amount for services.

SEC. 92. DIVISION OF VALUATION WHERE PART OF A TRACT IS TRANSFERRED.] When the transfer of any land or town lot, or any part thereof becomes necessary by reason of a sale or conveyance is of less value than the whole tract or lot, or part thereof as charged in the tax list, said county auditor shall transfer the same whenever the seller and purchaser agree thereto in writing, signed by them or personally appear before the auditor, and agree upon the amount of valuation to be transferred therewith; but if the seller and purchaser do not agree as to the amount of valuation to be transferred, the auditor shall make such division of the valuation as may appear to him just. If the county auditor is satisfied that the proportion of valuation agreed by the parties in interest to be transferred is greater than the proportional value of the land or

lot to be transferred therewith, and that such agreement was made by collusion of the parties, and with a view fraudulently to evade the payment of any taxes which might be legally assessed on the entire tract or lot, or he may refuse to make such transfer; and when any such transfer has been procured by fraudulent agreement, the same shall be cancelled by the auditor, and the land or lot so transferred be charged with taxes in the same manner as though said transfer had not been made.

SEC. 93. IRREGULARITIES OF LAND TO BE PLATTED INTO LOTS IF REQUIRED.] In all cases when any tract or lot of said land is divided into irregular shapes that cannot be described except by meets and bounds, it shall be the duty of the owner of such tracts, upon the request of the county auditor, to have such land platted into lots; if such plat can not be made without actual survey of the land, then they shall have the same surveyed and the plat thereof recorded. If the owners of any such tract shall refuse or neglect to cause such plat and survey, when necessary, to be made and recorded within thirty days after such request, the county surveyor, upon the request of the county auditor, shall make out such plat from the record of the register of deeds, if practicable; but if it can not be made from such records, then he shall make the necessary survey and the plat thereof, and the said auditor shall have the same recorded; such plats being duly certified and recorded, the description of the property in accordance with the number and description set forth in such plat shall be deemed a good and valid description of the lots or parcels of land so described. When the owners of such land fail to comply with the provisions of this section, the costs of surveying, platting and recording shall be paid by the county, upon allowance by the county commissioners, and the amount thereof shall be added to the tax upon such tracts or lots the next ensuing year, which tax, when collected, shall be credited to the county fund.

SEC. 94. ABBREVIATIONS IN DESCRIBING LAND, ETC.] It shall be sufficient to describe land in all proceedings relative to assessing, advertising, or selling the same for taxes by initial letters, abbreviations and figures to designate the township, range, sections or parts of sections, and also the number of the lots and blocks. Whenever the abbreviation "do," or characters " " or any similar abbreviations or characters shall be used in any such proceedings, they shall respectively be construed and hold as meaning and being the same name, word, initial letter or letters, abbreviations, figure or figures, as the last preceding such "do," or " " or other similar characters.

SEC. 95. LETTING OF PUBLICATION OF TAX LIST.] The county commissioners may let the advertising of the delinquent tax list to the publisher or proprietor of a newspaper not having less than four pages of five columns to the page, each column to be not less than two inches wide, and not less than seventeen inches long, printed in the English language, and of general circulation; which shall have been published and circulated not less than three months prior to the time of letting, for the lowest sum—not to exceed eight cents for each description—and who shall give a bond to the county with at least two sureties, freeholders of the county, to be approved and in amount to be fixed by said county commissioners, conditioned for the correct and faithful performance of such advertising.

SEC. 96. AUDITOR TO CORRECT FALSE LISTS AND RETURNS.] The county auditor, if he has reason to believe or is informed that any person has given to the assessor a false statement of his personal property, or that the assessor has not returned the full amount of all personal property required to be listed in his township or district or has omitted or made an erroneous return of any property which is by law subject to taxation, shall proceed at any time before the final settlement with the county treasurer, to correct the return of the assessor and to charge the owners of such property, on the tax lists, with the proper amount of taxes; to enable him to do which, he is hereby authorized and empowered to issue compulsory process and to require the attendance of any person which he may suppose to have a knowledge of the articles or value of the property and examine such person on oath in relation to such statement or return; and the auditor in all such cases shall notify every such person before making the entry on the tax list that he may have an opportunity

of showing that his statement on the return of the assessor is correct; and the county auditor shall, in all cases, file in his office a statement of the facts of evidence upon which he made such corrections.

SEC. 97. TAX NOT COLLECTED TO BE ADDED TO THE NEXT YEAR'S TAX.] If any tax on any property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous proceedings or other cause, the amount of such tax, which such property should have paid, shall be added to the tax on such property for the next succeeding year.

SEC. 98. DEBTS OF MUNICIPALITIES VOID IF ENTAILING TAXATION BEYOND THE RATES FIXED BY LAW.] It shall be unlawful for the corporate authorities of any county, township, city, town or village, or the authorities of any school district, unless specially and expressly authorized by law, to contract any debt or incur any pecuniary liability, for the payment of either the principal or interest, for which, during the current year or any subsequent year, it shall be necessary to levy on the taxable property of such county, township, city, town or village or school district, a higher rate of tax than the maximum rate prescribed by law; and every contract made in contravention of the provisions of this section shall be utterly null and void in regard to any obligation thereby imposed on the corporation on behalf of which such contract purports to be made; but every commissioner, officer, agent, supervisor or member of any municipal corporation, that makes or participates in making or authorizes the making of any such contract, shall be held individually liable for its performance; and every commissioner, supervisor, director or member of any city, town or village council or other officer or agent of any such municipal corporation present when any such unlawful contract was made or authorized to be made, shall be deemed to have made or to have participated in making, or to have authorized the making of the same, as the case may be, unless, if present, he dissented therefrom and entered or caused to be entered such dissent on the records of such municipal corporation, or of its council, supervisors or other office.

SEC. 99. EXEMPT PROPERTY TO BE VALUED AND ASSESSED.] At the time of taking the assessment of real property the assessor shall enter on a separate list, each description of property in the town or district exempt under the provisions of Section 5 of this act, and value and assess the same in the manner, and subject to the same rules as he is required to assess all other property, designated in each case to whom such property belongs and for what purpose used.

SEC. 100. NEGLECT OF DUTY BY OFFICERS.] Every county auditor and every district or township assessor who in any case refuses or knowingly neglects to perform any duty enjoined on him by this act, or who consents to or connives at any evasion of its provisions whereby any proceeding required by this act is prevented or hindered, or whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered on the tax list at less than its true value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the State not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of competent jurisdiction.

SEC. 101. SUITS AGAINST OFFICERS DEFENDED AT EXPENSE OF COUNTY.] Whenever civil action is brought against any person holding the office of county treasurer, county auditor, or any town or district office for performing or attempting to perform any duty authorized or decreed by any statute of this State for the collection of the public revenue, such treasurer, auditor, or other officer, may, in the discretion of the court before whom such action is brought, by an order made by said court and entered in the minutes thereof, be allowed and paid, out of the county treasury, reasonable fees of counsel and other expenses for defending such action.

SEC. 102. WHEN AUDITOR TO FORWARD LIST OF NEW TAXABLE LANDS.] A list of lands becoming taxable for the first time in each county of the State shall be procured by the State Auditor from the proper land officers at the best prices for the State, and a list of the lands becoming so taxable in each of the several counties shall be forwarded by the State Auditor to the auditor or

county clerk of each county on or before the thirtieth day of March of each year.

SEC. 103. NOTICE WHEN TIME FOR REDEMPTION WILL EXPIRE—DUTIES OF CERTIFICATE HOLDERS AND AUDITORS.] Every person holding a tax certificate shall, at least ninety days before expiration of the time for the redemption of the lands therein described, present such certificate to the county auditor, and thereupon the auditor shall prepare, under his hand and official seal, a notice to the persons in whose name such lands are assessed, specifying the description of such lands, the amount for which the same were sold, the amount required to redeem such lands from sale, exclusive of the cost to accrue upon such notice, and the time when the redemption period will expire, which notice the auditor shall deliver to the sheriff of the proper county for service and return. The sheriff shall within twenty days after the receipt by him of the said notice serve and return the same to the auditor. Such service shall be made in the manner prescribed for the service of a summons in a civil action in the district court. If the person in such notice named cannot be found in the county, and there be any person in the actual possession of the land in such notice described, the same shall in like manner be served upon him. If the person named in such notice cannot be found in the county, and there be no person in the actual possession of said land, of both which facts the return of the sheriff shall be *prima facie* evidence, the auditor shall cause such notice to be published once in each week for three consecutive weeks in some newspaper printed and published in the county where such lands are situated, if there be one; if none, then in some newspaper printed and published at the Capital of the State. For his service in serving such notice the sheriff shall be entitled to the same fees that now are or hereafter may be allowed for the service of summons in a civil action in the district court. The fees of the sheriff for serving and the printer's fees for publishing such notice shall be added to the amount required to redeem such land, and shall be paid by the party offering to redeem such land before any certificate of redemption shall be issued. In case of failure on the part of the holder of any tax certificate to present the same to the auditor at the time hereinbefore provided the same may be so presented at any time thereafter; and thereupon such notice shall be issued and served as hereinbefore provided, and the time for redemption of such lands shall expire sixty days after such notice; *Provided*, That the county shall not become liable for any expenses incurred under the provisions of this section.

SEC. 104. REDEMPTION WHEN OWNER DIES AFTER SALE.] That whenever the lands of any person heretofore have been or hereafter shall be sold for taxes, and the owner of such lands, after such sale and before the expiration of the period of redemption, heretofore has deceased or hereafter shall de- cease, the executor or administrator of such owner or any person interested in his estate as heir, or advisor, or creditor may redeem such lands from any such sale at any time within four years from the date thereof. If such redemption be made by a creditor, the amount paid to effect such redemption, with interest thereon at the rate of seven per cent. per annum, shall constitute a valid claim against the estate of the deceased.

SEC. 105. SAME—WHEN MADE BY EXECUTOR, ETC.] If such redemption be made by an executor or administrator he shall at the time of making thereof produce his letters testamentary, or of administration, to the county auditor; if made by another person he shall make and file with such auditor an affidavit stating under what right or claim such redemption is made.

SEC. 106. SAME—CERTIFICATE TO BE GIVEN BY AUDITOR.] Upon any such redemption being made, the county auditor shall make and deliver to the person redeeming, a statement of the claim or right upon which such redemption was made, the amount paid to redeem, a description of the land redeemed, the date of the sale of such lands and the year in which the taxes were levied for which such sale was made, which certificate shall have the effect to annul any such sale, and such certificate may be recorded as other deeds of real estate, and with the like effect as evidence or otherwise.

SEC. 107. ACTS REPEALED.] All acts and parts of acts in any manner in conflict with this act or repugnant thereto are hereby repealed.

SEC. 108. EXISTING LAWS NOT AFFECTED.] This act shall not be construed to repeal or invalidate existing laws for collection of taxes from railroad corporations.

SEC. 109. Whereas, an emergency exists in that this act provides for an assessment of real property only in even numbered years, and also that no provision has been made for a State Board of Equalization, and it is necessary that this act should become a law before the first day of July; therefore this law shall take effect and be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

JOHN MILSTED,
Chairman.

Mr. Milsted moved

That the reading of the report of the Committee on Taxes and Tax Laws be dispensed with until the same shall be printed,

Which motion prevailed.

The Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 52,
And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER.

Your Committee on Engrossed Bills have examined
House Bill No. 77,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 129,
A bill to repeal Chapter 44 of the Session Laws of 1885,
Have had the same under consideration and recommend that
said bill be recommitted to the Committee on Highways, Bridges
and Ferries, and if recommended by that committee that the bill
do pass, that it be recommitted to the Judiciary Committee for the
purpose of passing upon certain legal propositions which might
arise were the law repealed.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and

The report of the Committee on Judiciary was adopted.

The Committee on Warehouses, Grain Grading and Dealing made the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887, of the Civil Code, entitled "Grain Warehouses,"

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

A. T. COLE,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 52,

A bill for an act to prevent trespass upon school and public lands, and to recover damages therefor.

Mr. Stevens, to whom was referred

House Bill No. 48,

Made the following report:

MR. SPEAKER:

The undersigned to whom was referred

House Bill No. 48,

Respectfully report as follows:

I most respectfully recommend that said bill be amended as follows:

Strike out the title of said bill and insert in lieu thereof the following:

A BILL

For an Act to Amend Section 16 of Chapter 69 of the General Laws of 1885, and Section 10 of Chapter 69 of the General Laws of 1889, Relative to the Publication of Insurance Statements.

Strike out all of said bill after the enacting clause and insert in lieu thereof the following:

SECTION 1. That Section 16 of Chapter 69 of the General Laws of 1885, be amended to read as follows:

Every insurance company doing business in this State must transmit to the State Auditor a statement of its condition and business for the year ending on the preceding 31st day of December, which shall be rendered on the 1st day of January in each year, or within one month thereafter, except that foreign insurance companies shall transmit their statement of business other than that taken in the United States prior to the following 1st day of May; such statement must be published at least three times in a newspaper of general circulation printed and published in each judicial district of this State, in which said insurance company shall have an agency, and a duplicate thereof, upon which shall be endorsed the names of the attorneys on whom process of law can be served as required by this act, shall be filed in the office of the register of deeds of the county wherein the agency may be established, but the provisions of this section as to the appointment of attorneys shall not apply to companies organized within this State. Statements for publication shall be made out on blanks furnished by the State Auditor, and the State Auditor's certificate of authority for the company to do business

in this State. Proof of publication to-wit: The printer's affidavit of the fact shall be filed with the State Auditor in all cases, which affidavit shall state that said insurance company has paid said newspaper one-half of the authorized rate for publishing legal notices, and that the full amount named inures to the sole benefit of the publisher or publishers thereof,* and that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that every affidavit of publication shall state in plain terms the full amount authorized herein has been charged and collected for such publication; *Provided*, The State Auditor shall select three newspapers of general circulation published in each of the judicial districts, from which said company shall select one in which said statement shall be published.

SEC. 2. That Section 10 of Chapter 19, of the General Laws of 1889, entitled "Insurance" be amended so as to read as follows:

"That Section 16, Chapter 69, Laws of 1885, be the same is hereby amended by adding to said section the following words: 'And the proof of publication herein required shall be filed with the State Auditor within four months from the time of the filing of the annual statement.'"

That Section 3 be amended to read as follows:

"This law is intended to define the lawful rate for the publication of insurance statements and repeals Sections 1, 3 and 4 of Chapter 51 of the General Laws of 1887, in so far as said sections have been held to refer to the publication of insurance statements."

SEC. 4. Whereas, the insurance statements must be published as soon after the first day of January as possible, and, whereas, the law now in force is inadequate, an emergency exists therefrom, this law shall take effect and be in force immediately after its passage and approval.

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Stevens moved

That the rules be suspended and that House Bill No. 48 be read the third time and placed upon its final passage,

Which motion prevailed, and
House Bill No. 48,

A bill for an act to amend Section 16 of Chapter 69 of the General Laws of 1885, and Section 10 of Chapter 69 of the General Laws of 1889, relative to the publication of insurance statements,

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

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Buchanan,
Christianson,

Messrs—

Hoyt,
Ingerbretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,

Messrs—

Redaud.
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,

Messrs—
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugan,
 Haugerud,
 Heglie,

Messrs—
 McCullough,
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,

Messrs—
 Tandberg,
 Thompson of Cass,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Williams.
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Belden,
 Bye,
 Currier,
 Langer,

Messrs—
 Lutz,
 McDonald,
 McIntyre,
 Moore.

Messrs—
 Thomas,
 Thomson of Walsh,
 Watt,
 Wickham.

Messrs. Belden, Bye, Langer, Lutz, McDonald, McIntyre, Moore, Thomas, Thomson of Walsh and Wickham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 111,

A bill for an act to empower county commissioners to purchase poison for the destruction of gophers,

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

In Section 1, line 4, by striking out the word "town" and inserting in lieu thereof the word "township"

In Section 2, line 3, strike out the words "presented to the board of county commissioners" and insert in lieu thereof "filed with the county auditor."

In Section 4, by adding the following: *Provided*, That for the purpose of this act counties not organized into civil townships in whole or in part, election precincts shall be deemed to mean organized townships, and judges of election shall act and have the same authority as supervisors.

An emergency exists in this that in order to make this act operative for the ensuing year, this act shall take effect and be in force from and after its approval.

And when so amended recommend that the bill do pass.

JAMES MCCORMICK,
 Chairman.

Mr. Roney moved

To adopt the report,

Which motion prevailed, and

The report of the Committee on Counties and County Boundaries was adopted.

Mr. Speaker announced as the Special Committee to investigate charges of discrimination in freight rates against North Da-

kota points, called for by the resolution of Mr. Stevens, the following:

Messrs. McCullough, McCormick, Pinkham, Haugerud and Ueland.

MOTIONS, RESOLUTIONS, ETC.

Mr. Reed offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

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

WHEREAS, Numerous bills have been introduced in the House and Senate and referred to the standing committees of the respective Houses, and have not been reported back for consideration by the Houses; and

WHEREAS, It is desirable that the first session of the Legislative Assembly should conclude its labors at the earliest practicable date; and

WHEREAS, Legislation is necessary to provide for changes required by the State Constitution; therefore, be it

Resolved. That the standing committees of the House and Senate are hereby instructed to consider and report back to their respective Houses as soon as the public interests will permit, all bills, messages, resolutions and other matters referred to them for consideration, and that from and after January 20th, 1890, both Houses shall hold two daily sessions for the consideration of public business, and thereby lead to an early final adjournment of the Legislative Assembly.

Mr. Stevens moved

To lay the resolution on the table,

Which motion prevailed, and

The Concurrent Resolution was laid on the table.

UNFINISHED BUSINESS.

Mr. Selby moved

That the report of the Committee of the Whole of yesterday be adopted,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

The Committee on Enrolled Bills submitted the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 52,

Was delivered to his Excellency, the Governor, for his approval at the hour of 2:30 o'clock p. m., January 11, 1890.

GEORGE H. WALSH,
Chairman.

Mr. Selby moved

That the rules be suspended and that the House proceed to the first reading of House Bills,

Which motion prevailed.

Mr. Williams moved

That the rules be suspended and that the House proceed to the consideration of House Bills on their third reading,

Which motion was withdrawn.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 11, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 56,

A bill for an act to sub-divide the Sixth Judicial District of the
State of North Dakota, and fix the terms of court therein,

Which the Senate has passed and your concurrence therein is
requested.

Also,

I have the honor to inform you that the Senate by motion re-
calls Senate Bill No. 9 for correct engrossment.

C. C. BOWSFIELD,
Secretary.

Mr. Hankinson moved

That the Committee on Counties be requested to report back
Senate Bill No. 9 without recommendation,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
January 11, 1890. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have ap-
proved

House Bill No. 32,

An act to provide for the leasing and sale of common school
lands of North Dakota,

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

Respectfully,
JOHN MILLER,
Governor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

House Bill No. 89,

A bill for an act to incorporate and govern fire, marine and in-
land navigation insurance companies doing business in the State
of North Dakota.

Was read the first time.

Mr. Selby moved

That the rules be suspended and that House Bill No. 89, be now read the second and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 89,

A bill for an act to incorporate and govern fire, marine and inland navigation insurance companies doing business in the State of North Dakota,

Was read the second time, and referred to the Committee on Insurance.

House Bill No. 121,

A bill for an act to revise the law of forcible entry and detainer in justice courts,

Was read the first time.

Mr. Selby moved

That the rules be suspended and that House Bill No. 121 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 121,

A bill for an act to revise the law of forcible entry and detainer in justice courts,

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

Mr. McCormick (by unanimous consent) offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

Resolved, That for the purpose of *per diem* for members, clerks and employes of the first Legislative Assembly of the State of North Dakota, that the Journal numbered fifty be numbered thirty-two, and the State Auditor is hereby prohibited from auditing and the State Treasurer is hereby prohibited from paying any money not in conformity with this resolution.

Which motion was lost, and

The Concurrent Resolution was lost.

House Bill No. 122,

A bill for an act to revise the law in relation to attachment before justices of the peace,

Was read the first time.

Mr. Haugen moved

That the rules be suspended and that

House Bill No. 122,

Be now read the second time, and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 122,

A bill for an act to revise the law in relation to attachment before justices of the peace,

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

Mr. Ueland introduced—

House Bill No. 139,

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

Which was read the first time.

Mr. Ueland moved

That the rules be suspended, and that House Bill No. 139 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 139,

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

Was read the second time, and referred to the Committee on Elections and Privileges.

Mr. Strom introduced—

House Bill No. 140,

A bill for an act to repeal Chapter 109 of the Session Laws of 1889 relating to aid in construction of railroads,

Which was read the first time.

Mr. Selby moved

That the rules be suspended and that House Bill No. 140 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 140,

A bill for an act to repeal Chapter 109 of the Session Laws of 1889 relating to aid in construction of railroads,

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

Mr. Walton introduced—

House Bill No. 141,

A bill for an act restraining certain male animals from running at large,

Which was read the first time.

Mr. Haugen moved

That the rules be suspended, and that House Bill No. 141 be now read the second time, and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 141,

A bill for an act restraining certain male animals from running at large,

Was read the second time, and referred to the Committee on Agriculture.

Mr. Rawlings introduced—

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase

for the use of their respective counties an artesian well drilling outfit,

Which was read the first time.

Mr. Haugerud moved

That the rules be suspended and that House Bill No. 142 be read the second time, and referred to its appropriate committee.

Mr. Walsh moved as an amendment

That all bills on their first reading to-day be read the second time, and referred to their appropriate committees,

Which amendment was accepted, and the original motion as amended prevailed.

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

Was read the second time, and referred to the Committee on Counties.

Also,

House Bill No. 143,

A bill for an act to repeal Section 75 of Chapter 28 of the General Laws of 1887, entitled "Revenue,"

Which was read the first and second times and referred to the Committee on Ways and Means.

Mr. Walsh (by request) introduced—

House Bill No. 144,

A bill for an act locating the Agricultural College upon a certain school section named therein and for other purposes relative thereto,

Which was read the first and second times and referred to the Committee on Public Buildings.

Mr. Tyler introduced—

House Bill No. 145,

A bill for an act to provide funds for defraying the expenses of insane persons in the North Dakota Hospital for the Insane,

Which was read the first and second times, and referred to the Committee on Charitable Institutions.

Mr. Stevens (by unanimous consent) offered the following resolution and moved its adoption:

WHEREAS, It has been reported that certain members of the House believe the Legislative Assembly should adjourn at an early date; and,

WHEREAS, Each member is required to take an oath faithfully to perform his duties as a member during the entire session; now, therefore, to relieve any member of this House from blame or embarrassment, be it

Resolved, That any member believing he should not receive pay during the late adjournment be not required to take the same;

Resolved, further, That any member of this House believing his further service to the State is not worth the *per diem* fixed by law, shall be excused from further service during the remainder of the present session; *Provided*, His *per diem* shall cease at the date of such excuse.

Which motion prevailed, and
The resolution was adopted.

Mr. Tyler introduced—

House Bill No. 146,

A bill for an act to amend Chapter 23 of the Session Laws of 1879,

Which was read the first and second times, and referred to the Committee on Charitable Institutions.

Mr. Lilly introduced—

House Bill No. 147,

A bill for an act prohibiting the employment of children under twelve years of age in mines, factories and workshops,

Which was read the first and second times, and referred to the Committee on Judiciary.

Also,

House Bill No. 148,

A bill for an act prescribing the bond, oath and duties of the Attorney General,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Stevens (by request) introduced—

House Bill No. 149,

A bill for an act to revise the law in relation to justices and constables,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Speaker called Mr. Haugerud to the Chair.

Mr. Williams moved

That the Sergeant-at-Arms be instructed to furnish additional accommodations for hats and coats in the House cloak rooms,

Which motion prevailed.

Mr. Stevens (by request) introduced—

House Bill No. 150,

A bill for an act in relation to county organizations,

Mr. Estabrook moved

That the first reading at length of

House Bill No. 150, be deferred until the same shall be printed,

Which motion prevailed.

Mr. McCormick introduced—

House Bill No. 151,

A bill for an act to provide for the protection of hotels, boarding houses and restaurants,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Thompson of Cass, introduced—

House Bill No. 152,

A bill for an act to provide for the effect of judgment in action of foreclosure of liens upon real property,

Which was read the first and second times, and referred to the Committee on Judiciary.

Also,

House Bill No. 153,

A bill for an act to provide for the foreclosure of mortgages upon real property,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Thompson of Cass, introduced—

House Bill No. 154,

A bill for an act to amend Section 739 of the Penal Code, relating to the employment of minor children and women,

Which was read the first and second times, and referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 88,

A bill for an act concerning bastardy,

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

House Bill No. 137,

A bill for an act authorizing counties lying northwest or west of any terminal line of railroad to bond for the construction of the same through their respective counties,

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 138,

A bill for an act to provide for the summoning of jurors as talesmen in the district courts in this State,

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

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers, and making appropriations therefor," approved Dec. 19th, 1889,

Was read the second time, and referred to the Committee on Appropriations.

House Bill No. 126,

A bill for an act regulating appeals from the district court to the Supreme Court, and to repeal Chapters 2 and 3 of the Code of Civil Procedure of Dakota Territory, as published in Livisee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory for the year 1887; also, Sections 5213 to 5239, both inclusive of the Compiled Laws of the Territory of Dakota of the year 1887,

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

Mr. Thompson of Cass, moved
That the House do now adjourn,
Which motion was withdrawn.

THIRD READING OF HOUSE BILLS.

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with calling of grand jurors, except by order of the district court judges,

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

Mr. Roney moved

That the further consideration of the bill be indefinitely postponed.

Mr. Selby moved

To amend the motion to read that the further consideration of the bill be postponed until next Monday at 3 o'clock,

Which amended was accepted, and
The original motion as amended prevailed.

Mr. Lilly moved

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

J. G. HAMILTON,
Chief Clerk.

FIFTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 13, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Belden, Bye, Ink, Langer and Watt.

The Journal of the preceding day was read, and

Mr. Milsted moved

That the reading of the report of the Committee on Taxes and Tax Laws be dispensed with.

Mr. Stevens moved

To amend by also including the report on House Bill No. 48,

Which amendment was accepted, and the original motion as amended preailed.

The Journal was then corrected and approved.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Olsgard presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

The undersigned, residents of townships Nos. 155, 156 and 157, ranges 60 and 61, known as "No Man's Land," respectfully protest against being attached to either Ramsey, Nelson or Walsh counties for the following reasons, viz.:

First. Each of these counties are heavily indebted for what would be of little benefit to us.

Second. Devils Lake is distant twenty miles from the nearest point of this territory and forty from the central portion of the same, without any railroad communication or any prospect of the same.

Third. We are thinly settled, and most of us have only been here two years and have never raised a crop; have made our improvements, and would be taxed out of existence before we would be able to have any say in regard to the county's business, and it would be taxation without representation.

Fourth. We have a direct promise of a railroad through this land the

coming season, and until such time as this should occur we would earnestly desire to be let alone.

And we respectfully ask your honorable body that we be attached to Ramsey county for judicial purposes only until such time as we may take steps for our farther advancement.

GEORGE W. CUNNINGHAM,
And 39 Others.

Mr. Richardson presented the following petition:

HAMILTON, Dec. 30, 1889.

To the Members of the North Dakota Legislature now in Session:

We, the members of the Pembina County Alliance, now assembled, recommend (by a unanimous vote) to the honorable members of North Dakota Legislature, the passing of the "bill" known as the "Australian System" of voting.

Praying that this may receive your careful consideration, we are yours, fraternally,

PETER CAMERON, President.
W. C. BRIGGS, Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee to revise and correct the Journal of the fifty-third day made the following report:

MR. SPEAKER:

Your committee to whom was referred the Journal of January 10th for correction respectfully report that they have examined the same and find it to be correct.

R. N. STEVENS,
J. McCORMICK,
F. E. RENAUD.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined, House Bills Nos. 92 and 48, And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER.

Your Committee on Railroads to whom was referred Senate Bill No. 6,

A bill for an act authorizing railroad companies to take, acquire, purchase, sell or guarantee the payment of the bonds or other securities of any other railroad company,

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

Also,

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigating companies and to aid the same

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

R. N. STEVENS,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 135,

A bill for an act relating to damages and liabilities for personal injuries, and amending Section 677 of the Code of Civil Procedure,

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

That after the word "recover" in Section 1, and in line 10 of the printed bill, insert the words: "Punitive damages in" and after the words "of," occurring before the figures \$5000 in said line 10, insert the following words: "not less than;" also strike out the word "damages" occurring after the figures 5000 in said line 10, and that the following sections be added:

SEC. 2. That Sections 1 and 2 of Chapter 27 of the General Laws of 1887, and all acts or parts of acts in conflict with the provisions of Section 1 of this act, be and the same is hereby repealed.

SEC. 3. An emergency exists, therefore, this act shall take effect and be in force from and after its passage,

And when so amended recommend that the bill do pass.

Also,

House Bill No. 138,

A bill for an act to provide for the summoning of jurors as talesmen in the district courts in this State,

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

By striking out the word "three" where it occurs in line 7 of the printed bill, and insert, the word "two" in lieu thereof.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

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 Joint Resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota,

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

Also,

House Bill No. 97,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

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

C. A. CURRIER,
Chairman.

Mr. Pinkham moved

To adopt the report of the Judiciary Committee,

Which motion was declared out of order, being in effect a suspension of the rules, which requires bills reported back from committees with amendment to lie over two days before action is taken thereon.

MOTIONS, RESOLUTIONS, ETC.

Mr. Walsh offered the following Concurrent Resolution, and moved its adoption:

CONCURRENT RESOLUTION

For a Joint Committee to investigate discrimination on freight, etc.

Be it Resolved by the House of Representatives, the Senate Concurring, That a Joint Committee consisting of seven members of the House and five members of the Senate be appointed by the presiding officers of the respective houses, whose duty it shall be to investigate the question of freight rates, and of any discrimination by any railroad corporation as against any merchant doing business in North Dakota in favor of a merchant in other localities, or of any producer or shipper within our State, and that said committee be given full power to send for persons and papers, and to hold their sessions at any point they may deem necessary, and when their labors are completed to report by bill or otherwise that may best subserve the intent of this resolution.

Mr. Stevens moved

To amend the resolution by striking out all of that part relating to a Concurrent Resolution, and to the appointment of a Joint Committee, and to confer on the House Committee already appointed the additional powers enumerated in the resolution,

Which amendment was lost, and the question recurring on the motion to adopt the original Concurrent Resolution,

The motion prevailed, and

The Concurrent Resolution was adopted.

Mr. Haugerud offered the following resolution, and moved its adoption:

WHEREAS, Owing to the amount of business on hand, and with the amount of bills that may hereafter be introduced, and as it would be advisable and necessary that the bills should be referred to the committees as soon as possible; therefore, be it

Resolved by the House of Representatives of the State of North Dakota, That all bills, either Senate or House bills, that may hereafter be introduced, shall, upon the day of its first reading, also be read the second time, and referred to the appropriate committee.

Which motion was lost, and

The resolution was lost.

Mr. McCormick offered the following resolution, and moved its adoption:

Resolved, That the Chief Clerk be and is hereby required to furnish for the information of this House the name of each appointed clerk, the date upon which his or her *per diem* commenced and the date of his or her appointment.

Mr. Hankinson moved
To amend by adding "and the name of the county from which
the clerk or employe comes,"

Which motion prevailed.

Mr. Hankinson moved
To adopt the resolution as amended,
Which motion prevailed, and
The resolution as amended was adopted.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Selby asked unanimous consent to amend Section 9 of
House Bill No. 77 by adding thereto the following proviso:

*"Provided, however, That on the written request of the members of the
board of county commissioners, on a petition signed by at least twenty-five
residents, free holders and tax payers of the county wherein the court is to be
held, presented to the judge at least fifteen days before the commencement of
the term, the said judge shall make and file with the clerk of the court an
order calling a grand jury for said term, and in such case the grand jury shall
be summoned to attend said court in the manner as above provided."*

Which consent was given, and the bill was so amended.

The question then being shall
House Bill No. 77,

A bill for an act to provide for the prosecution and trial of
crimes and offenses on information, and to dispense with calling
of grand jurors, except by order of district court judges,

Pass as amended,

The roll being called there were ayes 46, nays 7.

Those who voted in the affirmative were:

Messrs—

Allen,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Ingebretson,
Lilly,

Messrs—

Lutz,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Selby,

Messrs—

Stadleman.
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham.
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Foss,

Messrs—

Heglie,
Jahr,

Messrs—

Olsgard,
Pinkham.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	McCormick,
Bye,	Johnson,	Murphy,
Hoyt,	Langer,	Watt.

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the vote by which House Bill No. 77 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Montgomery introduced—

House Bill No. 155,

A bill for an act to amend Section 2, Chapter 88, of the Session Laws of 1889,

Which was read the first time,

Mr. Williams introduced—

House Bill No. 156,

A bill for an act to regulate the uniformity of and to provide free school text books in public schools throughout the State and the distribution of the same,

Which was read the first time.

Mr. Zimmer introduced—

House Bill No. 157,

A bill for an act to define and limit the homestead, the conveyance and encumbrance thereof,

Which was read the first time.

Mr. Hankinson introduced—

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

Which was read the first time.

Also,

House Bill No. 159,

A bill for an act relating to the shipment and weighing of grain by common carriers,

Which was read the first time.

Mr. Thomas introduced—

House Bill No. 160,

A Joint Resolution for the submission of a proposition to amend the Constitution of North Dakota,

Which was read the first time.

Also,

House Bill No. 161,
A bill for an act to amend Section 58, Article 10, Chapter 1,
Justice Code of 1887,
Which was read the first time.

Mr. Walsh introduced—
House Bill No. 162,
A bill for an act to amend Section 1, Chapter 70, of the General
Laws of 1885, relating to county mutual insurance companies,
Which was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 47,
A bill for an act to promote forest tree culture,
Was read the first time.
Senate Bill No. 56,
A bill for an act to sub-divide the Sixth Judicial District of the
State of North Dakota, and fix the terms of court therein,
Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 29,
A bill for an act to repeal Chapter 45 of the Sessions Laws of
1885,
Was read the second time, and referred to the Committee on
Judiciary.

Senate Bill No. 53,
A bill for an act regulating the duties and compensation of the
Supreme Court Reporter, etc.,
Was read the second time, and referred to the Committee on
Judiciary.

Senate Bill No. 57,
A bill for an act to provide for borrowing money to defray the
extraordinary expenditures of the State government,
Was read the second time, and referred to the Committee on
Ways and Means.

Mr. Williams moved
That Senate Bills read the first time to-day be also read the
second time, and referred to their appropriate committees,
Which motion prevailed, and

Senate Bill No. 47,
A bill for an act to promote forest tree culture,
Was read the second time and referred to the Committee on
Agriculture.

Senate Bill No. 56,
A bill for an act to subdivide the Sixth judicial district of the
State of North Dakota, and to fix the terms of court therein,
Was read the second time, and referred to the Committee on
Judiciary.

Mr. McCormick (by unanimous consent) made the following report of the Committee on Counties:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

Have had the same under consideration and report the same back without recommendation.

JAMES McCORMICK,
Chairman.

THIRD READING OF SENATE BILLS.

Senate Bill No. 17,

A bill for an act designating a place of deposit for all abstracts and conveyances of title to the State of North Dakota of lands now owned or hereafter to be acquired by the State,

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

Mr. Lilly asked unanimous consent to strike out Section 3 of the bill,

Which consent was given, and the bill was so amended.

The question being on the final passage of the bill as amended,
The roll being called there were ayes 48, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Reed,
Balkan,	Lilly,	Renaud,
Beard,	Lutz,	Richardson.
Brittin,	McCormick,	Selby,
Christianson,	McCullough,	Stadleman,
Cole,	McDonald,	Stevens,
Court,	McIntyre,	Strom,
Currier,	Milsted,	Tandberg,
Green,	Moore,	Thomas,
Gronli,	Montgomery,	Ueland,
Hankinson,	Murphy,	Walsh,
Haugen,	Nedrud,	Walton,
Haugerud,	Norton,	Wickham,
Hoyt,	Olsgard,	Williams,
Ingebretson,	Pinkham,	Zimmer,
Jahr,	Rawlings,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Foss.	Thompson of Cass,
Bowen,	Heglie,	Thomson of Walsh,
Buchanan,	Ink,	Tyler,
Bye,	Langer,	Watt.
Estabrook,	Roney,	

Messrs. Belden, Bye, Ink, Langer and Watt being excused.
And so the bill passed, and its title was agreed to.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
Joint Resolution No. 27,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
Was read the third time, and placed upon its final passage.

The roll being called there were ayes 48, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings,
Balkan,	Ingebretson,	Reed,
Beard,	Jahr,	Richardson,
Bowen,	Johnson,	Roney,
Brittin,	Lilly,	Selby,
Buchanan,	Lutz,	Stadleman,
Christianson,	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Court,	McDonald,	Thomas,
Currier,	McIntyre,	Thompson of Cass,
Foss,	Milsted,	Tyler,
Gronli,	Moore,	Ueland,
Hankinson,	Montgomery,	Walton,
Haugen,	Nedrud,	Wickham.
Haugerud,	Norton,	Zimmer,
Heglie,	Pinkham,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Green,	Stevens,	Williams.
Renaud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Langer,	Thomson of Walsh
Bye,	Murphy,	Walsh,
Estabrook,	Olsgard,	Watt.
Ink,		

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

And so the bill passed more than two-thirds of the members
present and voting, voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 13, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners,

Also,

Senate Bill No. 62,

A bill for an act to require all railroad corporations doing business in the State of North Dakota to file with the county clerk in which any railroad or part thereof may be located, a map showing all railroad and right of way owned by said corporations,

Both of which the Senate has passed and your concurrence is requested.

Also,

House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public State institutions,

Which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

In compliance with the resolution of the House, the Chief Clerk made the following report of the Clerks of the House, the date elected or appointed and the counties in which they reside.

J. G. Hamilton, Chief Clerk.....November 19th, Grand Forks
 E. H. Sanford, Assistant Clerk.....November 19th, Stutsman
 W. D. McClintock, Bill Clerk.....November 19th, McHenry
 W. G. Hayden, Engrossing and Enrolling Clerk.....November 19th, Cass
 W. A. Kelly, Assistant Engrossing and Enrolling Clerk, November 19th, Traill
 W. H. Bratton, Judiciary Clerk.....November 19th, Burleigh
 Fred Snore, Sergeant-at-Arms.....November 19th, Benson
 Robert Thacker, Assistant Sergeant-at-Arms.....November 19th, Pembina
 Stewart Walsh, Messenger.....November 19th, Grand Forks
 James Stockwell, Postmaster.....November 19th, Sargent
 James Thompson, Doorkeeper.....November 19th, Dickey
 J. M. Anderson, Chaplain.....November 19th, Burleigh
 W. L. Harper, Watchman.....November 19th, Morton
 V. Landguist, Assistant Engrossing and Enrolling Clerk, November 27th, Cass
 W. F. Redmon, Assistant Engrossing and Enrolling Clerk, December 3d, Cass
 B. W. Shaw, Assistant Engrossing and Enrolling Clerk, December 3d, Morton
 John Stoyell, Assistant Engrossing and Enrolling Clerk, Dec. 11th, Burleigh
 H. Van Horn, Asst. Engrossing and Engolling Clerk, December 11th, Sargeant
 Miss M. A. Rourke, Assistant Clerk,.....December 14th, Ransom
 Miss Mary Mattison, Asst. Engrossing and Enrolling Clerk,.. Dec. 14th, Cass
 Lillian Yerkes, Assistant Engrossing and Enrolling Clerk, Jan. 8th, Burleigh
 Mrs. Norvelle, Assistant Engrossing and Enrolling Clerk, Jan. 7th, Burleigh
 H. E. Lavayea, Asst. Engrossing and Enrolling Clerk, Jan. 7th, Grand Forks
 John O'Connell, Assistant Engrossing and Enrolling Clerk, January 7th, Wells
 C. P. Lawrence, Assistant Engrossing and Enrolling Clerk, January 7th, Walsh
 J. J. Clark, Assistant Engrossing and Enrolling Clerk, January 7th, Richland
 Carrie Anderson, Asst. Engrossing and Enrolling Clerk Jan. 7th, (Resigned)
 Cass
 W. R. Merrick, Assistant Engrossing and Enrolling Clerk, Jan. 8th, Ramsey
 C. H. Shields, Assistant Engrossing and Enrolling Clerk, Jan. 8th, LaMoure
 M. T. Keptner, Assistant Engrossing and Enrolling Clerk, January 8th, Eddy
 Harry Call, Page.....November 19th, Burleigh
 Walter S. Ward, Page.....November 19th, Stutsman
 Chas. W. Conroy, Page.....November 19th, Morton
 Eddie Nagle, Page.....November 19th, Burleigh

THIRD READING OF HOUSE BILLS.

House Bill No. 92,

A bill for an act to amend Section 15, Chapter 130, Laws of 1887, entitled "Grain Warehouses," enabling the seller of grain to appeal to the Railroad Commissioners for an inquiry into and decision upon the grade of his grain,

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Richardson,
Balkan,	Ingebretson,	Roney,
Beard,	Jahr,	Selby,
Bowen,	Johnson,	Stadleman,
Brittin,	Lilly,	Stevens,
Buchanan,	Lutz,	Strom,
Christianson,	McCormick,	Tandberg,
Cole,	Milsted,	Thomas,
Court,	Moore,	Thompson of Cass,
Currier,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy,	Tyler,
Foss,	Nedrud,	Walsh,
Green,	Norton,	Walton,
Gronli,	Olsgard,	Wickham,
Hankinson,	Pinkham,	Williams,
Haugen,	Rawlings,	Zimmer.
Haugerud,	Reed,	Mr. Speaker.
Heglie,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Langer,	McIntyre,
Bye,	McCullough,	Ueland,
Ink,	McDonald,	Watt.

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

And so the bill passed, and the title was agreed to.

House Bill No. 43,

A bill for an act repealing Chapter 150 of the Session Laws of 1887,

Was read the third time, and

Mr. Thompson of Cass, moved

That further consideration of the bill be postponed until the author shall be present,

Which motion prevailed.

Mr. Stevens (by unanimous consent) offered the following resolution and moved its adoption:

WHEREAS, It is a matter of common report that there is no employment for persons confined in the State Penitentiary; and,

WHEREAS, It has been fully demonstrated that persons confined in penal institutions are better off when employed; and,

WHEREAS, The question of fuel for public institutions of the State is one now involving the expenditure of large sums of money; and;

WHEREAS, There are in this State large fields of coal; now, therefore, be it

Resolved, That the Committee on State Affairs be instructed to investigate the question of lease or purchase by the State of coal lands to be worked by persons confined in the State Penitentiary, providing fuel for all State institutions, and report by bill or otherwise.

Which motion prevailed, and
The resolution was adopted.

House Bill No. 27,

A Joint Resolution providing for the submission of a proposition to amend the Constitution of the State of North Dakota,

Was read the third time, and

Mr. Stevens moved

That the further consideration of the bill be indefinitely postponed.

Mr. Lutz moved

To lay the motion on the table.

Roll call demanded.

The roll being called there were ayes 37, nays 20.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Bowen,
Brittin,
Buchanan,
Christianson,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Ingrebretson,
Jahr,
Johnson,
Lutz,
McCormick,
McDonald,
Milsted,
Murphy,
Norton,
Olsgard,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomson of Walsh,
Ueland,
Walsh,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beard,
Cole,
Court,
Green,
Hoyt,
Lilly,
McCullough,

Messrs—

McIntyre,
Moore,
Montgomery,
Nedrud,
Pinkham,
Rawlings,
Stevens,

Messrs—

Thomas,
Thompson of Cass,
Tyler,
Walton,
Wickham,
Williams.

Absent and not voting:

Messrs—

Belden,
Bye,

Messrs—

Ink,
Langer,

Messrs—

Watt.

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

Mr. Richardson explained his vote.

And so the motion to lay the motion of Mr. Stevens on the table prevailed.

Mr. Williams demanded a call of the House.

Call seconded.

The roll being called, all the members were present except Messrs. Belden, Bye, Ink, Langer and Watt, excused.

Mr. Speaker declared further proceedings under the call dispensed with.

Mr. Williams moved

That further consideration of House Bill No. 27 be postponed until next Thursday.

Roll call demanded.

The roll being called there were ayes 26, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Stevens,
Beard,	Lilly,	Thompson of Cass,
Christianson,	McDonald,	Tyler,
Cole,	McIntyre,	Ueland,
Court,	Moore,	Walton,
Green,	Nedrud,	Wickham,
Hankinson,	Pinkham,	Williams,
Heglie,	Rawlings,	Mr. Speaker.
Hoyt,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Renaud,
Bowen,	Lutz,	Roney,
Brittin,	McCormick,	Selby,
Buchanan	McCullough,	Stadleman,
Currier,	Milsted,	Strom,
Estabrook,	Montgomery,	Tandberg,
Foss,	Murphy,	Thomas,
Gronli,	Norton,	Thomson of Walsh,
Haugen,	Olsgard,	Walsh,
Haugerud,	Reed,	Zimmer.
Jahr,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Watt.
Bye,	Langer,	

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

And so the motion to postpone further consideration until next Thursday was lost.

Mr. Williams moved

That further consideration of the bill be postponed until next Wednesday.

Roll call demanded.

Mr. Williams demanded a call of the House.

Call seconded.

The roll being called all the members were present except Messrs. Belden, Bye, Ink, Langer and Watt, excused.

Mr. Walsh moved
To dispense with further proceedings under the call of the House.

Roll call demanded.

The roll being called there were ayes 39, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Olsgard,
Balkan,	Heglie,	Reed,
Bowen,	Ingebretson,	Renaud,
Brittin,	Jahr,	Roney,
Buchanan,	Johnson,	Selby,
Christianson,	Lutz,	Stadleman,
Cole,	McCormick,	Strom,
Currier,	McCullough,	Tandberg,
Estabrook,	McDonald,	Thomas,
Foss,	Milsted,	Thomson of Walsh,
Gronli,	Montgomery,	Ueland,
Hankinson,	Murphy,	Walsh,
Haugen,	Norton,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Moore,	Thompson of Cass,
Court,	Nedrud,	Tyler,
Green,	Pinkham,	Walton,
Hoyt,	Rawlings,	Wickham,
Lilly,	Richardson,	Williams,
McIntyre,	Stevens,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Watt.
Bye,	Langer,	

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

And so the motion to dispense with further proceedings under the call prevailed.

Mr. Hankinson moved
That the House do now adjourn.

Roll call demanded.

The roll call being called there were ayes 26, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Stevens,
Beard,	Lilly,	Thompson of Cass,
Christianson,	McDonald,	Tyler,
Cole,	McIntyre,	Ueland,
Court,	Moore,	Walton,
Currier,	Nedrud,	Wickham,
Green,	Pinkham,	Williams,
Hankinson,	Rawlings,	Mr. Speaker.
Hoyt,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Renaud,
Bowen,	Lutz,	Roney,
Brittin,	McCormick,	Selby,
Buchanan,	McCullough,	Stadleman,
Estabrook,	Milsted,	Strom,
Foss,	Montgomery,	Tandberg,
Gronli,	Murphy,	Thomas,
Haugen,	Norton,	Thomson of Walsh,
Haugerud,	Olsgard,	Walsh,
Heglie,	Reed,	Zimmer.
Jahr,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Watt.
Bye,	Langer,	

Messrs. Belden, Bye, Ink, Langer and Watt being excused.

And so the motion to adjourn was lost.

Mr. Buchanan moved

The previous question.

Mr. Williams moved

To lay the motion on the table,

Which motion the Speaker declared out of order.

Mr. Williams moved

To postpone further consideration of the bill until to-morrow,

Which motion was declared out of order,

Mr. Speaker declaring that the question was on the motion of Mr. Buchanan for the previous question.

Mr. Williams appealed from the decision of the Chair.

Roll call demanded.

Mr. Williams demanded a call of the House.

Mr. Walsh raised the point of order, that when a motion for the previous question is pending no other business can be considered until such motion is disposed of.

Pending decision, Mr. Wickham moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 29, nays 28.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Stevens,
Beard,	Lilly,	Thomas,
Brittin,	McDonald,	Thompson of Cass,
Christianson,	McIntyre,	Tyler,
Cole,	Moore,	Uelanó,
Court,	Nedrud,	Walton,
Currier,	Pinkham,	Wickham,
Green,	Rawlings,	Williams,
Hankinson,	Reed,	Mr. Speaker.
Hoyt,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Renaud,
Bowen,	Lutz,	Roney,
Buchanan,	McCormick,	Selby,
Estabrook,	McCullough,	Stadleman,
Foss,	Milsted,	Strom,
Gronli,	Montgomery,	Tandberg,
Haugen,	Murphy,	Thomson of Walsh,
Haugerud,	Norton,	Walsh,
Heglie,	Olsgard,	Zimmer.
Jahr,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Watt.
Bye,	Langer,	

Messrs. Belden, Bye, Ink, Langer and Watt being excused.
 And so the motion to adjourn prevailed, and
 The House adjourned.

J. G. HAMILTON,
 Chief Clerk.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
 BISMARCK, NORTH DAKOTA,
 January 14, 1890.

The House assembled at 2 o'clock p. m., pursuant to adjournment.
 The Speaker presiding.
 Prayer by the Chaplain.
 Roll called.
 All members present except Messrs. Belden, Walton and Watt.
 Messrs. Belden and Watt, excused.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 January 14, 1890. }

Mr. SPEAKER:

I have the honor to transmit herewith the following Concurrent Resolution:

Resolved by the Senate, the House of Representatives Concurring, That the Secretary of State be requested to furnish the printer with certified copies of the following acts, viz:

“An Act to prevent trespass upon school and public lands, and to recover damages therefor.”

Also,

“An Act to provide for the leasing and sale of the common school lands of North Dakota.”

And that 5,000 copies of the same be printed in pamphlet form—20 copies to be given each member of the Senate and House, and the balance to be distributed by the State Superintendent of Schools among the various county superintendents of the State.

Which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker excused Mr. Nedrud for ten days.

The Journal of the preceding day was read, and

Mr. Richardson moved

That the reading of names on roll calls be dispensed with,

Which motion prevailed, and

The Journal was approved as read.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined Concurrent Resolution for the appointment of a joint committee to investigate freight rates,

Also,

Amendment to Section 9 of House Bill No. 77,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,

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

That in Section 6, line 17, printed bill, after the word "weights," the words "and springs" be inserted.

In Section 14, lines 1 and 2, the word and figure "five (5)" be stricken out and the word and figure "four (4)" be inserted in lieu thereof.

In Section 15, lines 3, 4 and 5, the words "nor shall it apply to boilers inspected by insurance companies and certified by their authorized inspectors to be safe," be stricken out.

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

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

In Section 1, line 2, after the word "sixteen" insert the word "years."

And when so amended recommend that said bill do pass.

J. MONTGOMERY,
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 91,
And find the same correctly enrolled.

GEORGE H. WALSH,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER.

Your Committee on Engrossed Bills have examined
House Bills Nos. 136 and 97,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881 relative to sheep husbandry,

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

WHEREAS, An emergency exists in that there is now no protection to sheep growers from the ravages of wolves; *Therefore*, This act shall take effect from and after its passage.

Also,

House Bill No. 141,

A bill for an act restraining certain male animals from running at large,

And recommend that said bill be amended by adding to Section 1 the words: "*Provided*, That no animal kept in a herd shall be regarded as running at large." And when so amended recommend that said bill do pass.

A. C. NEDRUD,
Chairman.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
House Bill No. 49,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it,

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

Strike out in Section 1, lines 6 and 7, between the words "the" and "under" "Territory Auditor" and insert in lieu thereof "Commissioner of Insurance," and in line 7 strike out the words between "the" and "of" and insert "State," and between the words "of" and "Dakota" insert "North;" in line 17, Section 1, strike out the word "forthwith" and insert in lieu thereof "within thirty days."

And when so amended recommend that said bill do pass.

P. B. WICKHAM,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads have had under consideration House Bill No. 54,

And beg leave to report as follows:

We recommend that the title to said bill be stricken out and the following substituted therefor, viz:

A bill for an act entitled "An Act to facilitate the shipment of live stock, grain and other commodities."

Your committee further recommend that all after the enacting clause in said bill be stricken out, and the following substituted therefor:

SECTION 1. Every railroad company or corporation doing business in this State shall, within sixty days after this act shall go into effect, upon notice from the Commissioners of Railroads build, erect and complete one or more platforms for the transfer of live stock, grain and other commodities from wagons or otherwise to cars at each and every station designated in said notice. Said platform to be erected where there will be safety to life and property.

SEC. 2. Each platform shall not be less than twelve feet wide, and thirty-two feet long, extending two feet and eight inches above the rails of the track, with suitable approaches to and from said platform to admit the driving of loaded teams thereon.

SEC. 3. Every railroad company or corporation neglecting or refusing to comply with the requirements of this act after having been properly notified, shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than five hundred dollars for every thirty days such failure shall continue after notice as aforesaid.

SEC. 4. Every Railroad Commissioner who shall fail to notify such railroad company, after receiving a petition signed by ten persons, residents of the place, or its vicinity, where such platform is to be erected, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than three hundred dollars for each offence.

SEC. 5. Railroad commissioners shall have power to order an enlargement of such platforms whenever petition to that effect and whenever the capacity of such platform are clearly insufficient for the accommodation of the public.

SEC. 6. Every railroad company shall allow suitable scales to be erected either upon the platform, or upon the grounds adjacent thereto, if upon their right of way for weighing and shipping purposes; and said company shall also allow any person or persons desiring to engage in the business of purchasing and shipping grain and produce to erect at any suitable place, not otherwise occupied where a side track exists, a similar platform to the one hereinbefore described, and also to erect and maintain at the cost of the person erecting the same such warehouse as may be necessary to carry on their said business.

SEC. 7. Whereas, an emergency exists, in that the platform provided for in this bill will be needed before July; therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public State institutions.

UNFINISHED BUSINESS.

The question of the disposition of the motion for the previous question on House Bill No. 27 being declared in order under unfinished business,

Mr. Williams raised the point of order that under the rules the bill could not be considered until to-morrow, the bill having only been reported from the Engrossing Committee yesterday and the rules providing that in such cases bills should lay over two days.

Mr. Walsh raised the point of order that Mr. Williams' point was not raised at the proper time, the House having already considered the bill, but

Mr. Speaker decided the point of order of Mr. Williams well taken.

Mr. Hankinson moved

To suspend the rules and place Senate Bill No. 4 on its third reading and final passage,

Which motion prevailed, and
Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,

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

Mr. Cole moved

To adopt the amendments proposed to the bill by the Committee on State affairs.

Mr. Roney moved

To amend the bill as follows:

In Section 14, line 2, strike out the word "five" and insert in lieu thereof the words "two and one-half."

Also, in line 3 strike out the word "two" and insert the word "one" in lieu thereof.

Also, in line 6, strike out the word "two" and insert in lieu thereof the word "one."

Mr. Walsh raised the point of order that under the rules no bill can be amended on its third reading except by unanimous consent,

Which point Mr. Speaker decided well taking and ruled the motions out of order.

Mr. Stevens asked unanimous consent to consider amendments to Senate Bill No. 4.

Objection made.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 14, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No 52,

An act to prevent the trespass upon school and public lands and to recover damages therefor,

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

Respectfully,

JOHN MILLER,
Governor.

Mr. Walsh moved

That the Chief Clerk of the House be instructed to request the Secretary of the Senate to transmit to the House the proper record on

House Bill No. 91,

The same having been amended in the Senate, but transmitted to the House without any amendment being attached thereto,

That the President of the Senate refused to sign the Enrolled Bill on the ground that the Senate amendments did not appear therein.

Which motion prevailed.

Mr. Williams moved

That the rules be suspended, and that the House proceed to the consideration of Senate Bill No. 4, and that any member be permitted to offer amendments thereto.

Mr. Walsh moved, as an amendment,

That the House resolve itself into Committee of the Whole for the consideration of Senate Bill No. 4,

Which motion was withdrawn, and

The motion of Mr. Williams prevailed.

The amendments to the bill proposed by Mr. Roney were lost, and

The question then recurring on the adoption of the report of the

Committee on State Affairs thereon, the report of the Committee on State Affairs was adopted, and

The question being shall the bill as amended pass,

The roll being called there were ayes 46, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Renaud,
Bowen,	Jahr,	Richardson,
Brittin,	Lilly,	Selby,
Buchanan,	Lutz,	Stadleman,
Christianson,	McCormick,	Stevens,
Cole,	McCullough,	Strom,
Currier,	McDonald,	Tandberg,
Estabrook,	McIntyre,	Thomas,
Foss,	Milsted,	Thompson of Cass,
Gronli,	Moore,	Thomson of Walsh,
Hankinson,	Montgomery,	Tyler,
Haugen,	Murphy,	Ueland,
Haugerud,	Norton,	Walsh,
Heglie,	Rawlings,	Wickham,
Hoyt,	Reed,	Zimmer.
Ingebretson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Green,	Pinkham,
Beard,	Johnson,	Roney,
Bye,	Langer,	Williams,
Court,	Olsgard,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Walton,	Watt.
Nedrud,		

Messrs. Belden and Watt being excused.

So the bill passed and its title was agreed to.

Mr. Stevens moved

That the vote by which

Senate Bill No. 4

Was passed be reconsidered,

Which motion prevailed.

Mr. Stevens moved

To amend the bill by striking out Section 18 and substituting therefor the following:

WHEREAS, An emergency exists in that boilers should be inspected previous to July 1, therefore this act shall take effect and be in force immediately after its passage and approval.

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To amend the bill by adding at the end of Section 11 the following:

And no engineer shall run his engine longer than seven days without cleaning out the boiler, under penalty of this act.

Which motion prevailed, and
The bill was so amended.

The question then being on the passage of the bill as amended,
The roll being called there were ayes 46, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Roney,
Bowen,	Jahr,	Selby,
Brittin,	Lilly,	Stadleman,
Buchanan,	Lutz,	Stevens,
Bye,	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Currier,	McIntyre,	Thomas,
Estabrook,	Milsted,	Thompson of Cass,
Foss,	Moore,	Thomson of Walsh,
Gronli,	Montgomery,	Tyler,
Hankinson,	Norton,	Ueland,
Haugen,	Rawlings,	Walsh,
Haugerud,	Reed,	Wickham,
Heglie,	Renaud,	Williams,
Hoyt,	Richardson,	Zimmer.
Ingrebretson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Green,	Olsgard,
Beard,	Johnson,	Pinkham,
Christianson,	Langer,	Mr. Speaker.
Court,	McDonald,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Nedrud,	Watt.
Murphy,	Walton,	

Messrs. Belden and Watt being excused.

And so the bill passed, more than two-thirds of the members
present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Milsted moved

That the House do now resolve itself into Committee of the
Whole for the consideration of House Bill No. 14,

Which motion was withdrawn.

REPORT OF SELECT COMMITTEES.

The Special Joint Committee to investigate the seed wheat
question made the following report:

MR. SPEAKER:

Your Joint Committee on Seed Wheat who were appointed for the purpose
of ascertaining what would be the proper steps to take towards securing the
necessary amount of seed grain for those who by reason of the failure of their
crops the past year are unable to procure it for themselves, beg leave to report
that they have carefully considered the matter in question and would respect-
fully recommend the passage of the following bills, which in their judgment is
the only feasible legislation that can be enacted at the present time to accom-

plish the result sought to be obtained, to-wit: House Bill No. —, being an act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of the seed grain, and Senate Bill No. —, entitled an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein.

Respectfully submitted,

J. F. SELBY,
JAMES E. REED,
ARNE P. HAUGEN,
G. W. RAWLINGS,
JAMES McCORMICK,
For the House.

D. S. DODDS,
EDW. L. YAGER,
M. L. McCORMACK,
ANTON SVENSRUD,
JOHN McBRIDE,
For the Senate.

MOTIONS, RESOLUTIONS, ETC.

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

WHEREAS, It is believed by many of the members of the House of Representatives that too many clerks have already been appointed for this House; and,

WHEREAS, The Speaker is still urged by members of this House to appoint additional clerks; therefore, be it

Resolved, That a Special Committee of five be appointed to inquire into the question of the number of clerks required for the proper business of the House, and whether all the clerks heretofore appointed are competent to discharge their duties and should be retained, and report by resolution or otherwise at the earliest day possible.

Which motion prevailed, and
The resolution was adopted.

Mr. Selby moved

That the rules be suspended to permit the introduction and first reading of House Bill No. 163,

Which motion prevailed, and
House Bill No. 163,

A bill for an act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,

Which was introduced by the Joint Committee to investigate the seed wheat question,

Was read the first time.

Mr. Thomas moved

That 500 extra copies of
House Bill No. 163 be printed,
Which motion prevailed.

Mr. Wickham moved

That the vote by which Senate Bill No. 45 was passed be reconsidered,

Which motion prevailed.

Mr. Wickham moved
That Senate Bill No. 45 be recommitted to the Committee on State Affairs,

Which motion prevailed, and
The bill was recommitted.

Mr. Reed presented the following memorial and moved its adoption:

A Memorial to Congress Praying for an Appropriation for Building Dams on the Mouse River, in the State of North Dakota, for the Purposes of Irrigation.

Your memorialists, the Legislative Assembly of the State of North Dakota, would most respectfully represent that there is in the Mouse River Valley, in the State of North Dakota, 350,000 acres of arable land which can be irrigated by damming the said Mouse River, at intervals of five or six miles.

Your memorialists would further represent that the irrigation of the said Mouse River Valley would increase its productiveness and enhance its value fourfold.

Your memorialists would, therefore, most earnestly pray that an appropriation of not less than \$100,000 be made for the erection and building of dams on the Mouse River, in the State of North Dakota; and your memorialists, as in duty bound, will ever pray, etc.

Be it Resolved by the Legislative Assembly of the State of North Dakota,
That an authenticated copy of this Memorial be forwarded to our Senators and Representative in Congress, who are hereby requested to lay the same before the Congress of the United States, and urge immediate and favorable action thereon.

Which motion prevailed, and
The memorial was adopted.

COMMITTEE OF THE WHOLE.

Mr. Milsted moved
That the House do now resolve itself into Committee of the Whole for the consideration of

House Bill No. 14,
Which motion prevailed, and

Mr. Speaker called Mr. McCullough to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your committee have had under consideration
House Bill No. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

And report the same back to the House.

J. H. McCULLOUGH,
Chairman.

Mr. Stevens moved
To adopt the report of the Committee of the Whole,
Which motion prevailed, and
The report of the Committee of the Whole was adopted.
Mr. Stevens moved

That the House now proceed to the consideration of House Bill No. 14 on its third reading section by section, and that amendments to the bill be entertained,

Which motion prevailed.

Mr. Stevens moved

To adopt the report of the Committee on Taxes and Tax Laws on House Bill No. 14,

Which motion prevailed, and

The report of the Committee on Taxes and Tax Laws was adopted, and

House Bill No. 14,

A bill for an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes,

Was read the third time and considered section by section.

Sections 1 and 2 were adopted.

Mr. Walsh moved

To amend the bill by striking out the bracket after the word "plowing," in Section 3, and insert it after the word "fixtures."

Mr. McCormick moved

To amend the motion by striking out the word "fixtures" and inserting in lieu thereof the word "thereon,"

Which amendment was accepted, and

The original motion as amended prevailed.

Section 3 as amended was adopted.

Section 4 was adopted.

Mr. Walsh moved

To amend Section 5 by striking out in the first line of Section 5 the word "except" and insert in lieu thereof the word "exempt,"

Which motion prevailed.

Mr. Strom moved

To amend Subdivision 8 of the same section by adding after the word "grounds" in the first line the words including lands "laid out and used exclusively for public highways,"

Which motion was withdrawn.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 14, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the amendment made by the Senate to

House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public State institutions,

Which amendment is as follows:

Strike out the figure "6" in line 2, after the word "and" and insert the figure "4" in lieu thereof.

C. C. BOWSFIELD,
Secretary.

Consideration of House Bill No. 14 interrupted by Mr. Walsh who moved

That the House concur in the Senate amendment to House Bill No. 91,

Which motion prevailed, and

The Senate amendment was concurred in.

Consideration of House Bill No. 14 continued.

Mr. Strom moved

To amend Subdivision 8, Section 5, by striking out all after the word "grounds" in the first line and inserting in lieu thereof the following:

That all lands taken either by gift, release or legal proceeding for the opening and laying out of public roads and highways, heretofore or that may hereafter be established, platted and recorded according to law, not exceeding four rods in width, are hereby declared public grounds, and shall be exempt from all taxation so long as such roads and highways are kept up, maintained and used for the purposes of public travel.

Which motion was lost, and

The amendment was lost.

Mr. McCormick moved

To amend Subdivision 10, Section 5, by striking out the words "is the actual and *bona fide* owner" and inserting in lieu thereof the words "is in actual possession of."

Mr. Williams moved

To reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 91, and that a Conference Committee be appointed,

Which motion prevailed, and

Mr. Speaker appointed as the Conference Committee on the part of the House, Messrs. Williams, Roney and Walsh.

The amendment of Mr. McCormick was lost, and Section 5 was adopted.

Sections 6, 7, 8, 9, 10 and 11 were adopted.

Mr. McCormick moved

To strike out all after and including the word "provided" in Section 12,

Which motion prevailed, and

The section was so amended.

Mr. Strom (by unanimous consent) moved

To amend Section 5 by adding at the end thereof the following as subdivision 11:

Any one-fourth part of any quarter section of prairie land, the title to which has not been acquired under the timber culture act of the United States

the same being legal subdivision on which five acres of timber shall be planted, either by sowing seeds or setting trees or cuttings, and the same to be kept in growing order by cultivation and not to be more than twelve feet apart each way, together with all improvements thereon, not to exceed \$1,000 for land and improvements, and for a period of ten years from and after the completion of the planting of said timber, and any change of ownership of said land shall in no way affect the exemption of taxation as herein provided; *Provided, however,* That no person shall derive any of the benefits as herein set forth until such person shall file an affidavit with the assessor that he has in every way complied with the requirements of the law made and provided in such cases; whereupon the assessor shall make a note of the fact in his list, and shall therein state in effect the following words: "Exempt from taxation by virtue of the culture," and shall describe the particular tract or tracts of land so exempt.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House amendments to Senate Bill No. 4,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 14, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

Which is returned as amended before it passed.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker appointed as the committee called for by the resolution of Mr. Lilly the following: Messrs. Lilly, Thompson of Walsh, Court, Walton and Estabrook.

Mr. McCormick moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 15, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Belden, Milsted, Nedrud, Walton and Watt excused.

The Journal of the preceding day was read, and

Mr. Bowen moved

That the reading of the substitute bill reported by the Railroad Committee be dispensed with,

Which motion prevailed, and

The Journal was approved as read.

Mr. Hankinson (by unanimous consent) offered the following Concurrent Resolution, and moved its adoption:

CONCURRENT RESOLUTION

Concerning the Adjustment of the Land Grant of the Northern Pacific Railroad Company.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

WHEREAS, Under and by virtue of the third section of the act of Congress granting lands to aid in the construction of the Northern Pacific railroad, the Northern Pacific Railroad Company has selected as indemnity or lien lands within the State of North Dakota, over 1,200,000 acres of land, which selections have been allowed and approved by the officers of the United States local land offices; and

WHEREAS, Said selections operate to reserve and except said lands from settlement or entry under and by virtue of the United States public land laws; and

WHEREAS, Said Northern Pacific Railroad Company has heretofore sold and disposed of about 400,000 acres of said land to parties purchasing said lands from said Railroad company in good faith; and

WHEREAS, The title to said lands remains incomplete and uncertain, so long as the Department of the Interior continues to delay the adjustment of said grant; and

WHEREAS, Said railroad company, by reason of such uncertainty of title, cannot sell or dispose of any of the remainder of said lands, whereby the said lands are withheld from cultivation and improvement, and the settlement of the country is retarded; and

WHEREAS, Said company claims that said lands are not subject to taxation, and refuses to pay taxes thereon, until the title thereto is settled and made certain; now, therefore,

Be it resolved, That the interests of the State of North Dakota require the early adjustment and settlement of said grant to the Northern Pacific Railroad Company.

Be it further resolved, That copies of this resolution be sent to the Senators and Members of Congress of North Dakota.

Which motion prevailed, and
And the Concurrent Resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 36,

A bill for an act to provide for publication of proposed constitutional amendments,

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

C. C. BOWSFIELD,
Secretary.

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. 78,

A bill for an act to permit the assignment, satisfaction or foreclosure of mortgages and other liens by foreign executors and administrators,

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

Also,

Senate Bill No. 56,

A bill for an act to subdivide the Sixth judicial district of the State of North Dakota, and to fix the terms of court therein,

And recommend that said bill be amended as follows:

In Section 1, line 3, of printed bill, strike out the word "first" and insert the word "third."

In Section 4, line 3, of printed bill, strike out the word "first" and insert the word "second." In line 4 strike out the word "December" and insert the word "January."

In Section 7, line 4, of printed bill, strike out the word "first" and insert the word "third." In line 5 of printed bill strike out the word "May" and insert the word "April," and strike out the word "second" and insert the word "first."

In Section 9, line 4, of printed bill, strike out the word "third" and insert the word "first." In line 5 of printed bill strike out the word "first" and in-

sert the word "second," and strike out the word "October" and insert the word "September."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

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

JAMES McCORMICK,
Chairman.

The Committee on Highways, Bridges and Ferries made the following report:

MR. SPEAKER:

Your Committee on Highways, Bridges and Ferries to whom was referred

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885,

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

R. B. RICHARDSON,
Chairman.

Mr. Speaker referred House Bill No. 129 to the Committee on Judiciary.

Mr. Walsh moved

To adopt the following Senate Concurrent Resolution:

Be it Resolved by the Senate, the House of Representatives Concurring, That the Secretary of State be requested to furnish the printer with certified copies of the following acts, viz:

"An Act to prevent trespass upon school and public lands, and to recover damages therefor."

Also,

"An Act to provide for the leasing and sale of the common school lands of North Dakota."

And that 5,000 copies of the same be printed in pamphlet form—20 copies to be given each member of the Senate and House, and the balance to be distributed by the State Superintendent of Schools among the various county superintendents of the State.

Which motion prevailed, and

The Concurrent Resolution was adopted.

Mr. Speaker announced his signature to

Senate Bill No. 38,

A Concurrent Resolution for a Memorial to Congress for the appropriation of 5 per centum of the amounts of the sales of public lands situated within the limits of the State of North Dakota, and which were sold by the United States prior to the admission of the State of North Dakota into the Union to be used as a permanent fund for the use and support of the common schools of this State,

Mr. Selby moved

That the rules be suspended and that House Bill No. 163 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 163,

A bill for an act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain,

Was read the second time, and referred to the Committee on Agriculture.

Mr. Strom moved

That House Bill No. 35 be laid over until Monday,

Which motion prevailed.

UNFINISHED BUSINESS.

Consideration of

House Bill No. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Was continued.

Mr. Strom's motion to amend Section 5 by adding at the end thereof the following as Subdivision 11:

Any one-fourth part of any quarter section of prairie land, the title to which has not been acquired under the timber culture act of the United States, the same being legal subdivision on which five acres of timber shall be planted, either by sowing seeds or setting trees or cuttings, and the same to be kept in growing order by cultivation and not to be more than twelve feet apart each way, together with all improvements thereon, not to exceed \$1,000 for land and improvements, and for a period of ten years from and after the completion of the planting of said timber, and any change of ownership of said land shall in no way affect the exemption of taxation as herein provided; *Provided, however,* That no person shall derive any of the benefits as herein set forth until such person shall file an affidavit with the assessor that he has in every way complied with the requirements of the law made and provided in such cases; whereupon the assessor shall make a note of the fact in his list, and shall therein state in effect the following words: "Exempt from taxation by virtue of tree culture," and shall describe the particular tract or tracts of land so exempt.

Was withdrawn.

Section 13 was adopted.

Mr. Stevens moved

To amend Section 14 by striking out the words "the place for

listing and assessing shall be determined and fixed by the county board," and inserting in lieu thereof the words "the place for listing and assessing shall be the place where said property is actually located,"

Which motion was withdrawn, and
Section 14 was adopted.

Section 15 was adopted.

Mr. Lilly moved

To amend Subdivisions 19 and 21 of Section 16 by adding the letter "s" to the word "credit" where it appears therein,

Which motion prevailed.

Mr. McCormick moved

To amend Subdivision 27 of the same section by adding after the word "warehouses" the words "and grain therein,"

Which motion was withdrawn until Section 20 should be reached.

Section 17 was adopted.

Mr. McCormick moved

To strike out Section 18,

Which motion was lost, and

Section 18 was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 15, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has refused to concur in the House Concurrent Resolution for a joint committee to investigate discrimination in freight rates.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the Railroad Committee of the House be empowered to investigate charges of freight discrimination against North Dakota points, and have power to send for persons and papers, etc.,

Which motion prevailed.

Consideration of House Bill No. 14 continued.

Section 19 was adopted.

Mr. Lutz moved

To amend Section 20 by striking out all after and commencing with the words "no consignee" in line 10 of the section as printed in the Journal, down to the last sentence in the section,

Which motion was lost.

Mr. Lilly moved

That the semicolon (;) after the word "State" in the eleventh line of the same section be stricken out, and a comma (,) inserted in lieu thereof,

Which motion prevailed, and
Section 20 as amended was adopted.

Mr. McCormick moved

To amend Section 16 by adding after the word "warehouses" in Subdivision 27 the words "and grain therein,"

Which motion prevailed, and
Section 16 as amended was adopted.

Sections 21 and 22 were adopted.

Mr. Bowen moved.

To amend Section 16 by adding after the words "and grain therein" the words:

"Also, one-half of all grain bought between June 1st and May 1st in any year previous to listing as may appear by their books,"

Which motion was lost.

Sections 23, 24, 25, 26, 27, 28 and 29 were adopted.

Mr. Bowen moved

To strike out Section 30,
Which motion prevailed, and
Section 30 was stricken out.

Mr. Stevens moved

That the Committee on Taxes and Tax Laws be instructed to prepare such an amendment to the bill as will conform to the action of the House just taken,

Which motion prevailed.

Mr. Bowen moved

To amend Section 31 by striking out the words "with at least one good freehold surety" and inserting the words "with at least two good freeholder sureties,"

Which motion prevailed, and
Section 31 as amended was adopted.

Sections 32, 33, 34, 35 and 36 were adopted.

Mr. Lilly moved

To amend Section 37 by adding after the word "number" wherever it occurs in the section, the words "or name,"

Which motion prevailed, and
Section 37 as amended was adopted.

Sections 38, 39, 40, 41, 42 and 43 were adopted.

Mr. Stevens moved

To pass Sections 44 and 45 for the day,
Which motion prevailed.

Mr. Ink asked that Mr. Murphy be excused for one week,
Which request was granted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Milsted introduced--

House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the same.

Mr. Williams introduced—

House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same.

Mr. Cole introduced—

House Bill No. 166,

A bill for an act to simplify and regulate legal proceedings.

Also, (by request)

House Bill No. 167,

A bill for an act to provide for covering into the State Treasury all fees and profits arising from any of the State offices.

Mr. Lilly introduced—

House Bill No. 168,

A bill for an act in relation to garnishment in justice court.

Mr. Watt introduced—

House Bill No. 169,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized.

Mr. Thomson of Walsh, introduced—

House Bill No. 170,

A bill for an act to preserve the waters of the Red, Missouri and James rivers.

Mr. Williams introduced—

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements.

Also,

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Also,

House Bill No. 173,

A bill for an act to secure to laborers in and about coal mines and manufactories the payment of their wages at regular intervals and in lawful money of the United States,

Mr. Ink introduced—

House Bill No. 174,

A bill for an act instructing Geo. W. Wetherbee, formerly school treasurer of Waterloo township, Roberts, county, Dakota, to equally divide between Devillo and Fairmount school townships, Richland county, North Dakota, certain school moneys in his hands,

Also,

House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith.

Mr. Haugerud introduced—

House Bill No. 176,

A bill for an act to prevent deception in the sale of dairy products and to preserve the public health.

Also,

House Bill No. 177,

A bill for an act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, and to prevent fraud and to preserve the public health.

Mr. Reed introduced—

House Bill No. 178,

A bill for an act to set aside and declare inoperative the "Herd Law."

Mr. Williams moved

That all bills introduced to-day be not read at length until printed,

Which motion prevailed.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Murphy, Nedrud, Walton and Watt.

The Journal of the preceding day was read, corrected and approved.

Mr. Stevens moved

That the House resolve itself into Executive Session, and that all who are not members be excluded,

Which motion prevailed.

House reconvened in open session.

Mr. Walsh (by unanimous consent) introduced—

House Bill No. 179,

A Joint Resolution for the appointment of a joint committee of the Legislative Assembly to make a final adjustment of accounts between North and South Dakota,

Which was read the first time, and

Mr. Walsh moved

That the rules be suspended and that the bill be read the second time and referred to Committee of the Whole, and that it be made a special order for to-morrow immediately after the reading of the Journal,

Which motion prevailed, and

House Bill No. 179,

A Joint Resolution for the appointment of a joint committee of the Legislative Assembly to make a final adjustment of accounts between North and South Dakota,

Was read the second time, and referred to General Orders.

Mr. McCullough (by unanimous consent) offered the following Concurrent Resolution:

CONCURRENT RESOLUTION

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

THAT, WHEREAS, It is claimed that the railroads doing business in this State are discriminating against shippers and charging exorbitant rates for transportation and freight; therefore, be it

Resolved, That the Railroad Commissioners be requested to investigate said charges and report to this Legislative Assembly as soon as possible, and that said Commissioners be given power to send for persons and papers and compel the attendance of witnesses to testify before said Commissioners regarding the subject matter of this resolution.

Mr. Hankinson moved
To adopt the resolution,
Which motion prevailed, and
The Concurrent resolution was adopted.

Mr. Williams moved
To reconsider the vote by which the Concurrent Resolution was adopted,
Which motion was withdrawn.

Mr. Cole moved
That the rules be suspended and that Senate Bill No. 21 be taken from the Committee of the Whole, read the third time and placed upon its final passage,

Which motion prevailed, and
Senate Bill No. 21,

A bill for an act providing for the extension of the time for the payment of taxes for the year 1889,
Was read the third time, and

Mr. Williams moved
That the rules be suspended and that the report of the Committee on Ways and Means on Senate Bill No. 21 be adopted,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 16, 1890. }

Mr. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 7,

A bill for an act to revise and amend an act entitled "An Act to insure the better education of practioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota," approved March 9, 1885,

Also,

Senate Bill No. 63,

A bill for an act to protect stock raisers and promote the breeding of improved live stock in the State of North Dakota.

Also,

Senate Bill No. 67,

A bill for an act to provide for elections in unorganized counties.

Also,

Senate Bill No. 102,

A bill for an act providing for the election of boards of education in cities not organized under the general laws,

All of which the Senate has passed and your favorable consideration thereof is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the rules be suspended and that Senate Bill No. 21 be amended by striking out the words "October 15th" and substituting therefor the words "June 1st."

Mr. Thompson of Cass, raised the point of order on Mr. Walsh's motion that a rule requiring unanimous consent cannot be suspended; that the House rules provide that bills on their third reading cannot be amended except by unanimous consent, therefore Mr. Walsh's motion is out of order,

Which point of order Mr. Speaker submitted to the House for decision, and

The House decided that the point was not well taken.

The amendment of Mr. Walsh was lost, and

The question being on the passage of the bill as amended by the adoption of the report of the Committee on Ways and Means,

The roll being called there were ayes 54, nays 3.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Wickham,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Hoyt,

Messrs—

Walsh,

Messrs—

Mr. Speaker.

Absent and not voting:

Messrs—
Buchanan,
Murphy,

Messrs—
Nedrud,
Walton,

Messrs—
Watt.

Messrs. Murphy, Nedrud, Walton and Watt being excused.
Messrs. Estabrook, Olsgard, Walsh and Wickham explaining their votes.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 16, 1890. }

MR. SPEAKER:

I have the honor to return
Concurrent Resolution concerning the adjustment of the land grant of the Northern Pacific Railroad company,
Which the Senate has concurred in.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE RAILROAD COMMISSIONERS.

The Railroad Commissioners made the following report on coal rates, which was called for by the resolution of the House:

MR. SPEAKER:

In compliance with House Resolution of December 18th asking report from the Railroad Commissioners in regard to coal and coal rates, we respectfully submit the following communication and schedule of freight rates: Mr. C. A. McGilvery, manager Dickinson Coal Company, in reply to our letter asking information, writes us under date of December 28th: "In reply to your favor of the 2d inst., in regard to coal mines, I answer as follows:

"First—Do you enjoy equal facilities with others in the shipment of coal? I answer, we do not. We pay 75 cents per ton more freight than they do from Sims (a difference in distance of thirty-three miles), that is, on shipments to all eastern points, and this is practically a prohibitory tariff on as cheap an article as lignite coal.

"Second question—Do you have trouble in securing cars? Would answer no, as we have not been shipping much coal. Our freight rates on coal are as follows:

From Dickinson to Mandan.....	\$1 50 per ton
From Dickinson to Bismarck	1 75 "
From Dickinson to Jamestown.....	2 75 "
From Dickinson to Fargo	3 25 "
From Dickinson to LaMoure	3 25 "
From Dickinson to Cooperstown.....	3 50 "

In regard to capacity of our mines would say: We have millions of tons of this coal, and the only thing that is keeping us from shipping it is the enormous freights we are compelled to pay. If the companies will only make a liberal freight rate, I will guarantee to ship one thousand cars of this coal in the next year."

Mr. J. L. Colton of Burlington, Ward county, writes as follows:

"The St. Paul, Minneapolis & Manitoba railroad runs within three-quarters of a mile of my mine, but because of the fact that they will not put in a switch

whereby this coal can be loaded near said mine, I am compelled to draw the coal six miles, at an expense of from 75 cents to \$1.25 per ton, thereby raising the price by that amount. The present freight charges of \$2.50 per ton for a distance of eighty miles and corresponding rates for shorter distances practically excludes this Dakota coal from the market. The company carry Montana coal, which is mined 500 miles further west, for less than one-half the rate they charge me per mile. If freight was reduced to reasonable rates, say \$1 per ton for 100 miles, or any fraction thereof, and two-thirds of a cent per mile for the second 100 miles, and one-half cent per ton per mile for every ton thereafter, we could lay down coal at rates that would be a great blessing to the people of North Dakota."

Mr. F. Holritz, Manager Sims Coal Company, Sims, Morton county, writes: "We have a practically unlimited quantity of as good lignite coal as can be found in North Dakota. Price at mine \$1.10 per ton, freight rate:

Sims to Mandan.....	\$ 75 per ton.
Sims to Bismarck.....	1 00 "
Sims to Jamestown.....	2 00 "
Sims to Fargo.....	2 50 "

We find in active operation in connection with railroad shipments, two mines at Sims, 41 miles west from Bismarck, and one at Dickinson 115 miles west from Bismarck. The mines at Sims are being operated to the extent of supplying Mandan and Bismarck with the demand from railroad transportation, the differential rate of 75 cents per ton, as shown by schedule between Sims and Dickinson, entirely prevents eastern shipments from the latter or Dickinson mines.

Our investigations in regard to making this coal a commercial article in the central and eastern portions of the State, developed two difficulties. First. An existing opinion against the merit of the coal as a fuel. Second. The rates of transportation being too high for its introduction and general use.

Our investigations further led to various meetings at Mandan and Bismarck, of citizens directly and indirectly interested, from which was developed the fact that this coal has a high degree of merit for general domestic, heating, and manufacturing purposes, and that with a larger market the output of the present mines can be very largely increased, and other mines opened and profitably worked, the supply being practically inexhaustible.

The Commissioners in connection with the mine owners interviewed the officers of the Northern Pacific Railroad and the subject of their modifying their rates. A proposed reduction is now under consideration on which we hope to make a favorable report, and will submit the same at as early date as practicable.

By the Board.

F. B. FANCHER,
Secretary.

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

Resolved, That the Railroad Commissioners be requested to investigate by practical test and report to this House the relative value and usefulness of lignite coal as compared with other kinds of fuel.

Mr. McCormick moved
To lay the resolution on the table,
Which motion was lost, and
The question recurring on the motion to adopt the resolution,
The motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 16, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

A Concurrent Resolution for a Memorial to Congress asking for an appropriation of \$200,000 for irrigation purposes,

Which the Senate has passed, and your concurrence therein is requested,

Also,

That the Senate has concurred in House amendments to Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels, and for licensing engineers of steam engines,

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred House Bill No. 102,

A bill for an act fixing the liability of railroad corporations for setting fires,

Have had the same under consideration and respectfully report as follows:

We recommend that the title to said bill be amended so as to read as follows:

"A bill for an act fixing the liability of railroad corporations, and owners and operators of steam engines for setting fires."

Also, by striking out all after the enacting clause and substituting the following therefor:

SECTION 1. Every railroad corporation doing business in this State, and every person or company owning or operating any steam engine, shall be liable for the full amount of damage occasioned by the injury or destruction of any real or personal property by fire originating by reason of the conduct of such business within this State, whether ignited upon or off the right of way of any railroad company or property on or adjoining which any such steam engine may be in use. And in order to recover, it shall only be necessary for the owner or owners to prove the injury or destruction of his property, and for the purpose of this act any person occupying or claiming property by virtue of the laws relating to the public domain, shall be treated as owners, and if such corporation, person or company neglect to pay the value of damage done to any such property within thirty days after notice in writing, accompanied by an affidavit of such injury or destruction, has been served on any person, company, officer, station or ticket agent employed in the management of the business of the corporation in the county where the injury complained of was committed, such owner or owners shall be entitled to recover double the amount of actual damage proven; *Provided, however,* That a special finding of the jury, or if tried by the court, a special finding thereof shall be required to recover double damage.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

And when so amended recommend that said bill pass.

R. N. STEVENS,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 151,

A bill for an act to provide for the protection of hotels, boarding houses and restaurants,

Have had the same under consideration and recommend that said bill do not pass, because it conflicts with the constitution (see Article I, Section 15.)

Also,

House Bill No. 154,

A bill for an act to amend Section 739 of the Penal Code, relating to the employment of minor children and women,

And recommend that said bill do pass,

Also,

House Bill No. 153,

A bill for an act to provide for the foreclosure of mortgages upon real property,

And recommend that said bill do pass.

Also,

House Bill No. 152,

A bill for an act to provide for the effect of judgment in action of foreclosure of liens upon real property,

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

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter and to repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the year 1879,

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

That the word "indexes" occurring in Section 4, and line 2 of the printed bill be changed to "indices."

That after the word "State," occurring in Section 4 and line 4 the "semicolon" (;) be changed to a "comma" (,), and the following be inserted thereafter: "And to secure a copyright of each volume of said reports before the same is distributed, for the exclusive use and benefit for the State of North Dakota; the procurement of said copyright to be by property printed in each volume."

That the following section be added:

"SEC. 7. It shall be the duty of the Supreme Reporter to publish in book form the opinions of the Supreme Court, together with other matter as contemplated in Section 2 of this act, not sooner than the month of October and not later than the 31st day of December, beginning in the year 1892, and shall so publish said opinions and other matter as contemplated by this act, bi-

ennially thereafter, the publication of said opinion and other matter to be let and paid for in the same manner as other public printing.

That Section 7 of the original bill be numbered Section 8.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The following majority and minority reports were made by the Judiciary Committee on House Bill No. 39:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same,

Have had the same under consideration and the majority of those present recommend that said bill be amended as follows:

In Section 1 and second line of printed bill strike out the words "dollars upon one hundred dollars for one year" and insert in lieu thereof the words "*per centum per annum.*"

In lines 6 and 7 of same section, strike out the words "dollars upon one hundred dollars for a year" and insert in lieu thereof the words "*per centum per annum.*"

In Section 3, and in second line of printed bill, strike out the word "conveyances."

In seventh line of same section strike out the words "or property of any kind," and in tenth line of same section strike out the word "conveyance."

Your committee recommend that the following be added as Section 4 of this bill, and that the following sections be numbered consecutively:

SEC. 4. In all written contracts for the loan of money, the exact amount agreed upon to be received for the use by the borrower, shall be stated in the contract, and separately therefrom the rate per cent thereon of interest contracted to be charged, and if in any contract, either verbal or written, for the loan of money, the borrower receives a less sum than the principal sum so agreed upon and contracted to be loaned to and received by the borrower, the said contract shall be deemed to be usurious, except as otherwise herein provided.

In Section 7, or Section 6 in printed bill and in line 8, strike out the word "conveyance."

In line 10 of the same section strike out the figures and words "12 per cent" and insert in lieu thereof "twelve *per centum,*" and in line 16 of same section strike out the word "conveyance."

In Section 10, or Section 9 of the printed bill, and in line 2 strike out the word "conveyance."

A majority of the committee present recommend that the bill when so amended do pass.

The chairman gave notice that he would submit a minority report.

F. J. THOMPSON,
Chairman, under instruction of the majority of the committee present.

MINORITY REPORT.

MR. SPEAKER:

The minority of your committee to whom was referred
House Bill No. 39,

A bill for an act defining usury and the penalty for taking the
same,

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

The minority of your committee is of the opinion that money is a commod-
ity, the price for the use of which should be regulated as other commodities
that enter into the business life of our government.

That advantage is taken by the money loaner of the borrower during
times of business depression is undoubtedly true, yet this advantage is ever
used in all walks of life. It is the result of the natural selfishness which finds
a place in the mind of every individual in a more or less degree.

There is a sequence ever following a law, the object of which being to
regulate, even in a quasi manner, the moral responsibility of man
to his fellow creatures; while it may regulate upon the surface the mat-
ter legislated upon, yet beyond and deeper it cultivates the cunning and de-
ceit in our nature in seeking to evade the letter of the law, and the result is
that the wrong still exists though covered and concealed by devices and sub-
terfuges. We do not believe that the passage of a usury law will remove the
causes which now makes interest high, nor further the prosperity of our State.
As soon as securities become good, capital will seek investment in our midst.
This is illustrated in the moderate rate of interest charged upon real estate
loans. A few years ago rates upon real estate mortgages was 12 per cent., at
present mortgagees are satisfied with interest at 6, 7 and 8 per cent. This con-
dition of affairs has been wholly brought about through the increasing confi-
dence of capitalists in the securities offered and the competition resultant
therefrom. Hence, from the foregoing as major premises, and many other un-
mentioned minor premises, we are of the opinion that no usury law should be
passed, and that money should be treated as all other commodities used in the
affairs of life.

F. J. THOMPSON.

Mr. Stevens moved

That both the majority and minority reports be referred to the
Committee of the Whole.

Which motion prevailed, and

The reports were so referred.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads have had under consideration
House Bill No. 102,

And recommend that the bill do not pass.

R. N. STEVENS,
Chairman.

Mr. Thompson of Cass, moved

That Senate Bill No. 56 be recommitted to the Judiciary Com-
mittee,

Which motion prevailed, and

The bill was recommitted.

Mr. Bowen moved

That House Bill No. 142 be referred to the Committee on Irrigation,

Which motion prevailed.

Mr. Stevens moved

That the report of the Railroad Committee be amended by striking out the words "House Bill No. 102" in the last report, and substituting therefor the words "House Bill No. 83,"

Which motion prevailed.

Mr. Bowen gave notice of a motion to reconsider the vote by which Senate Bill No. 21 was passed.

Mr. Selby moved

That the motion by which Senate Bill No. 21 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

UNFINISHED BUSINESS.

Consideration of
House Bill No. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Was continued.

Mr. Stevens moved

To amend Section 44 by adding after the word "several" in line 7 the following words: "Cities whether organized under general law or special charter,"

Which motion prevailed.

Mr. Stevens moved

To further amend Section 44 by adding after the word "class" in line two of Subdivision Third the words "or article,"

Which motion prevailed.

Mr. Stevens moved

To further amend the section by adding after the word "assessor" in line 4 of Subdivision Fifth the following: "Except as it may be necessary to make the valuation in the different townships equal,"

Which motion prevailed.

Mr. McCormick moved

To amend Section 18 as follows: Strike out the letter "s" at the end of the word "amounts" and insert after the word "if" the words "property including,"

Which motion was lost.

Mr. McCormick moved

To reconsider the vote by which Section 18 was adopted,

Which motion was withdrawn, and

Section 44, as amended, was adopted.

Sections 45, 46 and 47 were adopted.

Section 48 was laid over until to-morrow and referred to the Committee on Taxes and Tax Laws.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 16, 1890. }

MR. SPEAKER:

I have the honor to return herewith

A Memorial to Congress praying for an appropriation for building dams on the Mouse River, in the State of North Dakota, for the purposes of irrigation,

Which the Senate has concurred in.

C. C. BOWSFIELD,
Secretary.

Consideration of House Bill No. 14 resumed.

Sections 49, 50 and 51 were adopted.

Mr. Stevens moved

That action on Section 52 be deferred until to-morrow,
Which motion prevailed.

Sections 53 and 54 were adopted.

Mr. Renaud moved

To amend Section 55 by adding after the word "places" in line 10 thereof the words "and in a newspaper if there be one in the county,"

Which motion was lost, and
Section 55 was adopted.

Section 56 was adopted.

Mr. Heglie moved

To amend Section 57 by striking out wherever it occurs in the section the word "sheriff" and inserting therefor the word "treasurer."

Mr. Haugen moved

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

J. G. HAMILTON,
Chief Clerk.

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 17, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beard, Murphy, Nedrud and Tyler, excused.

Mr. Langer asked that Mr. Beard be excused until Monday,

Which request was granted.

Mr Tyler was excused until next Tuesday.

Senate Bill No. 47 was recalled from the Committee on Counties and referred to the Committee on Forestry.

Mr. Ueland asked that House Bill No. 44 be referred to the same committee,

Which request was granted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 17, 1890. }

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 the Railroad Commissioners be, and are hereby instructed to investigate the question of freight rates, and any discriminations by any railroad corporation

against the business interests of North Dakota, and that the commissioners be requested to report the result of said investigation to this Legislative Assembly and recommend some measure of relief within fifteen days.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved
To adopt the Senate Concurrent Resolution,
Which motion prevailed, and
The Concurrent Resolution was adopted.

Mr. Estabrook moved
That the reading of the Journal be dispensed with, and that the Chair appoint a committee to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Estabrook, Ueland and Strom.

Mr. Stevens moved
That the consideration of House Bill No. 179 be now taken up, and that the Clerk be permitted to read from the printed bill,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved
That the House resolve itself into Committee of the Whole for the consideration of House Bill No. 179,

Which motion prevailed, and

Mr. Speaker called Mr. Bowen to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 179,

A Joint Resolution for the appointment of a joint committee of the Legislative Assembly to make a final adjustment of accounts between North and South Dakota,

And recommend that the bill do pass.

E. W. BOWEN,
Chairman.

Mr. Stevens moved
To adopt the report of the Committee of the Whole,
Which motion prevailed, and
The report of the Committee of the Whole was adopted.

Mr. Stevens moved
That the rules be suspended and that House Bill No. 179 be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 179,

A Joint Resolution for the appointment of a joint committee of

the Legislative Assembly to make a final adjustment of accounts between North and South Dakota,

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

The roll being called there were ayes 58, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss.
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson.
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Murphy,

Messrs—

Nedrud,

Messrs—

Tyler.

Messrs. Beard, Murphy, Nedrud and Tyler being excused.

And so the Joint Resolution passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That House Bill No. 179 be considered as engrossed, and that the vote just taken on the bill be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

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. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885,

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

Also,

House Bill No. 140,

A bill for an act to repeal Chapter 109 of the Session Laws of 1889 relating to aid in construction of railroads,

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

Because the bill intended to be repealed is in conflict with Section 185 of the Constitution.

F. J. THOMPSON,
Chairman,

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 163,

A bill for an act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain,

Have had the same under consideration and recommend that the bill be amended by striking out Section 9 and inserting in lieu thereof the following:

WHEREAS, An emergency exists in that this act would be of no effect if its benefits were delayed until July 1st; therefore, it shall take effect immediately and be in force from and after its passage and approval.

And as so amended recommend that the bill do pass.

H. D. COURT,
Chairman.

Mr. Selby moved

To adopt the report of the committee,

Which motion prevailed, and

The report of the Committee on Agriculture was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the following

Concurrent Resolution and Memorial to Congress to subdivide North Dakota into four judicial districts,

Which the Senate has adopted and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Selby moved

That the rules be suspended and that House Bill No. 163 be now placed upon its third reading and final passage with privilege of amendment,

Which motion prevailed, and

House Bill No. 163,

A bill for an act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain,

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

Mr. Selby moved

That the emergency clause reported by the Committee on Agriculture be stricken out and that Section 9 as it appears in the original bill be reinstated,

Which motion prevailed.

Mr. Walsh moved

That the Commissioner of Agriculture and Labor, Mr. Helgeson, be requested to explain the position of the elevator men on the seed wheat question as affected by the bill under consideration,

Which motion prevailed, and

Mr. Helgeson addressed the House.

The question being on the passage of the bill,

The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Murphy,

Messrs—

Nedrud,
Tyler,

Messrs—

Walton.

Messrs. Beard, Murphy, Nedrud and Tyler being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Walsh moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture respectfully return Senate Bill No. 47 for transfer to the Forestry Committee.

H. D. COURT,
Chairman *pro tem*.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House amendments to Senate Bill No. 21
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

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

Resolved, That it shall be the duty of every Engrossing and Enrolling clerk to report each day to both the Chief Clerk and Chief Engrossing and Enrolling Clerk by whom they shall be detailed on any committee, or for any other Legislative work the Chairman or members of the committees may require; therefore, be it

Further resolved, That all chairmen of committees, or others requiring clerks, are requested to leave an order with the Chief Clerk for the same.

Which motion prevailed, and

The resolution was adopted.

The Commissioner of Agriculture and Labor made the following report:

BISMARCK, January 11, 1890.

To the Honorable, the Speaker and Members of the House of Representatives of the State of North Dakota:

GENTLEMEN: In compliance with a resolution recently adopted by your honorable body requesting information regarding the coal mines of North Dakota—especially indicating the location, depth of veins and extent of development—I have the honor to report as follows:

As a result of numerous inquiries I have received reports from three owners along the St. Paul, Minneapolis & Manitoba railroad, and from three along the Northern Pacific, and but one or two of these reports give information about other mines than their own. The duty of immediately investigating the cases of destitution, imposed upon me by the Legislature, has precluded my visiting in person the coal mining districts, and this report is, therefore, necessarily very imperfect and doubtless omits many important facts, but sufficient is shown to indicate something of the importance of North Dakota's coal fields, and something of what their value will be when properly fostered and developed. Considerable of the general information about the coal of the State is derived from the excellent report of Mr. J. J. Sullivan, a mine operator near Minot.

EXTENT OF THE COAL AREA.

Though yet very imperfectly made out, the area underlaid by coal is known to be large in the northwestern part of the State. The entire Mouse and Missouri river region, and doubtless the country lying between, seem to contain inexhaustible supplies. The coal crops out along the streams and bluffs, and it may be that other veins may yet be found at depths or in localities, and perhaps of different quality, now not even suspected.

KIND OF COAL.

The kind is a good quality of lignite—a soft coal containing little or no bitumen, and therefore burning without emitting much smoke or gas and leaving a white ash and generally no clinkers. No scientific tests of its heat producing qualities are known to the commissioner, but mine owners and others

using the coal estimate that a ton of it will produce as much heat as a cord of good oak wood. This coal, if left exposed to the weather, air-slacks and decomposes to some extent, but if reasonably well housed, as in ordinary wood sheds or coal bins, will keep in good condition for several months.

DEPTH BELOW THE SURFACE.

Most of the mines now open are entered horizontally from the hill sides, and their depth therefore varies from a few feet to perhaps 300 feet; most of the mines reporting being less than 150 feet beneath the surface.

THE COAL VEINS.

So far as the commissioner has ascertained there are usually present three distinct veins, the distance between them varying from three to twenty feet, though frequently the upper, and occasionally the middle vein, also, is absent.

The first, or top vein, is of the poorest quality, and is light and but little worked, its thickness ranging from six inches to three or four feet.

The second, or middle vein, is the thickest of all, ranging from one foot to eleven feet along the Manitoba road, while one report from Dickinson places the depth from fifteen to twenty-two feet. This is the vein generally worked, and it is the coal usually found on the market.

The third, or lower vein, is from one to three feet thick, and is the best of all, being harder and less liable to air-slack, but is very little worked, lying usually deeper than the beds of the streams, and but little being known about it. It is generally thought to be too light to work profitably.

LOCATION OF MINES AND EXTENT OF DEVELOPMENT.

The mines that have been best developed are necessarily along the lines of the two railroads, though by common report some of the best coal fields in the State lie between these two, and in the Turtle Mountain region, at a distance from railroads, many mines are opened so that coal is being mined and sold to local buyers, but information has been received from very few of them.

The Gaerchel mine at New Salem, Morton county, is operating a vein four and one-half feet thick and has an entry of 500 feet, but no other information about its output, development or supply of coal is given.

The Sims Coal Company at Sims, Morton county, reports two mines at that place capable of furnishing 300 tons of coal per day. The mines are located on both sides of the Northern Pacific track, the veins being from seven to nine feet thick. It says a steady demand for coal is all that is needed to stimulate the coal mining to enable all the coal needed in the northwest to be furnished by home mines.

The Dickinson Coal Mining Company at Dickinson, Stark county, reports an inexhaustible supply, this company having 160 acres underlaid with a coal vein fifteen to twenty-two feet thick. During the last three years they have shipped about 1,000 carloads, and say they could find a market for that amount every year were it not for the high freight charges imposed by the railroad.

There are many other mines along the railroad west of Bismarck and elsewhere in that part of the State, but no reports have been received from them.

From Ward county two reports are at hand. The Burlington mine, owned and operated by J. L. Colton, is the best developed of any mine in that part of North Dakota, and has been in operation three years. The main tunnel is 500 feet long, and the daily output is stated fifteen to thirty tons; fifteen men are employed, the pay roll being about \$35 per day. The vein is from eight to eleven feet thick. Coal from this mine is now shipped to nearly all points in northeastern North Dakota.

The Foote mine, in the same vicinity, has a tunnel 250 feet long and works a vein eight feet thick.

The mine of J. J. Sullivan, in the same vicinity, has been worked a year, has a tunnel of 350 feet with several side chambers, and a vein eight feet thick. Last winter Mr. Sullivan sold 500 tons of coal, and about the same amount thus far this winter. He is now mining about ten tons per day, but is shipping none, as, though on the railroad track, the nearest station is four miles away

and the freight charges are too high. Mr. Sullivan says that were railroad facilities for shipping at reasonable rates provided he would increase the capacity of his mine to 100 tons per day, and could then deliver coal on the cars at not to exceed \$1.50 per ton and make a good profit on it.

There are said to be some twenty other mines in Ward county, but no particular information has been received from them, except the general statement made by all that the supply is inexhaustible.

Frank D. Taylor's mine, nine miles east of Williston, near Ft. Buford, has a six-foot vein, and the proprietor estimates the supply of coal at 5,000,000 tons per square mile. His coal is loaded directly on the cars, and his mines average three to three and one-half tons per day. The government post at Ft. Buford has used it for three years. Other mines in the vicinity are worked, but none so extensively as this one.

PRICES AND FREIGHT CHARGES.

All mines reporting the selling price of coal at the mines state it at \$1.25 per ton. Nearly all complain of high freight charges, which prevent their successfully competing with either eastern or Montana coal, even in this State. Though this part belongs properly to the railroad commission, I give here some of the complaints. They claim that the railroads charge \$2 per ton for shipping native coal in carload lots any distance less than 100 miles, and 50 cents per ton for each additional 100 miles or fractional part thereof. One mine owner near Minot complains that the Manitoba road ships coal from its own mines in Montana, a distance of 600 miles into North Dakota and sells it at \$2.50 per ton above the price at the mines, while the same company charges \$2.50 per ton for shipping North Dakota coal from Minot to Devil's Lake, about 115 miles. The mine owners usually recommend a reduction of charges to \$1 per ton for the first 100 miles, and one-half cent per ton per mile for additional distances, and also that where cars of coal are transferred from one road to another the receiving road shall charge not more than one-half cent per ton per mile for the distance carried by it. Some of the mine owners indicate a readiness to put in additional machinery and greatly extend their facilities whenever the freight problem is satisfactorily adjusted.

Very Respectfully Yours,

H. T. HELGEBSEN,

Commissioner of Agriculture and Labor.

Since I made the above report I have visited the Hospital for the Insane at Jamestown, where I interviewed the superintendent and engineer in regard to the merits of Dakota coal, and I herewith submit the engineer's report as to the comparative value of Dakota coal compared with eastern bituminous coal.

H. T. HELGEBSEN,

Commissioner.

NORTH DAKOTA HOSPITAL FOR THE INSANE, }
JAMESTOWN, JANUARY 14, 1890. }

O. W. Archibald, M. D., Superintendent:

DEAR SIR: In answer to your inquiries about the value of lignite coal as compared with a good quality of eastern bituminous coal, I may state from a practical test made at this Institution that lignite coal is 43 per cent. the value of a ton of eastern bituminous coal of first quality. Eastern coal costs \$6.67½ in our coal bins. We would require to get lignite coal, at \$2.87 per ton in our coal bin, and then make an allowance of ten cents per ton for extra help in handling and firing it, which would make its value as a steam producer at this place, \$2.77 per ton, and it will only produce 75 per cent. as much steam in a boiler as eastern coal, so when your boilers are run to their capacity with eastern coal, you will require to increase your boiler capacity 25 per cent. to be able to produce as much steam. This is a fair estimate of the value of the two coals, taken under the same boiler, doing the same amount of work.

I am, Sir, your most obedient servant,

THOMAS PETTIGREW,

Engineer.

Mr. Williams moved

That the report be not read until it shall be printed in the Journal,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Concurrent Resolution praying for the early adjustment of the Northern Pacific land grant.

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Walsh moved

That the order of Unfinished Business be passed and that the House proceed to the first and second reading of House and Senate bills,

Which motion prevailed.

Mr. Wickham moved

That House Bill No. 49 be recalled and re-committed to the Committee on Insurance,

Which motion prevailed.

Mr. Stevens moved

That the clerk be permitted to read bills introduced by him on the first reading to-day from the printed bill,

Which motion prevailed.

Mr. Williams moved

That the rules be suspended and that all Senate bills on their first reading to-day, be also read the second time and referred to their appropriate committees,

Which motion prevailed.

Mr. Stevens moved

To amend by including all House Bills that have been printed,

Which amendment was accepted,

The original motion, as amended, prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No 179,

A Joint Resolution,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 17, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to

Senate Bill No. 21,

A bill for an act providing for the extension of the time for the payment of taxes for the year 1889,

C. C. BOWSFIELD,
Secretary.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 150,

A bill for an act in relation to county organizations,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the same.

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same,

Was read the first and second times, and referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 166,

A bill for an act to simplify and regulate legal proceedings.

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 167,

A bill for an act to provide for covering into the State Treasury all fees and profits arising from any of the State offices.

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 168,

A bill for an act in relation to garnishment in justice court.

Which was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 169,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized.

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 170,

A bill for an act to preserve the waters of the Red, Missouri and James rivers,

Was read the first and second times, and referred to the Committee Public Health.

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

Was read the first and second times, and referred to the Committee on Judiciary.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 153 and 78,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 173,

A bill for an act to secure to laborers in and about coal mines and manufactories the payment of their wages at regular intervals and in lawful money of the United States,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 174,

A bill for an act instructing Geo. W. Wetherbee, formerly school treasurer of Waterloo township, Roberts, county, Dakota, to equally divide between Devillo and Fairmount school townships, Richland county, North Dakota, certain school moneys in his hands,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith,

Was read the first and second times, and referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 176,

A bill for an act to prevent deception in the sale of dairy products and to preserve the public health,

Was read the first and second times, and referred to the Committee on Public Health.

House Bill No. 177,

A bill for an act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, and to prevent fraud and to preserve the public health.

Was read the first and second times, and referred to the Committee on Public Health.

House Bill No. 178,

A bill for an act to set aside and declare inoperative the "Herd Law."

Was read the first and second times, and referred to the Committee on Agriculture.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Roney introduced—

House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public State institutions.

Mr. Walsh introduced—

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889.

Mr. Zimmer introduced—

House Bill No. 182,

A bill for an act providing for certain statements to be made by the county treasurer and county auditor, or county clerk, jointly.

Mr. Hoyt introduced—

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities, towns and villages which have failed or refused to elect boards of trustees, aldermen or council.

Also,

House Bill No. 184,

A bill for an act to fix the maximum rate that railroad companies and other common carriers may charge for the transportation within North Dakota of coal mined in North Dakota.

Mr. Ueland introduced—

House Bill No. 185,

A bill for an act to prevent the formation of trusts.

Mr. Montgomery introduced—

House Bill No. 186,

A bill for an act to promote medical science.

Mr. Rawlings introduced—

House Bill No. 187,

A bill for an act relating to State, county and city officers, to restrain them from speculating in their offices.

Mr. Pinkham introduced—

House Bill No. 188,

A bill for an act defining the duties of county commissioners in relation to the building of bridges.

Mr. Belden introduced—

House Bill No. 189,

A bill for an act to provide for the destruction of gophers, and to create a fund out of which bounties may be paid.

Also,

House Bill No 190,

A bill for an act to revise the laws in relation to counties.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners,

Was read the first and second times, and referred to the Committee on Counties.

Senate Bill No. 62,

A bill for an act to require all railroad corporations doing business in the State of North Dakota to file with the county clerk in which any railroad or part thereof may be located, a map showing all railroad and right of way owned by said corporation,

Was read the first and second times, and referred to the Committee on Railroads.

Senate Bill No. 36,

A bill for an act to provide for publication of proposed constitutional amendments,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 7,

A bill for an act to revise and amend an act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota," approved March 9, 1885,

Was read the first and second times, and referred to the Committee on Public Health.

Senate Bill No. 63,

A bill for an act to protect stock raisers and promote the breeding of improved live stock in the State of North Dakota,

Was read the first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 67,

A bill for an act to provide for elections in unorganized counties,

Was read the first and second times, and referred to the Committee on Elections and Privileges.

Senate Bill No. 102,

A bill for an act providing for the election of boards of education in cities not organized under the general laws,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Walsh, by unanimous consent, offered the following resolution and moved its adoption:

Resolved, That when this House adjourns for to-day it shall be to meet at 10 a. m. to-morrow, for the purpose of continuing the third reading of House Bill No. 14.

Which motion was lost, and
The resolution was lost.

SECOND READING OF HOUSE BILLS.

House Bill No. 155,

A bill for an act to amend Section 2, Chapter 88, of the Session Laws of 1889,

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

House Bill No. 156,

A bill for an act to regulate the uniformity of and to provide free school text books in public schools throughout the State and the distribution of the same,

Was read the second time, and referred to the Committee on Education.

House Bill No. 157,

A bill for an act to define and limit the homestead, the conveyance and encumbrance thereof,

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

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

Was read the second time, and referred to Committee on Railroads.

House Bill No. 159,

A bill for an act relating to the shipment and weighing of grain by common carriers,

Was read the second time, and referred to the Committee on Warehouses, Grain Grading and Dealing.

House Bill No. 160,

A Joint Resolution for the submission of a proposition to amend the Constitution of North Dakota,

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

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code of 1887,

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

House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the General Laws of 1885, relating to county mutual insurance companies,

Was read the second time, and referred to the Committee on Insurance.

Mr. Thompson of Cass, asked to be excused until Monday.

Mr. Allen asked to be excused until Tuesday.

Mr. Wickham asked to be excused until Monday,
Which requests were granted.

Mr. Thompson of Cass, moved
That the House do now adjourn.

Mr. Stevens moved
That when the House adjourn it be to meet again at 10 o'clock to-morrow,

Which motion was lost, and
The question recurring on the motion to adjourn,
Roll call was demanded.

The roll being called there were ayes 25, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bowen,	McDonald,	Roney,
Brittin,	McIntyre,	Selby,
Buchanan	Milsted,	Stadleman,
Court,	Moore,	Tandberg,
Currier,	Pinkham,	Thomas,
Green,	Rawlings,	Thompson of Cass,
Hoyt,	Reed,	Wickham,
Ingebretson,	Richardson,	Williams.
Lutz,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Norton,
Balkan,	Haugerud,	Olsgard,
Belden,	Heglie,	Renaud,
Bye,	Jahr,	Stevens,
Christianson,	Johnson,	Strom,
Cole,	Langer,	Thomson of Walsh,
Estabrook,	Lilly,	Ueland,
Foss,	McCormick,	Watt,
Gronli,	McCullough,	Zimmer,
Hankinson,	Montgomery,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Nedrud,	Walsh,
Ink,	Tyler,	Walton.
Murphy,		

Messrs. Beard, Murphy, Nedrud and Tyler being excused.

And so the motion to adjourn was lost.

Mr. Stevens moved

That the House do now proceed to the consideration of House Bill No. 14.

Mr. Thompson of Cass, moved
To lay the motion on the table.

Mr. Stevens raised the point of order that both motions were out of order, the consideration of House Bill No. 14 now being the business before the House without a motion to proceed to its consideration,

Which point of order Mr. Speaker decided well taken.

Mr. Milsted moved
That the House do now adjourn.

Roll call demanded.

The roll call being called there were ayes 27, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bowen,	McCullough,	Selby,
Brittin,	McDonald,	Stadleman,
Buchanan,	McIntyre,	Tandberg,
Bye,	Milsted,	Thomas,
Court,	Moore,	Thompson of Cass,
Currier,	Rawlings,	Walton,
Green,	Reed,	Wickham,
Hoyt,	Richardson,	Williams,
Ingebretson,	Roney,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Olsgard,
Balkan,	Heglie,	Pinkham,
Belden,	Jahr,	Renaud,
Christianson,	Johnson,	Stevens,
Cole,	Langer,	Strom,
Estabrook,	Lilly,	Ueland,
Foss,	Lutz,	Thomson of Walsh,
Gronli,	McCormick,	Watt,
Hankinson,	Montgomery,	Zimmer.
Haugen,	Norton,	

Absent and not voting.

Messrs—	Messrs—	Messrs—
Beard,	Murphy,	Tyler,
Ink,	Nedrud,	Walsh.

Messrs. Beard, Murphy, Nedrud and Tyler being excused.

And so the motion to adjourn was lost.

UNFINISHED BUSINESS.

Consideration of
House Bill No. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Was continued.

Mr. Heglie withdrew his amendment to Section 57.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bills Nos. 154 and 152,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Selby moved

That the House do now adjourn.

Mr. Stevens moved that when the House adjourn it be to take
a recess until to-morrow at 10 o'clock a. m.

Mr. Thompson of Cass, moved

To amend by striking out "10 o'clock a. m." and substituting
therefor the words "1:59 o'clock p. m."

Mr. McCormick moved

To amend the amendment by striking out the words "1:59
o'clock p. m." and inserting therefor the words "7 o'clock a. m."

Mr. Milsted moved

To lay the amendment on the table,
Which motion was lost.

Roll call demanded on the amendment of Mr. McCormick.

The roll being called there were ayes 41, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Richardson,
Belden,	Jahr,	Roney,
Buchanan,	Johnson,	Selby,
Christianson,	McCormick,	Stadleman,
Cole,	McCullough,	Stevens,
Court,	McDonald,	Strom,
Currier,	McIntyre,	Tandberg,
Foss,	Milsted,	Thomas,
Green,	Montgomery,	Thompson of Cass,
Gronli,	Norton,	Thomson of Walsh,
Hankinson,	Olgard,	Wickham,
Haugen,	Pinkham,	Zimmer,
Haugerud,	Rawlings,	Mr. Speaker.
Heglie,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Estabrook,	Lutz,
Bowen,	Hoyt,	Moore,
Brittin,	Langer,	Ueland,
Bye,	Lilly,	Watt.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Nedrud,	Walsh,
Ink,	Renaud,	Walton,
Murphy,	Tyler,	Williams.

Messrs. Beard, Murphy, Tyler and Nedrud being excused.

And so the amendment of Mr. McCormick prevailed.

Mr. Brittin asked to be excused until 2 o'clock to-morrow,

Which request was granted.

The question then recurring on the original motion as amended,

The motion prevailed.

Mr. Selby moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

SIXTIETH DAY—MORNING SESSION.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1890.

The House assembled at 7 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Roll called.

No quorum present.

Call of the House demanded.

Mr. Stevens moved

That from and after 7:15 a. m. this day, no absent members be excused without a vote of the House,

Which motion prevailed.

Mr. McCormick moved

To dispense with further proceedings under call of the House,

Which motion was lost.

Mr. Haugured moved

That the roll be called and each member failing to respond be fined in the sum of one dollar,

Which motion was declared out of order.

Mr. Hankinson moved

To dispense with further proceedings under the call,

Which motion was withdrawn.

The Speaker called Mr. Hankinson to the Chair.

Mr. Moore moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Williams moved

That further proceedings under call of the House be dispensed with,

Which motion was withdrawn.

Mr. Williams renewed his motion, and the motion was lost.

Mr. Selby moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Williams moved

To dispense with further proceedings under the call of the House,

Which motion was lost.

Mr. Hankinson moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

The Sergeant-at-Arms reported.

Mr. Williams moved

To dispense with further proceedings under the call.

Roll call demanded.

The roll being called there were ayes 20, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Cole,	McCullough,	Stevens,
Foss,	Moore,	Strom,
Haugen,	Montgomery,	Thomson of Walsh,
Jahr,	Norton,	Ueland,
Johnson,	Renaud,	Williams,
Lilly,	Roney,	Zimmer.
McCormick,	Selby,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Estabrook,	Pinkham,
Belden,	Green,	Rawlings,
Bowen,	Gronli,	Stadleman,
Brittin,	Haugerud,	Thomas,
Bye,	Heglie,	Thompson of Cass,
Christianson,	Langer,	Walsh,
Court,	Olsgard,	Mr. Speaker.
Currier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Lutz,	Richardson,
Beard,	McDonald,	Tandberg,
Buchanan	McIntyre,	Tyler,
Hankinson,	Milsted,	Walton,
Hoyt,	Murphy,	Watt,
Ingebretson,	Nedrud,	Wickham.
Ink,	Reed,	

Messrs. Allen, Beard, Buchanan, Lutz, McIntyre, Murphy, Nedrud, Tyler, Watt and Wickham being excused.

And so the motion to dispense with further proceedings under the call was lost.

Mr. Williams moved
To dispense with further proceedings under call of the House,
Which motion prevailed, and
Further proceedings under call of the House were dispensed
with.

Messrs. McIntyre and Ink excused for the day.
Messrs. Lutz and Buchanan were excused until Monday.

Mr. McCullough moved
To adjourn,
Which motion was lost.

The question of the construction of the words "two-thirds of the members of the whole House" as they appear in Rule 53 of the House was raised.

Mr. Speaker stated he construed the words to mean that when a quorum was present, two-thirds of those present could suspend the rule, but submitted the question to the House for decision.

Mr. Stevens moved
That the construction of the Speaker be taken as the sense of the House,
Which motion prevailed.

Mr. Walsh moved
That Mr. Hayden be requested to explain any questioned provisions of House Bill No. 14,
Which motion prevailed.

The House by unanimous consent amended Section 48 by striking out the word "Legislature" and substituting therefor the words "Legislative Assembly."

Mr. Heglie moved
To amend Section 31 by striking out the words "state's attorney" and insert in lieu thereof the following: "Chairman of board of town supervisors," in line 5 of said section,
Which motion was withdrawn.

Mr. Currier moved
That the following be substituted for Section 30:

SEC. 30. BOARD OF ASSESSORS.] Each county in this State shall be divided into not less than three nor more than five assessment districts. Said districts shall be bounded by lines of, and conform to, the commissioners districts of their respective counties; one assessor shall be elected in each district for a term of two years at the same time that other county officers are elected. Said assessors to receive for their services \$3 per day, and no more, for the time actually employed in making and completing said assessment; *Provided*, That cities organized under the General Laws of this State shall not be included in the districts provided for in this section, but the assessor of such cities shall act with the board of county assessors in meetings or consultations of such board.

Which motion was withdrawn.

Mr. Thompson of Cass, asked permission to absent himself from the sessions of the House for the purpose of looking up author-

ities in the State Library for the use of the Judiciary Committee,
Which request was granted.

Mr. Estabrook moved

To amend Section 52 by striking out the word "Legislature"
and inserting the words "Legislative Assembly."

Mr. Stevens moved

To amend by adding to the motion, "of the Territory of Dakota,"
Which amendment was accepted, and
The original motion as amended prevailed.

Section 52 as amended was adopted.

Section 57 was adopted.

Mr. Selby moved

To amend Section 58 by striking out the words "county attorney,"
and inserting therefor the words "State's attorney,"

Which motion prevailed, and
Section 58 as amended was adopted.

Mr. Stevens moved

To amend Section 59 by adding after the word "neglect," in the
second line, the words "to collect,"

Which motion prevailed, and
Section 59 as amended was adopted,

Mr. Renaud moved

To amend Section 59 by adding in line 9 after the words "public
places" the following words: "And in one official newspaper if
there is one in the county; *Provided*, The amount of said taxes
to be collected by distress will not be less than \$15."

Which motion prevailed, and
Section 59, as amended, was adopted.

Section 60 was adopted.

Mr. Cole moved

To amend Section 61 by striking out the word "in" in line 2
and inserting in lieu thereof the word "issue,"

Which motion prevailed, and
Section 61, as amended, was adopted.

Mr. Heglie moved

To amend Section 62 by adding after the word "deputy" in line
7 the words "*Provided*, Said deputy is a resident of said town-
ship,"

Which motion was lost, and
Section 62 was adopted.

Sections 63, 64 and 65 were adopted.

Mr. Strom moved

To amend Section 66 by striking out the word and figure "five
(5)" in line 8 of the section, and substituting therefor the word
and figure "three (3),"

Which motion was lost, and

Section 66 was adopted.

Mr. Strom moved

To amend Section 67 by striking out the word "five" and inserting the word "three" in line 7,

Which amendment was lost, and

Section 67 was amended by adding the word "per" after the word "five" in line 11.

Mr. Heglie moved

To amend Section 67 by striking out the word "October" wherever it occurs in the section, and inserting therefor the word "November,"

Which motion was lost.

Section 67 as amended was adopted.

Mr. Stevens moved

To amend Section 68 by striking out the proviso at the end thereof,

Which motion prevailed.

Mr. Thomas moved

To amend Section 68 by striking out the word and figures "ten (10)" wherever they occur in the section and substituting therefor the word and figure "twenty (20)"; also, strike out the word and figure "five (5)" wherever they occur and substitute therefor the word and figure "ten (10)."

Which motion prevailed, and

Section 68 as amended was adopted.

Sections 69, 70 and 71 were adopted.

Mr. Stevens moved

To amend Section 72 by striking out all after the word "levied" in line 10 of the section, and inserting in lieu thereof the following:

And it shall be lawful for any person having or claiming title to any land, whether in his possession or whether it is vacant or unoccupied, or in the possession of any other person, to commence and maintain, at any time, an action against any person who claims any title or interest in said land, or lien upon the same adversely to him by or through any tax certificate or tax deed heretofore or hereafter made, to test the validity of the tax sale under which the sale was made to quiet his title to said land as against such claims of such adverse claimant, and to remove a cloud from his title arising from such tax certificate or tax deed, and it shall also be lawful for any person having or claiming title to any land to interpose and maintain at any time a defense to any action in law and equity concerning said land which may be brought against him by any person so claiming title adversely under such tax certificate or tax deed, and to test in such defense the validity of the tax sale upon which such certificate or deed was made, to remove the clouds upon his title arising therefrom, and to quiet his title against such person so claiming title adversely thereunder, notwithstanding any and all laws heretofore passed, which limited the time within which such action might be commenced or defence interposed.

Which motion prevailed, and

Section 72, as amended, was adopted.

Section 73 was adopted.

Mr. Belden moved

To amend Section 74 as follows: Strike out all after the word "deed" in the third line down to the word "and" in the fifth line, and insert in lieu thereof the following: "Any piece, lot or parcel of lands bought by any one party or corporation may be included in one deed or certificate."

Section 74 was passed.

Mr. Stevens moved

To amend Section 75 by adding before the words "attorney for" in line 14 the words "agent for,"

Which motion prevailed, and

Section 75, as amended, was adopted.

Sections 76 and 77 were adopted.

Mr. Williams moved

To amend Section 78 by striking out the words "three years" in line 3, and inserting in lieu thereof the words "five years,"

Which motion prevailed, and

Section 78, as amended, was adopted.

Sections 79, 80, 81 and 82 were adopted.

Mr. Williams moved

To amend Section 83 by striking out the words "two years" in line 3, and inserting in lieu thereof the words "five years,"

Which motion prevailed, and

Section 83, as amended, was adopted.

Mr. Pinkham moved

To amend Section 80 by striking out the words "two years," and inserting in lieu thereof the words "five years,"

Which motion prevailed, and

The section was so amended.

Mr. Stevens moved

That Section 84 be passed for the present,

Which motion prevailed.

Section 85 was adopted.

Mr. Williams moved

To strike out the words "three years" in line 3, and substitute therefor the words "five years,"

Which motion prevailed, and

Section 86 was adopted.

Sections 87, 88, 89 and 90 were adopted.

Section 91 was amended by striking out the words "to refuse" in line 11.

Sections 92, 93 and 94 were adopted.

Mr. Speaker called Mr. Thomas to the Chair.

Mr. Stevens moved

To amend Section 68 as follows: Strike out the words, "one of

the official newspapers," and insert in lieu thereof the words, "such newspaper as may be designated for that purpose,"

Which motion prevailed.

Mr. Stevens moved

To amend Section 95 by striking out the word "may" in line 2 and inserting therefor the word "shall."

Mr. Jahr moved

To strike out the entire section,

Which motion was lost,

And the motion of Mr. Stevens prevailed.

Mr. Bowen moved

To further amend Section 95 by adding after the word "circulation" in line 6 the words "provided there are two or more such newspapers published in the county,"

Which motion prevailed.

Mr. Bowen moved

To transpose the words "not having" in line 3 so as to read "having not,"

Which motion prevailed.

Mr. Walsh moved

To amend Section 95 by adding after the words "printed" in line 5 the words "or partly printed,"

Which motion prevailed, and

Section 95 as amended was adopted.

Sections 96, 97 and 98 were adopted.

Mr. Stevens moved

That the House do now adjourn,

Which motion was withdrawn.

Mr. Pinkham asked to be excused until Tuesday.

Mr. Langer asked to be excused until Monday,

Which requests were granted.

Sections 99, 100, 101, 102 and 103 were adopted.

Mr. Walsh moved

To amend Section 104 by striking out the words "four years" in line 7, and substituting therefor the words "six years,"

Which motion prevailed, and

Section 104 as amended was adopted.

Sections 105 and 106 were adopted.

Section 107 was passed.

Section 108 was adopted.

Section 109 was amended by striking out the word "law" in line — of the section, and inserting therefor the word "act," and as so amended Section 109 was adopted.

Mr. Zimmer moved

That the following be substituted for Section 30:

SEC. 30. Each county in this State not organized into civil townships, the county shall be divided into assessment districts, which shall be the same as

the commissioner districts of said county and the assessors thereof shall be elected at the same time that State officers are elected, each civil township in organized counties in this State shall constitute an assessor district and there shall be one assessor elected for each one of said districts at the time that State officers are elected; *Provided*, Any vacancy may be filled by appointment by the county commissioner of their respective counties; *Provided*, That cities organized under the General Laws of this State shall not be included in the districts provided for in this section, but assessors of such cities shall act with the board of county assessors in any of their meetings. All assessors of this State shall receive \$3 per day, and no more, for the time actually employed in making and completing said assessment.

Mr. Walsh made the following verbal report of the Committee on Taxes and Tax Laws, viz:

That they report Section 30 of House Bill No. 14 back to the House without recommendation.

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

Mr. Pinkham moved
To amend the substitute for Section 30, offered by Mr. Zimmer, by making the assessors elected at the same time as other town officers at the annual township meeting.

Mr. Stevens moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1890.

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

The Speaker presiding.

Prayer by the Chaplain dispensed with.

Roll called.

All members present except Messrs. Allen, Beard, Belden, Brittin, Buchanan, Johnson, Langer, Lutz, McIntyre, Murphy, Nedrud, Thompson of Cass, Tyler, Walton, Watt and Wickham, excused.

Mr. Selby asked that Mr. Johnson be excused,
Which request was granted.

Mr. Lutz was excused until next Tuesday.

Mr. Hankinson moved
That the reading of the Journal be postponed.

Mr. Stevens moved
To amend that the reading of the Journal be dispensed with and that the Speaker appoint a committee of three to revise and correct the same, and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee, Messrs. Hankinson, Cole and Belden.

Mr. Selby moved
That the House resolve itself into executive session,
Which motion prevailed.

House reconvened in open session.

REPORTS OF STANDING COMMITTEES.

The Committee on State Library made the following report:

MR. SPEAKER:

Wour Committee on State Library to whom was referred
House Bill No. 108,

A bill for an act regulating the State Library,
Have had the same under consideration and recommend that
said bill be amended as follows:

In Section 2 strike out the words "Judges of Supreme Court" and in lieu thereof insert the words "Secretary of State, Treasurer and Auditor."

In Section 4, line 3, after the words "State Librarian" insert the following words, "who shall possess the qualifications of an elector."

And when so amended recommend that said bill do pass.

W. B. ALLEN,
Chairman.

Mr. Hankinson moved
To adopt the report of the committee,
Which motion prevailed, and
The report of the Committee on State Library was adopted.

Mr. Ink moved
That the rules be suspended, and that House Bill No. 108 be
read the third time and placed upon its final passage,
Which motion prevailed.

Mr. Stevens moved
That the rules be suspended and that on the reading of the bill
amendments be allowed.

Mr. Hankinson moved
To amend the enacting clause to make it read, "Be it enacted
by the Legislative Assembly of the State of North Dakota,"
Which motion prevailed, and
The bill was so amended.

Mr. Hankinson moved
To amend Section 4 by striking out the words "be" and "to" so
the last line shall read, "whose salary shall not exceed \$500 per
annum."

Roll call demanded.

The roll being called there were ayes 42, nays 4.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,
McDonald,
Milsted,
Moore,
Montgomery,
Olsgard,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bowen,	McCullough,	Stevens.
Court,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	McIntyre,	Thompson of Cass,
Beard,	Murphy,	Tyler,
Buchanan,	Nedrud,	Walton,
Johnson,	Norton,	Watt,
Langer,	Pinkham,	Wickham.
Lutz,		

Messrs. Allen, Beard, Buchanan, Johnson, Langer, Lutz, McIntyre, Murphy, Nedrud, Norton, Watt and Wickham being excused.

So the amendment was adopted.

Mr. Pinkham was excused until Tuesday.

Mr. Rawlings was excused until Wednesday.

Mr. Stevens moved

To amend the bill by striking out "\$500" and inserting "\$800,"

Which motion was lost.

Mr. Lilly moved

That the amendments proposed by the Committee on State Library be not concurred in,

Which motion was withdrawn.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 18, 1890. }

Mr. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 69,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States,

Also,

Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases,

Also,

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds, All of which the Senate has passed and your favorable consideration is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced his signature to
Senate Bill No. 23,

A bill for an act prescribing the Great Seal of the State of North Dakota, and the official seal of all courts and officers of the State who are authorized to use a seal.

Objection being made to Mr. Lilly withdrawing his motion,
Mr. Selby moved
That the gentleman be permitted to withdraw his motion,
Which motion prevailed.

Mr. Williams moved
To amend the bill by striking out the word "Legislature" wherever it occurs and insert in lieu thereof the words "Legislative Assembly,"

Which motion prevailed.

Mr. Stevens moved
To amend the bill by striking out in the first line of Section 4, the words "it shall be the duty of the Governor" and inserting in lieu thereof the words, "the Governor may,"

Which motion was withdrawn.

Mr. Williams moved
To amend the bill by adding the following as Section 14 of the bill:

SEC. 14. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum now due from South Dakota by reason of sale of Territorial Library, \$4,500, for the year 1890, and the sum of \$1,000 annually thereafter, for the purpose of purchasing a State Law Library for the State of North Dakota.

Which motion prevailed.

Mr. Stevens moved
That the vote just taken be reconsidered,
Which motion prevailed, and
Mr. Williams withdrew the amendment.

Mr. Stevens moved
To amend the emergency clause by adding after the words "whereas an emergency exists" the following: "In that there is now no law for the appointment of a Librarian for the State of North Dakota,"

Which motion prevailed, and
The question being on the passage of the bill as amended,
The roll being called there were ayes 43, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Rawlings,
Belden,	Heglie,	Reed,
Bowen,	Hoyt,	Renaud,
Brittin,	Ingebretson,	Richardson,
Bye,	Ink,	Roney,
Christianson,	Jahr,	Selby,
Cole,	Lilly,	Stadleman,
Court,	McCormick,	Stevens,

Messrs—

Currier,
Estabrook,
Foss,
Green,
Grouli,
Hankinson,
Haugen,

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Johnson,
Langer,
Lutz,

Messrs—

McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Olsgard,

Messrs—

Strom,
Tandberg,
Thomas,
Ueland,
Williams,
Mr. Speaker.

Messrs—

McIntyre,
Murphy,
Nedrud,
Norton,
Pinkham,
Thompson of Cass,

Messrs—

Thomson of Walsh,
Tyler,
Walton,
Watt,
Wickham,
Zimmer.

Mr. Walsh voting in the negative and explaining his vote.

Messrs. Allen, Beard, Buchanan, Johnson, Langer, Lutz, McIntyre, Murphy, Nedrud, Pinkham, Thompson of Cass, Walton, Watt and Wickham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title was agreed to.

Mr. Hankinson moved

That the bill be considered as engrossed, and that the vote by which the bill was passed be reconsidered, and the motion to reconsider laid on the table,

Which motion prevailed.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

Senate Bill No. 63,

A bill for an act to protect stockraisers and promote the breeding of improved live stock in the State of North Dakota.

Have had the same under consideration and recommend that said bill do pass as amended by the Senate,

Also,

House Bill No. 178,

A bill for an act to set aside and declare inoperative the "Herd Law."

And report back the bill without recommendation.

H. D. COURT,
Chairman.

Mr. Stevens moved

That the report of the Committee on Agriculture on House Bill No. 178 be referred to Committee of the Whole,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons fur-

nishing material for the construction of public buildings and making public improvements,

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

F. J. THOMPSON,
Chairman.

Mr. Williams moved

That the rules be suspended and that House Bill No. 171 be now read the third time, and placed upon its final passage,

Which motion prevailed, and

House Bill No. 171,

A bill for an act to project mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

Was read the third time, and placed upon its final passage,

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

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Olsgard,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Ueland,
Walsh,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Johnson,
Langer,
Lutz,

Messrs—

McIntyre,
Murphy,
Nedrud,
Norton,
Pinkham,
Thompson of Cass,

Messrs—

Thomson of Walsh,
Tyler,
Walton,
Watt,
Wickham.

Messrs. Allen, Beard, Buchanan, Johnson, Langer, Lutz, McIntyre, Murphy, Nedrud, Pinkham, Thompson of Cass, Tyler, Walton, Watt and Wickham, being excused.

And so the bill passed and its title was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Concurrent Resolution No. 160,

A bill for an act for the submission of a proposition to amend the Constitution of North Dakota,

Have had the same under consideration and recommend that said Concurrent Resolution to pass.

F. J. THOMPSON,
Chairman.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred
House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

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

In the third line of Section 2 strike out the word "within" and insert the word "to."

In the fourth line of Section 5 strike out the words "such artesian well outfit" and insert in lieu thereof the words "the same."

In the fifth line of Section 5 strike out the fifth word of said line, to-wit: the word "so," and in the same line strike out the thirteenth word of said line, which is "the," and insert the word "such" in lieu thereof.

Also, in the sixth line of said section strike out the words "so entitled to the use of the same."

Also, in the seventh line of said section strike out the words "for such artesian well outfit."

Also, in the tenth and eleventh lines of the same section, strike out the words "such artesian well outfit," and insert in lieu thereof the words "and operating the same."

And when so amended recommend that said bill do pass.

G. W. RAWLINGS,
Chairman.

Mr. Williams moved

To adopt the Concurrent Resolution providing for the amendment to the Constitution in relation to the reading of bills at length, and that on the motion to adopt the roll be called,

Which motion prevailed, and

The question being on the adoption of the Concurrent Resolution,

The roll call being called there were ayes 39, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Haugerud,	Rawlings,
Bowen,	Heglie,	Reed,
Brittin,	Hoyt,	Renaud,
Bye,	Ingebretson,	Richardson,
Christianson,	Ink,	Stevens,
Cole,	Lilly,	Tandberg,
Court,	McCormick,	Thomas,
Currier,	McCullough,	Thomson of Walsh,
Estabrook,	McDonald,	Ueland,
Green,	Milsted,	Walsh,
Gronli,	Moore,	Zimmer,
Hankinson,	Montgomery,	Williams,
Haugen,	Norton,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Olsgard,	Stadleman,
Foss,	Roney,	Strom.
Jahr,	Selby,	

Absent and not voting.

Messrs—

Allen,
Beard,
Buchanan,
Johnson,
Langer,

Messrs—

Lutz,
McIntyre,
Murphy,
Nedrud,
Pinkham,

Messrs—

Thompson of Cass,
Tyler,
Walton,
Watt,
Wickham.

Messrs. Allen, Beard, Buchanan, Johnson, Langer, Lutz, McIntyre, Murphy, Nedrud, Pinkham, Thomson of Cass, Tyler, Walton, Watt and Wickham being excused.

And so the Concurrent Resolution was adopted.

REPORT OF SPECIAL COMMITTEE.

The Special Committee on the Question of Clerks made the following report:

MR. SPEAKER:

Your Special Committee on the Question of Clerks beg leave to report as follows:

Your Special Committee are of the opinion that the present needs of the House do not demand the whole number of clerks now employed by appointment; but that the appointments made have been made at the request of many members of this House and the committee would respectfully state: That there will be an increasing amount of work with the passage of the revenue bill, and other bills likely soon to pass, as the end of this session approaches, and more of the clerks will then be employed all the time. This, with such work as can be given some of them as clerks of committees, will, we believe, keep them employed most of the time, and your committee recommends that part of said clerks be deputed to act regularly as clerks of those committees having the most business.

Your committee is further of the opinion that the laws ought to be so amended as to limit the number of clerks appointed and paid by the day, to the needs of the house with the ordinary business, say not to exceed eight in all regularly employed, and when they are not sufficient the work be paid for by the folio. We believe that this would save the State considerable expense each session.

Your committee recommend the passage of the following resolutions:

Resolved, That five of the clerks appointed as assistant engrossing and enrolling clerks be detailed to act as clerks of committees as follows: One to act as clerk of each of the Committees on Railroads, Ways and Means, Agriculture, Counties and County Boundaries and State Affairs, and each shall be required to attend all meetings and do such clerical work of the committee to which he may be assigned, except he be required for engrossing or enrolling work and other clerks may be assigned to committees when not employed in their regular work; and,

Resolved, That it is the request of this House that the Speaker do not appoint any more clerks.

GEO. W. LILLY,
Chairman.

Mr. Bowen moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

Mr. Walsh moved

That the committee be continued and that they be instructed to

report a bill embodying their recommendations regarding the number of clerks to be employed,

Which motion prevailed, and
The Special Committee was so instructed.

MOTIONS, RESOLUTIONS, ETC.

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

WHEREAS, Taxation of real estate is a burden to those who, from any reason, fail to receive an annual revenue therefrom, and

WHEREAS, It should be the policy of a government to protect the weak and make the burdens of taxation and penalties as light as possible, and

WHEREAS, The prevailing system of selling lands and town lots, on which taxes are delinquent, to individuals at a high rate of interest, is disastrous to the delinquent owner and often results in practical confiscation and loss of property; therefore, be it

Resolved, That the Committee on Taxes and Tax Laws be instructed to examine into the feasibility of doing away with the present system of selling property for delinquent taxes to individuals, and, if found practicable, that a law be proposed that shall make each delinquent tax-payer liable for such delinquent taxes, the penalty to be fixed at not more than one per cent. a month and the county to have the same rights now given individuals in the way of conveying title after a certain period of delinquency.

Mr. Rawlings (by unanimous consent) introduced—
House Bill No. 191,

A bill for an act to declare unlawful trusts and combinations in restraint of trade and products, and to provide penalties therefor.

UNFINISHED BUSINESS.

Consideration of
House Bill No. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Was continued.

Mr. Zimmer withdrew his pending substitute for Section 30 and offered the following substitute for the same section, and moved its adoption:

SEC. 30. All counties or parts of counties in this State not organized into civil townships shall be divided into assessor districts, which shall be the same as the commissioner districts of said county, excluding organized civil townships, and the assessor thereof shall be elected at the same time that State officers are elected; *Provided*, That any vacancy may be filled by appointment by the county commissioners. Each organized civil township in this State shall constitute an assessor district, and there shall be one assessor elected for each one of said districts annually at the time that other town officers are elected; *Provided*, Any vacancy in township assessor may be filled by appointment by the board of supervisors of said township where vacancy exists; *Provided*, That cities organized under the General Laws of this State shall not be included in the district provided for in this section, but assessors of such cities shall act with the board of county assessors in any of their meetings. All assessors of this State shall receive \$3 per day and no more, for the time actually employed in making and completing said assessment. But not to exceed \$60 for assess-

ing any one civil township; *Provided, further,* That no person shall be eligible to be assessor unless he is a voter in the district or township for which he is to be assessor.

Mr. Williams moved

To amend section 68 by adding at the end thereof the following proviso :

Provided. That before making said sale of lands on which the tax has not been paid the county auditor shall offer all lands so advertised for sale (not including town lots), for sale in bulk, and also all town lots, subject to sale in bulk, and in case any person, persons or corporation shall bid the full amount of taxes, penalty, interest and cost due on all of such lands or town lots, then such auditor shall sell to the person, persons or corporation, so purchasing such lands or town lots as aforesaid, all of said lands or lots in bulk, and shall issue certificates of sale therefor to the person, persons or corporation so purchasing in the same manner as is in this act provided for individuals purchasing by separate tracts, but the rate of interest shall not exceed the rate of interest specified in said bid, and the persons bidding on said lands or town lots offering to take the same at the lowest rate of interest shall be considered the lowest bidder; *provided, further,* no higher rate of interest shall be allowed under the foregoing provisions than 10 per cent.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the rules be suspended and that the House do now resolve itself into Committee of the Whole for the consideration of business on the Clerk's desk,

Which motion prevailed, and

Mr. Speaker called Mr. McCormick to the Chair.

When the Committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays,

And recommend that the following amendments proposed by the Committee on Agriculture be adopted:

In Section 1 of the printed bill strike out the proviso.

In Section 2, line 2, strike out the word "October," and insert in lieu thereof the word "November."

In Section 3, after line 7, add the following: "Any person or persons taking up property as herein described, and failing to advertise, shall be guilty of a misdemeanor."

In Section 4, line 1, after the word "transmit" insert the following: "If said property is uncalled for while being published in a local paper, the third insertion of."

In same Section, after line 4, "And any failure on the part of the proprietor of such local paper shall be a misdemeanor."

In Section 5, line 2, after the words "of the," strike out the words "register of deeds or recorder," and insert in lieu thereof "county auditor." In line 3 of same section after the word "the" strike out "register or recorder," and insert in lieu thereof "county auditor."

In Section 6 strike out the whole of said section and insert in lieu thereof: "The board of county commissioners of each county in the State of North Dakota shall on the first Monday in January of each year appropriate the sum of \$5 dollars to pay the official stray paper for such service."

In Section 8 strike out all of line 2 after the word "stock," and of line 3 up

to the word "living," and insert in lieu thereof, "and party taking up estray each choose one disinterested person as arbitrators freeholders, and the two so chosen shall choose a third party."

In Section 10 strike out all of line 1 after the word "shall" and all of line 2 up to the word "whose," and insert in lieu thereof, "notify the board of county commissioners to appraise or appoint some suitable person or persons."

In Section 16, line 2, after the word "by" insert the word "the."

In Section 18 strike out all after the word "but" in line 2, and all of line 3 up to the word "shall." After the word "thereof" in line 4 add: "If they shall have used or worked the same." Strike out all of Section 20.

And that when so amended the bill do pass.

Also,

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden,

And recommend that the following amendments proposed by the Committee on Counties and County Boundaries be adopted:

Amend Section 3 by adding after the word "district," in line 31, original bill, "with teams, tools and other implements in their possession."

Amend Section 5 of original bill by inserting the word "the" after the word "within" in line 16.

Add at the end of Section 6, "*Provided*, That nothing in this act shall apply to any person or persons who comply with existing laws."

And that when so amended the bill do pass.

Also,

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend Section 1 by striking out the word "five" where it occurs in line 8 of said section and insert in lieu thereof the word "four."

Amend Sections 3 and 4 by striking out the words "register of deeds" where they occur in said sections and insert in lieu thereof the words "auditor or county clerk."

And when so amended recommend that the bill do pass.

Also,

House Bill No. 9,

A bill for an act providing for the creation of a State Board of Equalization,

And recommend that the bill do not pass.

Also,

House Bill No. 72,

A bill for an act for the destruction of gophers,

And recommend that the bill do not pass.

Also,

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners,

And recommend that the following amendments proposed by the Committee on Counties be adopted:

First. After the word "commissioners" in the first line of Section 1 strike out the word "may" and insert the word "shall."

Second. After the words "three years" in Section 2 add "thereafter they shall hold their terms of office for three years."

Third. After the words "two expiring terms" in Section 2 insert the words "of the same year."

Also, recommend that Section 4 be stricken out.

And that when so amended the bill do pass.

Also,

House Bill No. 29,

A bill for an act to license attorneys and counsellors at law,

And recommend that the following amendment proposed in the minority report of the Judiciary Committee be adopted:

SEC. 4. All sums paid into the county treasury for licenses as provided in this act, shall go to the general fund of the county, and all penalties paid into the county treasury under this act shall go to the school fund of the county.

And that when so amended the bill do pass.

The Committee arose, reports progress and recommends that the House adjourn.

J. McCORMICK,
Chairman.

Mr. Selby moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Selby moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1890.

The House assembled at 2 o'clock p. m., pursuant to adjournment.
The Speaker presiding.
Prayer by the Chaplain.
Roll called.

All members present except Messrs. Allen, Beard, Buchanan, Christianson, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Thompson of Cass, and Tyler, who were excused.

Mr. Ueland asked that Mr. Christianson be excused for two days.

Mr. Selby asked that Mr. Reed be excused until Saturday, Which requests were granted.

Mr. Thompson of Cass, was excused for the day.

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

MR. SPEAKER:

Your committee appointed to correct the Journal of the sixtieth day have had the same under consideration and find the same to be correct.

R. H. HANKINSON,
Chairman.

Journal of the preceding day was read, corrected and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith a

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring:
That the President of the Senate and Speaker of the House of Representatives shall close the present session of the Legislative Assembly by adjourning their respective Houses *sine die* on Saturday, February 15, 1890, at or before 12 o'clock p. m. of said day.

Which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker called Mr. Williams to the Chair.

REPORTS OF STANDING COMMITTEES.

The Committee on Warehouses, Grain Grading and Dealing made the following report:

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred

House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith,

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

Number Section 4 No. 5 and make it read as follows:

WHEREAS, An emergency exists by reason of the fact that it is necessary that this act should take effect immediately; therefore, it shall take effect and be in force from and after its passage and approval by the Governor.

Section 4 to read as follows: "Individual persons shall have the same rights and privileges under the provisions of this act as associated persons, corporations and associations."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same,

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

A. T. COLE,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 20, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate adopted a motion to recall Senate Bill No. 45 for correction.

Also,

I have the honor to inform you that the Senate, by motion adopted, recalls the Concurrent Resolution relative to the adjournment on Saturday, February 15, 1890.

C. C. BOWSFIELD,
Secretary.

Mr. Ink moved

To adopt the report of the Committee on Warehouses, Grain Grading and Dealing on House Bill No. 175 and House Bill No. 165,

Which motion prevailed, and

The report of the Committee on Warehouses, Grain Grading and Dealing was adopted.

Mr. Hankinson moved

That the rules be suspended, and that House Bill No. 175 be read the third time and placed upon its final passage.

Roll call demanded.

The roll being called there were ayes 37, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ink,	Stadleman,
Brittin,	Jahr,	Strom,
Bye,	McCormick,	Tandberg,
Cole,	McCullough,	Thomas,
Currier,	Milsted,	Thomson of Walsh,
Foss,	Moore,	Ueland,
Green,	Montgomery,	Walsh,
Gronli,	Norton,	Walton,
Hankinson,	Olgard,	Watt,
Haugerud,	Renaud,	Wickham,
Heglie,	Richardson,	Williams,
Hoyt,	Roney,	Zimmer.
Ingebretson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Haugen,	McIntyre,
Bowen,	Lilly,	Selby.
Court,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Rawlings,
Beard,	Lutz,	Reed,
Buchanan,	McDonald,	Stevens,
Christianson,	Murphy,	Thompson of Cass,
Estabrook,	Nedrud,	Tyler,
Johnson,	Pinkham,	Mr. Speaker.

Messrs. Allen, Beard, Buchanan, Christianson, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Thompson of Cass, and Tyler being excused.

And so the motion to suspend the rules prevailed.

House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators, on the right of way of railroad corporations and contiguous thereto and prescribing condemnation proceedings in connection therewith,

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

Mr. Stevens moved

That the further consideration of the bill be postponed until House Bill No. 54 shall be up for consideration.

Mr. Cole moved

To lay the motion to postpone on the table,
Which motion prevailed, and
The motion to postpone was laid on the table.

Mr. Walsh moved

To amend the bill by adding thereto the following sections:

SEC. 4. It shall be the duty of every common carrier operating a railroad wholly or in part within this State, to erect, establish and maintain at all stations and side tracks where there are no stations thereon, where wheat or other grain is offered for shipment in carload lots, a suitable platform of sufficient height to spout such grain from wagons into the car, and also suitable track scales and appliances for weighing the same by car load.

SEC. 5. Every such common carrier, upon receiving for shipment from any person or persons, association or corporation, one or more carloads of wheat or other grain shall, before transporting the same from the station or side track where it was received, deliver to the owner or owners thereof, a receipt therefor, in writing, giving the name or names of the shipper or shippers thereof, the kind of grain, and the weight thereof received, its destination, the name of the consignee and the number of the car in which such grain is shipped.

SEC. 6. Whenever grain shall be received by such common carriers in the quantities and for the purposes contemplated and set forth in the preceding section, at a station or side track where no such scales as hereinbefore described are maintained, it shall be the duty of said common carrier to approximate in said receipt the number of bushels or weight of grain so received by it, the approximation to be ascertained in the most reasonable manner, and at the first place or station through which such grain shall be shipped en route to its destination, whereat such track scales are maintained by said common carrier; it shall be the duty of said common carrier to weigh said grain, or cause the same to be weighed, and forthwith, after the weighing thereof, to transmit through the mails, or by other as reliable and expeditious means, to the shipper or shippers thereof a second receipt therefor, showing the actual weight of grain so shipped as ascertained by said weighing.

SEC. 7. Whenever such common carrier shall receive from any person or persons, association or corporation, any grain for shipment in carload lots or quantities, it shall transport the same in suitable cars, over the most feasible route, and in a reasonable, expeditious manner, and shall be liable to the consignor or consignors thereof for any loss in weight or shrinkage of said wheat or other grain occurring while the same is in its custody or under its control.

SEC. 8. In case such common carrier shall neglect or refuse to erect, establish or maintain said platform and scales, as hereinbefore provided, at any station or upon any side track, it shall then be the duty of the Railroad Commission of the State of North Dakota to investigate the facts of the case, and if said Commission find necessity for the same they shall order such common carrier to erect, establish and maintain such platform and scales thereat, and may enforce compliance with said order by writ of mandamus, to be issued by the Judge of the Supreme Court or any of the districts courts of this State, upon application of said Commission, and for any willful violation or failure to comply with the order or requirements of said Commission aforesaid, the court may award such costs, including counsel fee, by way of penalty, on the return of said writs and after due deliberation, thereon as may be just.

Objection being made to the consideration of the amendments,
Mr. Walsh moved

To suspend the rules to permit the consideration of amendments,

Which motion was lost.

Mr. Walsh moved

That the rules be suspended, and that this bill and other bills

on this subject be referred to General Orders and made a Special Order for to-morrow afternoon at 3 o'clock,

Which motion was lost.

The question being on the passage of the bill,

The roll being called there were ayes 44, nays 1.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,
McCullough,
McIntyre,
Milsted,
Montgomery,
Norton,
Olsgard,
Renaud,
Richardson,
Roney,

Messrs—

Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Uela d,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Christianson,
Johnson,
Langer,

Messrs—

Lutz,
McDonald,
Moore,
Murphy,
Nedrud,
Pinkham,

Messrs—

Rawlings,
Reed,
Thompson of Cass,
Tyler,
Watt.

Mr. Estabrook voting in the negative.

Messrs. Allen, Beard, Buchanan, Christianson, Johuson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Thompson of Cass, and Tyler being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens gave notice that he would move to reconsider next Thursday.

Mr. Ink moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined House Bills Nos. 171 and 173,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred

Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners.

Have had the same under consideration and recommend that said bill be indefinitely postponed, as the same subject is covered in House Bill No. 73.

JAMES McCORMICK,
Chairman.

Mr. Ueland moved

To adopt the report of the Committee on Counties on Senate Bill No. 44,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Ueland moved

That the further consideration of Senate Bill No. 44 be indefinitely postponed,

Which motion prevailed.

The Committee on Forestry made the following report:

MR. SPEAKER:

Your Committee on Forestry to whom was referred

Senate Bill No. 47,

A bill for an act to promote forest tree culture,

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

Strike out the words "of trees is" in line 7, Section 1, and insert in lieu thereof the words "shall have at least 400 living trees on each acre so."

Insert as section 2 the following:

SEC. 2. Every person planting such forest trees or trees suitable for hedge in rows as boundary lines along the public highways or on any other portion of his premises, which rows shall contain not less than three living trees to each rod, and who shall in other respects comply with the provisions of this act, shall annually receive a bounty at the rate of \$4 for every 160 rods of each row in length.

Amend Section 2 to read Section 3, and in line 2 of said section insert after the word "grove" the following words "row or rows."

In line 5, same section, after the word "grove" insert the words "row or rows," and in line 9, same section, after the word "grove" insert the words "row or rows."

Amend Section 3 to read Section 4.

Strike out all of Section 4.

And when so amended recommend that said bill do pass.

C. J. CHRISTIANSON,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

Also,

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

Also,

Senate Bill No. 60,

A bill for an act to provide for incorporation and regulation of co-operative or assessment life endowment and casualty insurance associations and societies,

Also,

Senate Bill No. 84,

A bill for an act authorizing the judges of the district courts to administer oaths,

Also,

Senate Bill No. 85,

A bill for act amending Chapter 42 of the General Laws of the Eighteenth Session of the Legislative Assembly,

Also,

Senate Bill No. 37,

A bill for an act entitled "An Act making it lawful for certain kinds of stock to run at large during a portion of each year, and for prohibiting stallions and vicious animals from running at large, and providing penalties,"

All of which the Senate has passed and your favorable consideration is requested,

C. C. BOWSFIELD,
Secretary.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Sub-Chapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

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

By striking out the comma after the word "person," in line 7, and insert a comma after the word "property," in line 7. And strike out the comma after the word "land," in line 8 of original bill.

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

The Committee on Forestry made the following report:

MR. SPEAKER:

Your Committee on Forestry to whom was referred
Substitute for House Bill No. 44,

A bill for an act entitled bounty for tree planting,

Have had the same under consideration and recommend that said bill do not pass for the reason that a bill nearly like this one has already passed the Senate, and we can save time by properly amending and passing said bill.

C. J. CHRISTIANSON,
Chairman.

Mr. McCormick moved

That the Committee on State Affairs be requested to report back Senate Bill No. 45 without recommendation,

Which motion prevailed.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Have had the same under consideration and return the same without recommendation.

C. A. CURRIER,
Chairman.

Mr. Hoyt moved

That the rules be suspended, and that House bills that have been printed and not read be now read the first and second times, and referred to their appropriate committees.

Mr. Selby moved

To amend by including also Senate bills on their first reading,

Which amendment was accepted, and

The original motion as amended prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public State institutions,

Was read the first and second times, and referred to the Committee on Military Affairs.

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 182,

A bill for an act providing for certain statements to be made by the county treasurer and county auditor, or county clerk, jointly,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities, towns and villages which have failed or refused to elect boards of trustees, aldermen or council,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 184,

A bill for an act to fix the maximum rate that railroad companies and other common carriers may charge for the transportation within North Dakota of coal mined in North Dakota,

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 185,

A bill for an act to prevent the formation of trusts,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 186,

A bill for an act to promote medical science,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 187,

A bill for an act relating to State, county and city officers, to restrain them from speculating in their offices,

Was read the first and second times, and referred to the Committee on Counties and County Boundaries.

House Bill No. 188,

A bill for an act defining the duties of county commissioners in relation to the building of bridges,

Was read the first and second times, and referred to the Committee on Counties and County Boundaries.

House Bill No. 189,

A bill for an act to provide for the destruction of gophers, and to create a fund out of which bounties may be paid,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 191,

A bill for act to declare unlawful trusts and combinations in restraint of trade and products and to provide penalties therefor,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Selby asked to be excused until Thursday,

Which request was granted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 116,

A bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the destruction of gophers,
Which the Senate has passed and your favorable consideration is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams (by unanimous consent) introduced—
House Bill No. 192,

A bill for an act relating to electors of President and Vice-President,

Also,

House Bill No. 193.

A bill for an act granting the consent of the State of North Dakota to the purchase or condemnation by the United States of a block of ground in any city of the State of North Dakota for the purpose of the erection of a postoffice or postoffice and court house or United States penitentiary, and ceding jurisdiction thereof to the United States.

Mr. Moore (by unanimous consent) introduced—

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors.

Mr. Estabrook (by unanimous consent) introduced—

House Bill No. 195,

A bill for an act to legalize the acts of certain officers.

Mr. Stadleman (by unanimous consent) introduced—

House Bill No. 196,

A bill for act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature,

Also,

House bill No. 197,

A bill for an act to define the liability of railroad corporations in relation to damages sustained by their employes.

Mr. Lilly (by unanimous consent) introduced—

House Bill No. 198,

A bill for an act to provide for a uniform system of free public schools throughout the State.

Mr. Lilly moved

That the first reading at length of House Bill No. 198 be deferred until the same shall be printed,

Which motion prevailed.

Mr. Buchanan (by unanimous consent) introduced—

House Bill No. 199,

A bill for an act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters of this State.

Mr. Strom (by unanimous consent) introduced—

House Bill No. 200,

A bill for an act to authorize the board of town supervisors to let township funds out on interest.

Also,

House Bill No. 201,

A bill for an act to amend Section 69, Sub-chapter 2 of Chapter 112 of the Session Laws of 1883, relating to township organization.

Mr. Williams moved

That the rules be suspended, and that House Bill No. 109 be read the third time and placed upon its final passage,

Which motion was withdrawn.

Mr. Roney (by unanimous consent) introduced—

House Bill No. 202,

A bill for an act authorizing the county commissioners of Steele county to have transcribed records corrected.

Also,

House Bill No. 203,

A bill for an act requiring county commissioners to give bonds.

Also,

House Bill No. 204,

A bill for an act repealing Chapter 41 of the General Laws of 1889.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 69,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States,

Was read the first and second times, and referred to the Committee on State Affairs.

Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,

Was read the first and second times, and referred to the Committee on State Affairs.

Senate Bill No. 84,

A bill for act authorizing the judges of the district court to administer oaths,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 85,

A bill for act amending Chapter 42 of the General Laws of the Eighteenth Session of the Legislative Assembly,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

Was read the first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 60,

A bill for an act to provide for incorporation and regulation of co-operative or assessment life endowment and casualty insurance associations and societies,

Was read the first and second times, and referred to the Committee on Insurance.

Senate Bill No. 37,

A bill for an act making it lawful for certain kinds of stock to run at large during a portion of each year, and for prohibiting stallions and vicious animals from running at large, and providing penalties,

Was read the first and second times, and referred to the Committee on Agriculture.

Mr. Williams moved

That the rules be suspended and that House Bill No. 109 be now read the third time, and placed upon its final passage,

Which motion prevailed, and

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

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

The roll being called there were ayes 40, nays 5.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,
McCullough,
McIntyre,
Milsted,
Montgomery,
Norton,
Olsgard,

Messrs—

Richardson,
Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Heglie,
Moore,

Messrs—

Renaud,
Stevens,

Messrs—

Wickham.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Christianson,
Johnson,
Langer,

Messrs—

Lutz,
McDonald,
Murphy,
Nedrud,
Pinkham,
Rawlings,

Messrs—

Reed,
Selby,
Thompson of Cass,
Tyler,
Walsh.

Messrs. Allen, Beard, Buchanan, Christianson, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Selby, Thompson of Cass, and Tyler being excused.

And so the bill passed and its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Ueland moved

That the House do now resolve itself into Committee of the Whole for the consideration of Substitute for House Bill No. 35.

Mr. Stevens moved

To amend by including all other business properly before the committee,

Which amendment was accepted, and

The original motion as amended prevailed, and

Mr. Speaker called Mr. Ueland to the Chair.

When the Committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Substitute for House Bill No. 35,

A bill for an act to amend Section 1, General Laws 1885, Supplement, relating to noxious weeds,

And recommend that said bill be amended by adding after the words "wild oats" the following words: "*Avena fatua*,"

And that when so amended the bill do pass.

Also,

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota,

And recommend that the following amendments proposed by the Committee of Ways and Means be adopted:

Amend by adding Section 6 as follows: "That a portion of the bonds proposed to be refunded by this act being now subject to call, and there being no funds provided for the payment or refunding thereof, and it being necessary for an economical administration of the finances of the State, that this act take effect and become operative immediately, an emergency exists; *Therefore*, This act shall take effect and be in force immediately from and after its passage and approval."

And that when so amended the bill do pass.

Also,

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

And recommend that the bill as amended by the Railroad Com-

mittee be further amended by striking out all of Section 6 after the word "purposes,"

And when so amended the bill do pass.

L. A. UELAND,
Chairman.

Mr. Lilly moved

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

Mr. Bowen moved

That the rules be suspended, and that Senate Bill No. 43 be now read the second time and referred to its appropriate committee,

Which motion prevailed, and
Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,

Was read the second time, and referred to Committee on Railroads.

Mr. Williams moved

That the rules be suspended and that House Bills Nos. 19, 54 and Substitute for House Bill No. 35 be considered as engrossed, and placed upon their third reading and final passage.

Mr. Hankinson moved

To amend by including, also, House Bill No. 165,
Which amendment was lost, and
The question recurring on the original motion,
The original motion prevailed.

Mr. Stevens asked to be excused until morning,
Which request the House voted to not grant.

Mr. Norton asked to be excused until Monday,
Which request was granted.

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota,

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

The roll being called there were ayes 42, nays none.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,
McCullough,
Milsted,
Moore,
Montgomery,
Norton,

Messrs—

Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walton,
Watt,
Wickham,
Williams,

Messrs—	Messrs—	Messrs—
Hankinson,	Olsgard,	Zimmer,
Haugen,	Renaud,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Lutz,	Reed,
Beard,	McDonald,	Selby,
Buchanan	McIntyre,	Stadleman,
Christianson,	Murphy,	Thompson of Cass,
Hoyt,	Nedrud,	Tyler,
Johnson,	Pinkham,	Walsh.
Langer,	Rawlings,	

Messrs. Allen, Beard, Buchanan, Christianson, Hoyt, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Selby, Thompson of Cass, and Tyler being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Lilly moved

That the vote by which House Bill No. 19 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Richardson moved

That the vote by which House Bill No. 109 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

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

The roll being called there were ayes 39, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Richardson,
Belden,	Haugerud,	Roney,
Bowen,	Heglie,	Stevens,
Brittin,	Ingebretson,	Strom,
Bye,	Ink,	Tandberg,
Cole,	Jahr,	Thomas,
Court,	Lilly,	Thomson of Walsh,
Currier,	McCormick,	Ueland,
Estabrook,	McIntyre,	Watt,
Foss,	Milsted,	Wickham,
Green,	Montgomery,	Williams,
Grouli,	Olsgard,	Zimmer,
Hankinson,	Renaud,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Lutz,	Rawlings,
Beard,	McCullough,	Reed,
Buchanan,	McDonald,	Selby,
Christianson,	Moore,	Stadleman,
Hoyt,	Murphy,	Thompson of Cass,
Johnson,	Nedrud,	Tyler,
Langer,	Pinkham,	Walsh.

Messrs. Norton and Walton voting in the negative.

Messrs. Allen, Beard, Buchanan, Christianson, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Selby, Thompson of Cass, and Tyler being excused.

And so the bill passed and its title was agreed to.

Mr. Wickham moved

That the House do now adjourn,

Which motion was lost.

Mr. Stevens moved

That the vote just taken on House Bill No. 54 be reconsidered,
Which motion prevailed.

Mr. Hankinson moved

To adopt the report of the Committee on Railroads on House Bill No. 54 as amended by the Committee of the Whole,

Which motion prevailed, and

House Bill No. 54,

A bill for an act to facilitate the shipment of live stock, grain and other commodities,

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

The roll being called there were ayes 42, nays none.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Olsgard,
Renaud,

Messrs—

Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Christianson,
Hoyt,
Johnson,
Langer,

Messrs—

Lutz,
McCullough,
McDonald,
Murphy,
Nedrud,
Pinkham,
Rawlings,

Messrs—

Reed,
Selby,
Stadleman,
Thompson of Cass,
Tyler,
Walsh.

Messrs. Allen, Beard, Buchanan, Christianson, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Selby, Thompson of Cass, and Tyler being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And its title was agreed to.

Mr. Richardson moved

That the House do now adjourn,

Which motion was withdrawn.

Substitute for House Bill No. 35,

A bill for an act to amend Section 1, General Laws, 1885, supplement, relating to noxious weeds,

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

The roll being called there were ayes 40, nays none.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingrebretson,
Ink,
Jahr,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Olsgard,
Renaud,

Messrs—

Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Christianson,
Hoyt,
Johnson,
Langer,

Messrs—

Lutz,
McCullough,
McDonald,
Murphy,
Nedrud,
Pinkham,
Rawlings,

Messrs—

Reed,
Selby,
Stadleman,
Thompson of Cass,
Tyler,
Walsh.

Messrs. Allen, Beard, Buchanan, Christianson, Johnson, Langer, Lutz, McDonald, Murphy, Nedrud, Pinkham, Rawlings, Reed, Selby, Thompson of Cass, and Tyler being excused.

And so the bill passed and its title was agreed to.

Mr. Lilly moved

That 300 extra copies of House Bill No. 198 be printed,

Which motion prevailed.

Mr. Haugen moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 21, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler, excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 108 and 175,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred

Senate Bill No. 7,

A bill for an act to revise and amend an act entitled "An Act to insure the better education of practioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota," approved March 9, 1885,

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

J. MONTGOMERY,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 62,

A bill for an act entitled "An Act to establish a State Board of Corrections and Charities for the State of North Dakota,"

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

In Section 2, line 5, printed bill, after the word "shall" insert the words "on the order of the Governor."

Also, that Section 3 be stricken out.

In Section 4, where the words and figures "five hundred (500) copies" occur, they be stricken out, and "two hundred and fifty (250) copies" be inserted in lieu thereof.

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred
House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public State institutions,

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

W. H. H. RONEY,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 155,

A bill for an act to amend Section 2, Chapter 88, of the Session Laws of 1889,

Have had the same under consideration and recommend that Section 2, of Chapter 88 of Session Laws of 1889 be amended so as to read as follows:

SEC. 2. Said lien shall have priority over all other liens and incumbrances upon said grain, created subsequent to the passage and approval of this act, if filed within thirty days from the day upon which said threshing was completed

And recommend that the bill when so amended do pass.

Also,

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code of 1887,

And recommend that said bill be amended as follows:

That the present title be amended to read as follows: "For an act to amend Section 58, Article 10, Chapter 1, Justice Code of the Revised Code of 1877, being Section 6098 of the Compiled Laws."

That said bill be amended by inserting between the word "of" and the figures "1877," occurring in line 2 of the printed bill as follows:

"The Revised Code of," and after the figures "1877," occurring in line 2 of the printed bill the following: "Being Section 6098 of the Compiled Laws."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it,

Have had the same under consideration and recommend that said bill do pass with the following amendment:

In Section 1, line 17, after the word "shall" strike out the word "forthwith" and insert in lieu thereof the words "within thirty days."

Your committee would further report that House Bill No. 49 is a duplicate of Senate Bill No. 30, and it should be indefinitely postponed.

Also,

House Bill No. 93,

A bill for an act to provide for a uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

And recommend that said bill do pass without amendment.

P. B. WICKHAM,
Chairman.

Mr. Speaker announced his signature to
Senate Bill No. 4,

A bill for an act to establish a Board of Inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines,

Also,

Senate Bill No. 12,

A bill for an act fixing the times for holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto,

Also,

Senate Bill No. 17,

A bill for an act designating a place of deposit for all abstracts and conveyances of title to the State of North Dakota of lands now owned or hereafter to be acquired by the State,

MOTIONS, RESOLUTIONS, ETC.

Mr. Richardson moved

That the Judiciary Committee be instructed to report back to the House, House Bill No. 80 without recommendation,

Which motion prevailed, and

The committee was so instructed.

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

WHEREAS, Vouchers for the payment of *per diem* of members of the House have been signed by the members and attested by the Speaker and Chief Clerk; and

WHEREAS, Said vouchers have been filed with the State Auditor and no warrants have been issued thereon, therefore, be it

Resolved, That the State Auditor be and he is hereby requested to communicate to the House the reason, if any, why he refuses to honor the vouchers of this House.

Which motion prevailed, and

The resolution was adopted.

Mr. Williams (by unanimous consent) introduced—

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law he shall be ex-officio State Dairy Commissioner.

Mr. Lutz (by unanimous consent) introduced—

House Bill No. 207,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown.

Mr. Court (by unanimous consent) introduced (by request)—

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags.

UNFINISHED BUSINESS.

Consideration of

House Bill No. 14,

A bill for an act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Was continued.

Mr. Haugen moved

That Section 18 be stricken out.

Roll call demanded.

The roll being called there were ayes 35, nays 13.

Those who voted in the affirmative were:

Messrs—

Balkan,
Bowen,
Brittin,
Bye,
Christianson,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Jahr,
Johnson,
Lutz,
McCormick,
McDonald,
McIntyre,
Moore,
Montgomery,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Renaud,
Richardson,
Roney,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Hoyt,
Ink,
Langer

Messrs—

Milsted,
Stevens,
Thompson of Cass,
Walsh,

Messrs—

Walton,
Watt,
Wickham,
Zimmer.

Absent and not voting:

Messrs—
Beard,
Buchanan,
Cole,
Hankinson,
Lilly,

Messrs—
McCullough,
Murphy,
Nedrud,
Norton,
Reed,

Messrs—
Selby,
Stadleman,
Tyler,
Ueland.

Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler being excused,
And so the motion to strike out Section 18 prevailed.

Mr. Stevens moved

To amend Section 5 by inserting in the second line of subdivision sixth, after the word "hospitals," the words "Young Men's Christian Association buildings,"

Which motion prevailed.

Mr. Roney moved

To amend Subsection 9 of Section 7 by striking out the words "first day of May" in the last line, and substituting therefor the words "first day of March,"

Which motion was lost.

Mr. McCormick moved

To amend Section 4 by striking out in line 6 the words "more than he pays interest for," and in line 7 strike out the words "more than their indebtedness,"

Which motion was lost.

Mr. Williams moved

To amend Section 68 by adding at the close thereof the following proviso:

Provided. That before making said sale of lands on which the tax has not been paid the county auditor shall offer all lands so advertised for sale (not including town lots), for sale in bulk, and also all town lots, subject to sale in bulk, and in case any person, persons or corporation shall bid the full amount of taxes, penalty, interest and cost due on all of such lands or town lots, then such auditor shall sell to the person, persons or corporation, so purchasing such lands or town lots as aforesaid, all of said lands or lots in bulk, and shall issue certificates of sale therefor to the person, persons or corporation so purchasing in the same manner as is in this act provided for individuals purchasing by separate tracts, but the rate of interest shall not exceed the rate of interest specified in said bid, and the persons bidding on said lands or town lots offering to take the same at the lowest rate of interest shall be considered the lowest bidder; *Provided, further,* no higher rate of interest shall be allowed under the foregoing provisions than 10 per cent.

Mr. Walsh moved

To amend by including municipal corporations,

Which amendment was accepted.

Mr. Hankinson moved

To further amend the proviso by striking out the figures "10" in the last line, and substituting therefor the figures "12,"

Which amendment was lost, and

The motion as amended prevailed, and

Section 68 as amended was adopted.

Mr. Milsted moved

To amend Section 78 by striking out the words and figure "five (5) years" and substituting therefor the words and figure "three (3) years,"

Which motion was lost.

Mr. Heglie moved

To adopt the following substitute for Section 30 offered by Mr. Zimmer:

SEC. 30. All counties or parts of counties in this State not organized into civil townships shall be divided into assessor districts, which shall be the same as the commissioner districts of said county, excluding organized civil townships, and the assessor thereof shall be elected at the same time that State officers are elected; *Provided*, That any vacancy may be filled by appointment by the county commissioners. Each organized civil township in this State shall constitute an assessor district, and there shall be one assessor elected for each one of said districts annually at the time that other town officers are elected; *Provided*, Any vacancy in township assessor may be filled by appointment by the board of supervisors of said township where vacancy exists; *Provided*, That cities organized under the General Laws of this State shall not be included in the district provided for in this section, but assessors of such cities shall act with the board of county assessors in any of their meetings. All assessors of this State shall receive \$3 per day and no more, for the time actually employed in making and completing said assessment. But not to exceed \$60 for assessing any one civil township; *Provided, further*, That no person shall be eligible to be assessor unless he is a voter in the district or township for which he is to be assessor.

Which motion prevailed, and

The substitute section was adopted.

Mr. Heglie moved

To amend Section 31 as follows: by striking out "States' attorneys" in line 5 of said section and insert in lieu thereof thereof the following: "chairman of the board of township supervisors."

Mr. Strom moved

To amend further by adding to the amendment of Mr. Heglie the following words: "In counties organized into civil townships and in counties not so organized by the board of county commissioners,"

Which amendment was accepted.

Mr. Stevens moved

To further amend by striking out the words "chairman of the,"

Which amendment was accepted, and

The original motion as amended prevailed.

Mr. Currier moved

To strike out all after the word "merchant" in line 9 of Section 20,

Which motion prevailed, and

Section 20 was so amended.

Mr. Speaker announced his signature to

Senate Bill No. 21,

A bill for an act providing for the extension of the time for the payment of taxes for the year 1889.

Mr. Roney moved

That the vote by which Section 18 was stricken out be reconsidered.

Mr. McCormick moved

To lay the motion to reconsider on the table.

Roll call demanded.

The roll being called there were ayes 24, nays 26.

Those who voted in the affirmative were:

Messrs—

Balkan,
Brittin,
Bye,
Christianson,
Currier,
Foss,
Gronli,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Johnson,
Lilly,
Lutz,
McCormick,
McDonald,

Messrs—

McIntyre,
Moore,
Olsgard,
Pinkham,
Renaud,
Strom,
Ueland,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Bowen,
Cole,
Court,
Estabrook,
Green,
Hankinson,
Hoyt,

Messrs—

Ink,
Langer,
Milsted,
Montgomery,
Rawlings,
Richardson,
Roney,
Stevens,
Thomas,

Messrs—

Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Beard,
Buchanan,
Jahr,
McCullough,

Messrs—

Murphy,
Nedrud,
Norton,
Reed,

Messrs—

Selby,
Stadleman,
Tandberg,
Tyler.

Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler being excused.

And so the motion to lay on the table was lost.

The question then recurring on the motion to reconsider,

Roll call was demanded.

The roll call being called there were ayes 32, nays 18.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Cole,
Court,
Estabrook,
Green,
Hankinson,
Haugerud,
Hoyt,

Messrs—

Ink,
Langer,
Lilly,
McDonald,
Montgomery,
Olsgard,
Rawlings,
Richardson,
Roney,
Stevens,
Tandberg,

Messrs—

Thomas,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Bye,

Messrs—

Haugen,
Heglie,

Messrs—

Milsted,
Moore,

Christianson,
Currier,
Foss,
Gronli,

Ingebretson,
Johnson,
Lutz,
McCormick,

Pinkham,
Renaud,
Strom,
Ueland.

Absent and not voting.

Messrs—

Beard,
Buchanan,
Jahr,
McCullough,

Messrs—

McIntyre,
Murphy,
Nedrud,
Norton,

Messrs—

Reed,
Selby,
Stadleman,
Tyler.

Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler being excused.

And so the motion to reconsider the action taken on Section 18 prevailed.

Mr. Roney moved

To amend Section 18 by striking out all after the word "provided,"

Which motion was lost.

Mr. Stevens moved

To amend the section by striking out the words "three hundred" and inserting "two hundred,"

Which motion was withdrawn, and

Mr. Stevens moved

To adopt Section 18.

Roll call demanded on the motion.

The roll being called there were ayes 29, nays 21.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Cole,
Court,
Estabrook,
Green,
Hankinson,
Hoyt,

Messrs—

Ink,
Langer,
Lilly,
Milsted,
Montgomery,
Rawlings,
Richardson,
Roney,
Stevens,
Tandberg,

Messrs—

Thomas,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Balkan,
Bye,
Christianson,
Currier,
Foss,
Gronli,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Jahr,
Johnson,
Lutz,
McCormick,

Messrs—

McDonald,
Moore,
Pinkham,
Renaud,
Strom,
Ueland,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Buchanan,
McCullough,
McIntyre,

Messrs—

Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Reed,
Selby,
Stadleman,
Tyler.

Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler being excused.

And so the motion to adopt Section 18 prevailed, and Section 18 was adopted.

Mr. Richardson moved

That Section 52 be amended by adding at the end thereof the following proviso:

Provided, First. That all organized townships which wish may by giving notice to the county auditor on or before the first day of July of each year, be allowed to collect all the taxes that may be assessed to their township.

Second. The township so taking upon themselves to collect the taxes levied against them, shall be held responsible to pay over to the county treasurer the amount levied by the State and county for State and county purposes, and all the balance to remain in the township treasury, township collectors to have all the power that is given to the county treasurer under this act, for the collection of taxes.

Provided, further, That the county auditor shall furnish to the township clerks of each township making such request, a full list of all taxes due on or before the first day of December of each year.

Roll call demanded.

The roll being called there were ayes, 12; nays, 36.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Foss,	Pinkham,	Walsh,
Hankinson,	Renaud.	Watt,
Jahr,	Richardson,	Williams.
Johnson,	Roney,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Moore,
Balkan,	Haugan,	Montgomery,
Belden,	Haugerud,	Rawlings,
Bowen,	Hoyt,	Stevens,
Brittin,	Ingerbretson,	Tandberg,
Bye,	Ink.	Thomas,
Christianson,	Langer,	Thompson of Cass,
Cole,	Lilly,	Thomson of Walsh,
Court,	Lutz,	Ueland,
Currier,	McCormick,	Walton,
Estabrook,	McDonald,	Wickham,
Green,	Milsted,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Murphy,	Selby,
Buchanan,	Nedrud,	Stadleman,
Heglie,	Norton,	Strom,
McCullough,	Olsgard,	Tyler.
McIntyre,	Reed,	

Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler being excused,

And so the motion to amend Section 52 was lost.

Mr. Belden moved

To amend Section 74 as follows: Strike out all after the word "deed" in the third line down to the word "and" in the fifth line, and insert in lieu thereof the following: "Any piece, lot or parcel of lands bought by any one party or corporation may be included in one deed or certificate,"

Which motion was lost.

Mr. McCormick moved

To amend Section 110 by adding thereto the following:

That this act shall be construed to mean that no person shall be required to list any property unless said person is engaged exclusively in agricultural pursuits.

Mr. Stevens moved

To refer the amendment to Mr. McGinty.

Mr. McCormick's motion was lost.

The question then being on the final passage of the bill as amended,

The roll being called there were ayes 47, nays 5.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Renaud,
Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Hoyt,

Messrs—

McDonald,
Thomas,

Messrs—

Wickham.

Absent and not voting:

Messrs—

Beard,
Buchanan,
McCullough,
Murphy,

Messrs—

Nedrud,
Norton,
Reed,

Messrs—

Selby,
Stadleman,
Tyler.

Messrs. Beard, Buchanan, McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Tyler being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Williams 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.

Mr. Hankinson moved

That the House do now resolve itself into Committee of the Whole for the consideration of the business on the Clerk's desk,

Which motion was withdrawn.

FIRST READING OF HOUSE BILLS.

House Bill No. 192,

A bill for an act relating to electors of President and Vice-President,

Was read the first time.

House Bill No. 193.

A bill for an act granting the consent of the State of North Dakota to the purchase or condemnation by the United States of a block of ground in any city of the State of North Dakota for the purpose of the erection of a postoffice or postoffice and court house or United States penitentiary, and ceding jurisdiction thereof to the United States,

Was read the first time.

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors,

Was read the first time.

House Bill No. 195,

A bill for an act to legalize the acts of certain officers,

Was read the first time.

House Bill No. 196,

A bill for act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature,

Was read the first time.

House Bill No. 197,

A bill for an act to define the liability of railroad corporations in relation to damages sustained by their employes,

Was read the first time.

House Bill No. 200,

A bill for an act to authorize the board of town supervisors to let township funds out on interest,

Was read the first time.

House Bill No. 201,

A bill for an act to amend Section 69, Sub-chapter 2 of Chapter 112 of the Session Laws of 1883, relating to township organization,

Was read the first time.

House Bill No. 202,

A bill for an act authorizing the county commissioners of Steele county to have transcribed records corrected,

Was read the first time.

House Bill No. 203,

A bill for an act requiring county commissioners to give bonds.

Was read the first time.

House Bill No. 204,

A bill for an act repealing Chapter 41 of the General Laws of 1889.

Was read the first time.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
A Concurrent Resolution for the submission of a proposition to
amend the Constitution of North Dakota,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of
Agriculture and Labor and providing that until otherwise pro-
vided by law he shall be *ex-officio* State Dairy Commissioner,

Was read the first time.

House Bill No. 207,

A bill for an act providing for an appropriation for the main-
tenance of the Hospital for the Insane at Jamestown,

Was read the first time.

House Bill No. 208,

A bill for an act to authorize school boards to purchase United
States flags,

Was read the first time.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Selby introduced—

House Bill No. 205,

A bill for an act to provide for the payment of the expenses of
the Constitutional Convention in excess of the \$20,000 appropri-
ated by Congress therefor, and making an appropriation for the
payment thereof,

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 209,

A bill for an act to provide for the purchase of papers and sta-
tioner's supplies for the public printing, and for the use in the
Legislature and State offices,

Which was read the first time.

Mr. Green introduced—

House Bill No. 210,

A bill for an act to amend Chapter 58 of the Session Laws of
1887,

Which was read the first time.

Mr. Balken introduced—

House Bill No. 211,

A bill for an act prescribing a time for redeeming property sold
by virtue of chattle mortgage,

Which was read the first time.

Mr. Lilly (by request) introduced—

House Bill No. 212,

A bill for an act to revise the law in relation to boards of health,
to establish county and township boards of health, and fix the
compensation thereof,

Which was read the first time.

FIRST READING OF SENATE BILLS.

Senate Bill No. 116,

A bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the destruction of gophers,

Was read the first time.

Mr. Olsgard moved

To adopt the following Senate Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring, That the Legislative Assembly of the State of North Dakota respectfully and urgently request the Congress of the United States to provide for the subdivision of the State of North Dakota into four judicial subdivisions, and cause United States district and circuit courts to be held at the cities of Bismarck, Fargo, Grand Forks and Devils Lake, according to the provisions of the bill which has been forwarded to, and introduced by our Senators and Representative to Congress.

Which motion prevailed, and

The Senate Concurrent Resolution was adopted.

Mr. Walsh moved

To amend the the following Senate Concurrent Resolution by striking out the figures "\$200,000" and inserting in lieu thereof the figures "\$300,000":

CONCURRENT RESOLUTION.

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, The general government has uniformly extended its fostering care to all parts of the Union in promoting a wise and widespread system of internal improvements; and, further, it is true that North Dakota has never received any appreciable share of such bounty, but has on the contrary contributed many millions of dollars in the aggregate to the common treasury of our country; therefore, be it

Resolved, That in view of the facts recited above, we most respectfully ask that Congress appropriate the sum of \$200,000 to be expended as soon as practicable, under its direction, for the purpose of making necessary surveys, locating and constructing artificial water ways, boring experimental artesian wells, and making such other improvements as may be deemed necessary to increase and distribute the water supply of the State.

Which motion prevailed, and

Mr. Walsh moved

That the House concur,

Which motion prevailed, and

The House concurred in the Senate Concurrent Resolution as amended.

Mr. Williams moved

That all bills that have been printed and read the first time to-day, including Senate bills, be now read the second time, and referred to their appropriate committees,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 192,

A bill for an act relating to electors of President and Vice-President,

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

House Bill No. 193,

A bill for an act granting the consent of the State of North Dakota to the purchase or condemnation by the United States of a block of ground in any city of the State of North Dakota for the purpose of the erection of a postoffice or postoffice and court house or United States penitentiary, and ceding jurisdiction thereof to the United States,

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

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors,

Was read the second time, and referred to the Committee on Agriculture.

House Bill No. 195,

A bill for an act to legalize the acts of certain officers,

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

House Bill No. 196,

A bill for an act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature,

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

House Bill No. 197,

A bill for an act to define the liability of railroad corporations in relation to damages sustained by their employes,

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

House Bill No. 200,

A bill for an act to authorize the board of town supervisors to let township funds out on interest,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 201,

A bill for an act to amend Section 69, Subchapter 2 of Chapter 112 of the Session Laws of 1883, relating to township organization,

Was read the second time, and referred to the Committee on Counties.

House Bill No. 202,

A bill for an act authorizing the county commissioner of Steele county to have transcribed records corrected,

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

House Bill No. 203,

A bill for an act requiring county commissiouers to give bonds,
Was read the second time, and referred to the Committee on Counties

House Bill No. 204,

A bill for an act repealing Chapter 41 of the General Laws of 1889,
Was read the second time, and referred to the Committee on Judiciary.

House Bill No. 205,

A bill for act to provide for the payment of the Constitutional Convention in excess of the \$20,000 appropriated by Congress therefor, and making an appropriation for the payment thereof,

Was read the second time, and referred to the Committee on Appropriations.

SECOND READING OF SENATE BILLS.

Senate Bill No. 116,

A bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the destruction of gophers,

Was read the second time, and referred to the Committee on Agriculture.

THIRD READING OF HOUSE BILLS.

Mr. Renaud moved

That the rules be suspended, that House Bill No. 37 be taken from General Orders and read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 37,

A bill for an act to define the public office hours of county offices within the several counties of the State of North Dakota,

Was read the third time.

Mr. Williams moved

To adopt the report of the Committee on State Affairs on the bill,
Which motion prevailed.

Mr. Estabrook moved

To recommit the bill, which motion was lost.

Mr. Stevens moved

That the rules be suspended, and that amendments to the bill be entertained,

Which motion prevailed.

Mr. Milsted moved

That Section 2 be stricken out,

Which motion prevailed, and the bill was so amended.

Mr. Tandberg moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON, Chief Clerk.

SIXTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 22, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt excused.

Mr. Stadleman was excused until next Monday.

Mr. Stevens asked that Mr. Watt be excused,
Which request was granted.

Mr. Foss asked that Mr. McCullough be excused,
Which request was granted.

Mr. Stevens moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Richardson, Ueland and Olsgard.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Allen presented the following petitions:

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned legal voters of Dickey county, North Dakota, do petition your honorable body to pass House Bill No. 75.

Signed by N. D. WITHAM,
And 100 Others.

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned, of Ward county, petition that House Bill No. 75 be passed.

Signed by G. O. LINDLEY,
And 23 Others.

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned legal voters of Nelson county, petition that House Bill No. 75 do pass.

Signed by ANDERS HOSS.
And 17 Others.

The following communication was read:

UNITED STATES SENATE,
WASHINGTON, D. C., January 18, 1890.

To the Clerk of the House of Representatives of North Dakota, Bismarck, N. D.:

DEAR SIR: I have directed to be sent to you seventy-five franked copies of my remarks in the Senate, urging the appropriation of a sufficient amount of money to construct in the shortest possible time the new lock at the Sault Ste. Marie and for the improvement of the channel below.

Will you do me the personal kindness to deliver or address and mail these to the members of your Legislative body—the Representatives? The subject is one of vast importance to the Northwest, and I desire in this manner to bring the question to the particular attention of the members.

Very Respectfully,
C. K. DAVIS.

Mr. Stevens presented the following letter and requested that it be printed in the Journal:

LISBON, N. DAK., January 29, 1890.

To the Hon. R. N. Stevens, Esq., Bismarck, North Dakota:

DEAR SIR: The frequent seizure of personal property this winter under execution issued for purchase money suggests to me the idea that it would be a good stroke of public policy to repeal Section 5137 of the Compiled Laws of Dakota.

The original Code of 1877 contained no such provision as contained in the section above referred to; but during the boom days of 1882 and 1883, when fillibusters, buccaneers, pirates and free booters from every State in this Union were flocking to the new Mecca to reap the golden harvest, with no capital to invest but unlimited gall and sufficient cunning to keep and protect under the exemption laws such stock in trade as they were able to induce the credulous wholesale men of St. Paul and elsewhere, to trust them to on their over abundant stock of fair promises of an early payment, the Dakota Legislature of 1883, at the earnest solicitation of these self same wholesale men enacted the section above indicated.

Since its enactment it has signally failed to reach a single case of the kind it was intended to remedy. Designing men forestalled the law by first buying a stock of goods on credit, converting it either into money and reinvesting in new goods from different houses or changing with some one in collusion with them in the first instance, thus divesting the stock of all liens by virtue of this law.

As the law now stands it is a curse to every walk and profession in life except the Machine Manufacturing Companies, who have never failed to take advantage of the power it affords them to harrass and oppress the debtor who fails or refuses to be the pliant tool in the hands of their not over conscientious representatives.

From my experience with machine collections I am in a position to say that there is at least \$10,000 in judgments on the records of this county that would not have been there had it not have been for this law. Machine companies sell a farmer a machine and in all probability the first payment is made at maturity. When the second payment comes due, if not paid, no matter how small, suit is begun before a justice of a peace, judgment obtained, execution issued, machine taken, resold and bid in by the execution creditor for scarcely, in most cases, an amount sufficient to pay the costs—all for the purchase money, of course. In course of time the whole set of notes are in judgment. The result is that the machine company have collected in cold cash one-third of the purchase price (an amount equal to the cost of manufacturing), taken back the machine and hold judgments against the debtor to an amount equal, and in many case, in excess of the price ageeed to be paid in the first instance.

Therefore, I say that this system is beneficial to none but the machine com-

pany, and its operation, so far as the unfortunate debtor is concerned, is nothing more nor less than legalized robbery.

With all, if any of these excesses, innured to the benefit of citizens of the State, it might be a paliating circumstance to be urged in favor of its continuance, but such is not the case.

For instance, take the merchant who gives credit; his goods are sold and consumed—and so far as he is benefitted by this statute it might just as well be at the bottom of the ocean. The bank lends its money and of course cannot reclaim it. In fact the blacksmith, the shoemaker, the butcher, the lawyer and the doctor all stand in the same category waiting until the greedy cormorant—the machine company, is satisfied out of the farmers' meagre crop before they can even request payment.

Don't you think this section ought to be repealed.

Yours truly,
P. H. ROURKE.

The following invitation to visit Grand Forks was received:

GRAND FORKS, January 21, 1890.

To the State Officials and Members of the Legislative Assembly:

The business men of the city of Grand Forks and board of regents of the University of North Dakota, extend to you a cordial invitation to visit the University, and to view the progress and development of our prosperous city, and to partake of the hospitality of its citizens.

Respectfully,

L. B. RICHARDSON,
Chairman.

Attest:

A. C. LABRIE,
Secretary.

Mr. Walsh offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That the invitation from the City of Grand Forks to visit the University of North Dakota be accepted, and that Saturday, January 25th, be designated as the time when the Legislative Assembly shall visit said institution.

Mr. Stevens moved

That the invitation and Concurrent Resolution be referred to a special committee of five to be appointed by the Speaker, which committee shall confer on the acceptance thereof with a similar committee of five from the Senate,

Which motion prevailed, and

Mr. Speaker appointed as the committee on the part of the House Messrs. Stevens, Walsh, Hankinson, Bye and Montgomery.

REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

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

FRANKLIN ESTABROOK,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof.

Have had the same under consideration and recommend that said bill be referred to the Committee on Judiciary.

JAMES McCORMICK,
Chairman.

Mr. McCormick moved

To adopt the report,

Which motion prevailed, and

The report of the Committee on Counties was adopted.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your sub-committee appointed from the Committee on Railroads, and instructed to investigate the rates upon freights over the railroads operating within this State, and the question as to whether such rates discriminate against the shippers of this State,

Have had the same under consideration and beg leave to report:

That they have collected, compiled and attach hereto as exhibits "A, B, C, D, E, F and G," comparative statements showing the rates of freights over railroads operating both within and without this State, and showing:

First. The rates from points without to different points within the State.

Second. The rates between points within this State where the distances between such points form a part of the distance included in the first showing.

Third. The excess charged upon freight shipped from one point to another in this State over the rate charged from points without this State to the same point of destination.

Fourth. In exhibits "F and G," showing rates charged by the same lines of railroads for given distances in Minnesota, and compared with rates charged for same distances within this State.

In view of the facts as shown in said exhibits, and of such other information as has come to their knowledge, it is the opinion of your sub-committee, that the shippers of this State are discriminated against in the matter of freight rates, and that such discrimination is in favor, and tends to the building up of cities in other states.

That this system of freight rates will materially retard the growth and prosperity of our State. That it is the intention of the railroad companies to prevent, and that their action is preventing the building up of towns and cities within our State; and that without the upbuilding of such trade centers, with their corresponding tax-paying power, we shall ever remain a weak dependency of adjoining states. Your committee would therefor recommend such legislation as shall tend to relieve us from this unjust restriction.

FRANKLIN ESTABROOK,
E. W. BOWEN,
G. E. INGEBRETSEN,
E. S. TYLER.

EXHIBIT "A."

NORTHERN PACIFIC RATES—ST. PAUL AND FARGO.

STATIONS.	Rates from St Paul to Stations named in margin.				Rates from Fargo to Stations named in margin.				Rates from St. Paul when re-shipped at Fargo.				Difference between through rate and sum of two locals.			
	Class.				Class.				Class.				Class.			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
Fargo	80	68	52	40	17	14	12	10	97	82	64	50	17	14	12	10
Mapleton	80	68	52	40	17	14	12	10	101	85	66	52	16	14	11	10
Cassleton	84	71	55	42	20	17	14	12	105	89	70	55	20	17	15	12
Wheatland	85	72	55	43	25	21	18	15	110	94	73	58	24	21	17	15
Buffalo	86	73	56	43	30	26	21	18	112	95	74	59	26	22	18	16
Tower City	86	73	56	43	32	27	22	19	112	95	74	59	26	22	18	16
Oriska	87	74	57	44	34	29	24	20	114	97	76	60	27	23	19	16
Valley City	88	75	57	44	38	32	27	23	118	100	79	63	30	25	22	19
Sanborn	90	77	59	45	42	36	29	25	122	104	81	65	32	27	22	20
Spiritwood	94	80	61	47	48	41	34	29	128	109	86	69	34	29	25	22
Jamestown	95	81	62	48	52	44	36	31	132	112	88	71	37	31	26	23
Horace	80	68	52	40	17	14	12	10	98	82	64	50	17	14	12	10
Davenport	80	68	52	40	20	17	14	12	100	85	66	52	20	17	14	12
Leonard	80	69	53	41	25	21	18	15	105	89	70	55	24	20	17	14
Sheldon	85	72	55	43	32	27	22	19	112	95	74	59	27	23	19	16
Buttsville	85	72	55	43	34	29	24	20	114	97	76	60	29	25	21	17
Lisbon	85	72	55	43	38	32	27	23	118	100	79	63	33	28	24	20
Marshall	87	74	57	44	42	36	29	25	122	104	81	65	35	30	24	21
LaMoure	90	77	59	45	50	43	35	30	130	111	87	70	40	34	28	25
Oakes	88	75	59	45	54	46	38	32	134	114	90	72	46	39	31	27
Edgely	90	77	60	45	56	48	39	34	136	116	91	74	46	39	31	29

EXHIBIT "B."

NORTHERN PACIFIC RATES—ST. PAUL AND JAMESTOWN.

STATIONS.	Rates from St. Paul to Stations named in margin.				Rates from Jamestown to Stations named in margin.				Rates from St. Paul when re-shipped at Jamestown.				Difference between through rate and sum of two locals.			
	Class.				Class.				Class.				Class.			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
Jamestown	95	81	62	48	20	17	14	12	115	98	76	60	16	14	11	8
Windsor	99	84	65	52	25	21	18	15	120	102	80	63	18	15	12	8
Medina	102	87	68	55	25	21	18	15	125	107	83	66	21	19	14	9
Crystal Springs	104	88	69	57	30	26	21	18	127	108	84	67	21	18	13	8
Tappan	106	90	71	59	32	27	22	19	127	108	84	67	21	18	13	8
Dawson	108	91	72	61	34	29	24	20	129	110	86	68	21	19	14	7
Steele	110	93	74	63	38	32	27	23	133	113	89	71	23	20	15	8
Menoken	117	99	81	70	50	43	35	30	145	124	97	78	28	25	16	8
Parkhurst	98	83	64	49	14	12	10	8	109	93	72	56	11	10	8	7
Buchanan	99	84	65	50	17	14	12	10	112	95	74	58	13	11	9	8
Pingree	100	85	66	51	22	19	15	13	117	100	77	61	17	15	11	10
Edmunds	102	86	68	53	25	21	18	15	120	102	80	63	18	16	12	10
Melville	104	88	70	55	27	23	19	16	122	104	81	64	18	16	11	11
Carrington	105	89	72	57	32	27	22	19	127	108	84	67	22	19	12	10
Barlow	106	90	74	60	34	29	24	20	129	110	86	68	23	20	12	8
New Rockford	108	92	75	62	38	32	27	23	133	113	89	71	25	21	14	9
Oberon	108	92	75	64	46	39	32	28	141	120	94	76	33	28	19	12
Totten	108	92	75	64	48	41	34	29	143	122	96	77	35	30	21	13
Minnewaukan	110	94	77	66	50	43	35	30	145	124	97	78	35	30	20	12
Sykeston	108	92	75	64	38	32	27	23	133	113	89	71	25	21	14	7

EXHIBIT "C."

NORTHERN PACIFIC RATES—ST. PAUL AND BISMARCK.

STATIONS.	Rates from St. Paul to Stations named in margin.				Rates from Bismarck to Stations named in margin.				Rates from St. Paul when re-shipped at Bismarck.				Difference between through rate and sum of two locals.			
	Class.				Class.				Class.				Class.			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
Bismarck	120	102	84	72	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mandan	123	105	87	75	10	9	7	6	130	111	91	78	7	6	4	3
Sweet Brier	126	107	88	76	22	19	15	13	142	121	99	85	16	14	11	9
New Salem	128	108	89	77	27	23	19	16	147	125	103	88	19	17	14	11
Sims	130	109	90	78	30	26	21	18	150	128	105	90	20	21	15	12
Curlew	132	110	91	79	32	27	22	19	152	129	106	91	20	19	15	12
Glenullen	134	111	92	80	40	34	28	24	160	136	112	98	26	25	20	16
Hebron	136	112	93	81	44	37	31	26	164	139	115	98	28	27	22	17
Richardton	139	113	95	83	50	43	35	30	170	145	119	102	31	32	24	19
Taylor	140	114	95	84	54	46	38	32	174	148	122	104	34	34	27	20
Gladstone	140	114	95	84	56	48	39	34	176	150	123	106	36	36	28	22
Dickinson	142	115	96	85	58	49	41	35	178	151	125	107	36	36	29	22
Belfield	144	117	98	87	62	53	43	37	182	155	127	109	38	38	29	22
Sully Springs	145	118	99	88	64	54	45	38	184	156	129	110	39	38	30	22
Medora	147	119	99	89	66	56	46	40	186	158	130	112	39	39	31	23
Andrews	148	119	100	90	68	58	48	41	188	160	132	113	40	41	32	23

EXHIBIT "D."

CHICAGO, MILWAUKEE AND ST. PAUL RATES—ST. PAUL AND WAHPETON.

STATIONS.	Rates from St. Paul to Stations named in margin.				Rates from Wahpeton to Stations named in margin.				Rates from St. Paul when re-shipped at Wahpeton.				Difference between through rate and sum of two locals.			
	Class.				Class.				Class.				Class.			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
Wahpeton	72	61	47	36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Abercrombie	76	65	49	38	18	15	12	9	90	76	59	45	14	11	10	7
Christine	78	66	50	39	24	20	16	12	96	81	63	48	18	15	13	9
Hickson	80	68	52	40	27	23	17	14	99	84	64	50	19	20	12	10
Wild Rice	80	68	52	40	29	25	19	15	101	86	66	51	21	20	14	11

EXHIBIT "E."—Continued.

STATIONS.	Local rates from St. Paul.				STATIONS.	Local rates out of Grand Forks.				Total two locals.				Difference.			
	Class.					Class.				Class.				Class.			
	1	2	3	4		1	2	3	4	1	2	3	4	1	2	3	4
	Cts.	Cts.	Cts.	Cts.		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	
Grand Forks	90	77	59	45	Manvel	17	14	12	10	107	91	71	55	14	12	9	7
Manvel	93	79	62	48	Ardock	22	19	15	13	112	96	74	58	16	14	9	6
Ardock	96	82	65	52	Minto	27	23	19	16	117	100	78	61	19	17	12	8
Minto	98	83	66	53	Grafton	30	26	21	18	120	103	80	63	20	18	12	7
Grafton	100	85	68	56	Auburn	34	29	24	20	124	106	83	65	22	19	13	7
Auburn	102	87	70	58	St. Thomas	36	31	25	22	126	108	84	67	22	20	12	8
St. Thomas	104	88	72	59	Glasston	38	32	27	23	128	109	86	68	23	20	12	7
Glasston	105	89	74	61	Hamilton	42	36	29	25	132	113	88	70	25	22	13	7
Hamilton	107	91	75	63	Bathgate	44	37	31	26	134	114	90	71	26	22	14	7
Bathgate	108	92	76	64	Neche	46	39	32	28	136	116	91	73	26	22	14	7
Neche	110	94	77	66	Ojata	17	14	12	10	107	91	71	55	15	13	11	9
Ojata	92	78	60	46	Emerado	20	17	14	12	110	94	73	57	16	14	12	10
Emerado	94	80	61	47	Arvilla	22	19	15	13	112	96	74	58	17	15	12	10
Arvilla	95	81	62	48	Larimore	25	21	18	15	115	98	77	60	19	16	15	12
Larimore	96	82	62	48	Niagara	32	27	22	19	122	104	81	64	23	20	16	12
Niagara	99	84	65	52	Michigan City	36	31	25	22	126	108	84	67	22	21	16	11
Michigan City	102	87	68	56	Lakota	40	34	28	24	130	111	87	69	26	23	16	10
Lakota	104	88	71	59	Devils Lake	50	43	35	30	140	120	94	75	30	26	17	9
Devils Lake	110	94	77	66													

WEDNESDAY, JANUARY 22, 1890.

EXHIBIT "F."

NORTHERN PACIFIC RAILROAD.

Miles.	STATIONS.	Rates out of St. Paul				Miles.	Rates out of Fargo.			
		Class.					Class.			
		1	2	3	4		1	2	3	4
		Cts.	Cts.	Cts.	Cts.		Cts.	Cts.	Cts.	Cts.
18	Fridley Park.....	10	9	7	5	18	20	17	14	12
25	Coon Creek.....	13	11	8	7	25	22	19	15	13
29	Anoka.....	16	14	10	8	29	25	21	18	15
36	Itaska.....	20	17	13	10	36	30	26	21	18
41	Elk River.....	23	20	15	12	41	22	27	22	19
46	Baileys.....	25	21	16	13	46	34	29	24	20
49	Big Lake.....	27	23	18	14	49	.....	.....	.....	.....
53	Salida.....	30	26	20	15	53	36	31	25	22
57	Becker.....	32	27	21	16	57	38	32	27	23
64	Clear Lake.....	35	30	23	18	64	40	34	28	24
71	Cable.....	37	31	24	19	71	44	37	31	26
76	East St. Cloud.....	40	34	26	20	76	46	39	32	28
78	Sauk Rapids.....	.....	.....	.....	.....	78	.....	.....	.....	.....
83	Watab.....	42	36	27	21	83	48	41	34	29
90	Rices.....	43	37	28	22	90	50	43	35	30
97	Royalton.....	44	37	29	22	97	54	46	38	32
103	Gregory.....	45	38	29	23	103	56	48	39	34
111	Rothwell.....	47	40	31	24	111	58	49	41	35

EXHIBIT "G."

MANITOBA RAILWAY.

Miles.	STATIONS.	Rates out of St. Paul.				Miles.	Rates out of Fargo.			
		Class.					Class.			
		1	2	3	4		1	2	3	4
		Cts.	Cts.	Cts.	Cts.		Cts.	Cts.	Cts.	Cts.
20	St. Albans.....	12	10	8	6	20	20	17	14	12
24	Wyzota.....	14	12	9	7	24	22	19	15	13
29	Minnetava Beach.....	18	15	12	9	29	25	21	18	15
31	Spring Park.....	18	15	12	9	31	27	23	19	16
27	Long Lake.....	16	14	10	8	27	25	21	18	15
28	Perrys.....	17	14	11	9	28	25	21	18	15
32	Maple Plain.....	19	16	12	10	32	27	23	19	16
33	Armstrong.....	.....	.....	.....	.....	33	.....	.....	.....	.....
38	Delana.....	23	20	15	12	38	30	26	21	18
45	Mantran.....	26	22	17	13	45	32	27	22	19
48	Waverly.....	27	23	18	14	48	34	29	24	20
53	Howard Lake.....	30	26	20	15	53	36	31	25	22
56	Smith Lake.....	31	26	20	16	56	38	32	27	23
59	Cokato.....	32	27	21	16	59	.....	.....	.....	.....
65	Dassel.....	35	30	23	18	65	40	34	28	24
70	Darwin.....	38	32	25	19	70	42	36	29	25
76	Litchfield.....	40	34	26	20	76	46	39	32	28
84	Grave City.....	42	36	27	21	84	48	41	34	29
89	Atwater.....	43	37	28	22	89	50	43	35	30
96	Kandeyohio.....	44	37	29	22	96	54	46	38	32
102	Willmar.....	44	37	29	22	102	56	48	39	34

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 180,

Also,

A Concurrent Resolution for the submission of a proposition
to amend the Constitution of North Dakota,

Also,

House Bill No. 165,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at rail-
road crossings and the maintenance of depots at the same,

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

Amend Section 5 as follows: After the word "to" in line 8, original bill, insert the following: "Condemn all lands necessary for the requirements of the prayer of said petition in such manner as lands are usually condemned for public purposes; *Provided, however,* That said Railroad Commissioners cannot easily obtain the right of way or a deed to such lands as may be necessary in building any Y's, tracks, depots, or platforms; *Provided, further,* That in all cases where there is room upon the rights of way of any intersecting lines of railroad, the Commissioners shall build all tracks, Y's, switches, depots, platforms, etc., thereon.

We further recommend that the following be inserted as Section 6:

In all cases where it becomes necessary for the Railroad Commissioners to build any tracks, Y's, switches, depots, platforms, etc., under any of the provisions of this act, and the railroad companies owning or operating any intersecting lines fail to pay for the same within thirty days after being duly notified of and presented with an itemized account of one-half the cost of constructing the same, the said Railroad Commissioners are hereby empowered to present the State Auditor with a verified account, in writing, of the cost of building of any such tracks, Y's, switches, platforms, etc., and the State Auditor shall thereupon draw his warrant upon the State Treasurer for the amount thereof, in favor of said Railroad Commissioners. Immediately upon receipt of such warrant it shall be the duty of the Railroad Commissioners to commence an action against all railroad companies interested for the recovery of the cost of construction of all such Y's, tracks, switches, platforms, depots, etc. Said action shall be in the name of the State, as plaintiff, and shall be maintained and prosecuted as all such actions are maintained and prosecuted.

And that all subsequent sections commencing with Section 6 be renumbered consecutively 7, 8 and 9, instead of 6, 7 and 8.

We further recommend that Section 7 be amended as follows: Add after the word "*Provided*" at end of section the following: "*Provided, however,* That the same rate shall be charged from any point on any railroad to any point on any other railroad that corresponds with the schedule rate of the road first making shipment to a point correspondingly distant on their own line with the cost of transfer added. If any railroad company shall fail to forward any car or other quantity of freight consigned to them and transferred from any other

line of railroad within forty-eight hours thereafter they shall be liable for all damages caused by such delay, and a fine of \$25 per day, upon conviction thereof, in any court of competent jurisdiction, for each and every day of such delay.

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 80,

A bill for an act to amend Section 6248, Chapter 4 of Penal Code of the Compiled Laws of Dakota, in reference to punishment for Sabbath breaking,

Have had the same under consideration and do report the same back without recommendation, agreeably to the instructions of the House.

Also,

House Bill No. 182,

A bill for an act providing for certain statements to be made by the county treasurer and county auditor, or county clerk, jointly,

Have had the same under consideration and recommend that said bill be amended by adding the following section:

SEC. 4. That Section 1, of Chapter 48, of the General Laws of 1889 be and the same is hereby repealed.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to "Sabbath Breaking,"

Have had the same under consideration and report the bill back without recommendation.

F. J. THOMPSON,
Chairman.

Mr. Richardson moved

That House Bill No. 80 be referred to the Committee of the Whole,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 187,

A bill for an act relating to State, county and city officers, to restrain them from speculating in their offices,

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

Also,

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named,

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

In Section 1 of printed bill and in line 3, after the word "appointed" add the words "under the laws of the Territory of Dakota," and in same section and line after the word "then" add the word "lawfully," and in the same section and line 5 after the word "such" add the words "duly qualified."

And in same section and line 6 after the word "valid" strike out the words "for all intents and purposes" and insert in lieu thereof the following: "To the same intent and purposes that they would have been had the State of North Dakota remained a territory."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities, towns and villages which have failed or refused to elect boards of trustees, aldermen or council,

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

Also,

House Bill No. 192,

A bill for an act relating to elections of President and Vice-President,

And recommend that said bill do pass.

Also,

House Bill No. 196,

A bill for an act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature,
And recommend that said bill do pass.

Also,

House Bill No. 186,

A bill for an act to promote medical science,
And recommend that said bill do pass.

Also,

Senate Bill No. 84,

A bill for an act authorizing the judges of the district court to administer oaths,

And recommend that said bill do pass.

Also,

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

Have had the same under consideration and report the bill back

with the recommendation that it be recommitted to Committee on Federal Relations.

F. J. THOMPSON,
Chairman.

Mr. Haugen moved
To adopt the report,
Which motion prevailed, and
The report of the Committee on Judiciary on Senate Bill No. 52 was adopted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 193,

A bill for an act granting the consent of the State of North Dakota to the purchase or condemnation by the United States of a block of ground in any city of the State of North Dakota for the purpose of the erection of a postoffice, etc., and ceding jurisdiction thereof to the United States,

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

Also,

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the acts of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide for the payment of principal and interest of such bonds,"

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

That Section 1 of said bill be stricken out and the following be substituted in lieu thereof:

SECTION 1. "Section 2. No county shall issue its bonds under the provisions of this act in excess of 5 per cent of its valuation, according to the last assessment thereof, and including all the outstanding indebtedness of such county at the time of issuing such bonds."

And that when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Judiciary made the following majority report on Senate Bill No. 15:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

Have had the same under consideration and a majority of the committee present recommend that said bill do not pass.

T. J. THOMPSON,
Chairman.

And the following minority report on the same bill:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

Have had the same under consideration and a minority of the committee present recommend that said bill be amended as follows:

In Section 1 and line 2 of printed bill after the word "writ" add "of *certiorari*."

In Section 2 and in line 4 of the printed bill, add after the word "and," "directed to the person or persons, officer or officers having in custody the records, returns or documents, pertaining to the subject matter, such cause."

In Section 3 and in line 1 of the printed bill strike out the words "is there-by given" and in lieu thereof insert "shall have."

That the following be added as Section 4:

"The petitioner in all things contemplated in Section 1 of this act, must prepare and conduct his case and seek to maintain, either by himself or his attorney, the affirmative proposition or propositions set forth in his petition, the same as in cases at law, and at his own cost and expense."

That Sections 4 and 5 of the bill be numbered 5 and 6.

And that when so amended recommend that said bill do pass.

F. J. THOMPSON,
R. N. STEVENS,
E. A. WILLIAMS.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 22, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 66,

A bill for an act defining the powers and duties of the State Superintendent of Public Instruction,
Which the Senate has passed,

Also,

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

Also,

Senate Bill No. 86,

A bill for an act amending Chapter 13 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the principal and interest thereof,

Also,

Senate Bill No. 126,

A bill for an act prescribing the fees of the register of deeds,

Also,

Senate Bill No. 129,

A bill for an act to allow organized townships to raise a tax for irrigation purposes,

All of which the Senate has passed and your favorable consideration is requested,

C. C. BOWSFIELD,
Secretary.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
Senate Bill No. 116,

A bill for an act authorizing counties in the State of North Dakota to raise and expend a fund for the destruction of gophers,

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

Also,

Senate Bill No. 37,

A bill for an act making it lawful for certain kinds of stock to run at large during a portion of each year, and for prohibiting stallions and vicious animals from running at large, and providing penalties,

And recommend that said bill do pass.

H. D. COURT,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bills Nos. 54, 29, 109 and 73,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

COMMUNICATION FROM THE STATE AUDITOR.

The following communication was received from the State Auditor:

BISMARCK, January 22, 1890.

To the Honorable Members of the House of Representatives of the First Legislative Assembly for North Dakota:

GENTLEMEN:—I have the honor to acknowledge the receipt of a communication from your Chief Clerk dated January 21, 1890, transmitting to me a copy of the resolution passed on the above date by your honorable body requesting me to give reasons, if any why warrants do not issue for the vouchers filed in this office by members of your honorable body for *per diem* from December 19, 1889, to January 10, 1890.

I beg to inform you that I do not refuse and I will issue warrants for that portion of the *per diem* included in said vouchers from January 7th to 10th, 1890, and endorse such time on said vouchers, and my reasons for refusing to honor and issue warrants for your vouchers for *per diem* for that portion from December 19, 1889, to January 7, 1890, are based upon an opinion of the Attorney General rendered to me on January 13, 1890, in answer to a communication addressed to him by me January 11, 1890, asking for his opinion.

In this opinion the Attorney General holds that I "have no power or authority to audit such accounts or draw warrants on the State Treasurer for *per diem* for the days between December 19, 1889, and January 7, 1890, for members or employes of the Legislative Assembly."

I herewith transmit you a copy of my communication to the Attorney General asking for an opinion, accompanied by the opinion, rendered by him in reply, for such consideration as you may see fit.

I have the honor, gentlemen, to remain,

Your obedient servant,
JOHN P. BRAY,
State Auditor.

BISMARCK, January 11, 1890.

To the Honorable Geo. F. Goodwin, Attorney General, Bismarck, North Dakota:

DEAR SIR: I have the honor to submit the following questions for your opinion, to-wit:

First: Is it my duty as State Auditor to draw warrants on the State Treasurer for the *per diem* of the members of the Legislative Assembly and for the officers, clerks and employes of the same during the adjournment or recess of said Assembly, from December 19, 1889, to January 7, 1890?

Second: Providing vouchers are certified to by the President of the Senate and Speaker of the House, attested by the Chief Clerks of the same, directing me to draw warrants for said vouchers, have I the power and sufficient authority to do so?

Third: Providing it is not my duty, and I have not the authority to draw warrants for the *per diem* of the Legislative Assembly for the time above mentioned, does it become my duty and have I the power or authority to draw warrants in payment for mileage going from and returning to the Capital on account of the adjournment or recess taken on December 19, 1889?

I am, dear sir, yours, very respectfully,

JOHN P. BRAY,
State Auditor.

OFFICE OF ATTORNEY GENERAL,
BISMARCK, N. DAK., January 13, 1890.

To the Hon. John P. Bray, State Auditor:

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 11th inst., asking as to your power and authority to issue warrants in payment of *per diem* of members and employes of the Legislative Assembly from December 19, 1889, to January 7, 1890.

The facts as shown by the printed Journals of the two Houses appear to be that the Legislative Assembly, in pursuance of a Concurrent Resolution of both Houses, adjourned on said 19th day of December, 1889, and reconvened on the said 7th day of January, 1890, and that during the intervening time no actual session of either House was held and no public business transacted.

The Constitution fixed the compensation of members of the Legislative Assembly at \$5 *per diem*, and by various laws and resolutions the pay of employes has been fixed at a certain amount *per diem*. The question then simply is, are the members and employes of the Legislative Assembly entitled to compensation at the rates fixed by law for constructive services, where no actual services or attendance has been rendered? There seems to be an opinion more or less prevalent, that, while a person employed at a fixed rate per day by an

individual would not expect or be entitled to pay for services not rendered a different rule prevails where the employment is by a State. I am not aware however, of any principle of law or decision of courts that sanctions any such distinction. If the framers of the Constitution had intended that members of the Legislative Assembly should receive \$5 per day for the whole session without regard to whether the session was continuous or not, then the compensation would undoubtedly have been fixed at a certain gross amount for the session; and the fact that compensation was fixed by the day clearly shows an intention that they should only receive pay for the days that are considered a part of a continuous session.

To hold otherwise would establish a dangerous precedent; for if the Legislative Assembly can adjourn for eighteen days and the members draw their *per diem* during said adjournment, upon the same principal it could meet and sit ten days, adjourn for forty days, reconvene and sit ten days more, and collect pay for the whole period of sixty days.

There is no doubt but that under the established custom and usage of Legislative bodies, so long assented to that it has the force and effect of a positive law, they may take temporary recesses or adjournments for a period not exceeding three days; and it is by virtue of this custom that Sunday is counted as a Legislative day, although actual sessions are not usually held on that day.

I therefore hold that neither the members or employes of the Legislative Assembly are entitled to *per diem* for the days between December 19, 1889, and January 7, 1890, and that you have no power or authority to audit such accounts or draw warrants on the Treasurer therefor. This conclusion is sustained by the Supreme Courts of Wisconsin, Alabama, and the opinion of the Attorney General of Minnesota; and I knew of no decision to the contrary.

State Ex. Rel. Boyd vs. Hastings, 16th Wis., 358.

Ex. Parte Pickett, 24th Ala., 95.

Opinions Attorney General of Minnesota, page 3.

Respectfully submitted,

GEO. F. GOODWIN,
Attorney General.

Mr. Buchanan moved

That the communications from the Auditor, together with the opinion of the Attorney General, be referred to the Judiciary Committee,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 22, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House resolution to appoint a Conference Committee to act upon the advisability of accepting the invitation of the citizens of Grand Forks to the members of the State Legislature. and the President has appointed as such committee Messrs. Rowe, Fuller, McCormick, Appleton and Harmon.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh (by unanimous consent) offered the following resolution and moved its adoption:

WHEREAS, The reading of the reports of committees upon presentation takes up valuable time; as it is customary to call for the reading of the same reports upon the third reading of the bills to which said bills refer; therefore, in to order expedite business be it

Resolved, That all reports of committees upon presentation be printed in the Journal without reading, and to come up for adoption or otherwise upon the third reading of the bill to which the report refers.

Which motion was lost, and

The resolution was lost.

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

MR. SPEAKER:

Your committee to whom was referred the correction of the House Journal of the sixty-fourth day recommend that the name "Wellman" be stricken out on page 4 and the name "Williams" inserted, and with this correction find the Journal correct.

R. B. RICHARDSON,
Chairman.

UNFINISHED BUSINESS.

Consideration of House Bill No. 37 continued.

Mr. Renaud moved

To amend the bill so as to read as follows:

A BILL

For an Act to Define the Public Office Hours of the County Offices Within the Several Counties of the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. The several county offices of the treasurer, county auditor, register of deeds, clerk of court, _____, shall be opened, each and every morning, at the hour of 8 o'clock a. m., and remain so open until 12 o'clock m., and from 1 p. m. to 6 p. m., for the transaction of public business therein.

SEC. 2. That it shall be illegal for said incumbents of said county offices to file any papers, documents or instruments of any name or nature, whatsoever, before said hours of 8 o'clock a. m. or after 6 o'clock p. m., or between the hours of 6 o'clock p. m. and 8 o'clock a. m., except the county treasurer, who may, and it shall be lawful for them so to do, at their option, receive any money tendered to them on payments of any taxes due, and give receipts therefor at any time; and any county officers herein enumerated, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5 nor more than \$50, in the discretion of the court.

SEC. 3. That the words, "each and every morning," used in Section 1 of this act, shall mean, and are intended to mean, each and every legal business morning, and not to include, in any case, Sundays, statutory holidays or holidays created by proclamation of the Governor of said State of North Dakota.

SEC. 4. WHEREAS, An emergency exists in that there is no law now existing defining the office hours of the different county officials herein mentioned this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed.

And the bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 22, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in your amendment to the Memorial to Congress for an appropriation for irrigating purposes.

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, moved

That the bill be printed in the Journal and referred to the Committee on Judiciary,

Which motion was lost.

Mr. Stevens, of the special committee to whom was referred the invitation to visit Grand Forks, reported verbally that the committee recommend that the invitation be accepted, and that all who wish to go leave Friday night.

Mr. Walsh moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The question being upon the passage of

House Bill No. 37,

A bill for an act to define the public office hours of county officers within the several counties of the State of North Dakota,

As amended,

The roll call being called there were ayes 30, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hankinson,	Pinkham,
Beard,	Heglie,	Renaud,
Bowen,	Ink,	Richardson,
Buchanan,	Jahr,	Strom,
Bye,	Johnson,	Thompson of Cass,
Christianson,	Lutz,	Ueland,
Cole,	McCormick,	Walsh,
Currier,	Milsted,	Walton,
Foss,	Montgomery,	Williams,
Gronli,	Olsgard,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Roney,
Belden,	Ingebretson,	Stevens,
Brittin,	Langer,	Tandberg,
Court,	Lilly,	Thomas,
Estabrook,	McDonald,	Thomson of Walsh,
Green,	McIntyre,	Tyler,
Haugen,	Moore,	Wickham,
Haugerud,	Rawlings,	Mr. Speaker.

Absent and not voting.

Messrs—	Messrs—	Messrs—
McCullough,	Norton,	Stadleman,
Murphy,	Reed,	Watt.
Nedrud,	Selby,	

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

Messrs. Stevens and Thompson of Cass, explaining their votes.

The Chair decided that the bill was passed with the emergency clause stricken out.

Mr. Stevens appealed from the decision of the Chair.

Roll call demanded.

And the question being shall the decision of the Chair be sustained,

The roll being called there were ayes 29, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Renaud,
Bowen,	Ingebretson,	Richardson,
Buchanan,	Ink,	Stevens,
Bye,	Johnson,	Tandberg,
Christianson,	Lutz,	Tyler,
Cole,	McCormick,	Ueland,
Court,	McDonald,	Walsh,
Foss,	Milsted,	Walton,
Gronli,	Olsgard,	Zimmer.
Hankinson,	Pinkham,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Roney,
Beard,	Jahr,	Thomas,
Belden,	Langer,	Thompson of Cass,
Brittin,	Lilly,	Thomson of Walsh,
Estabrook,	Moore,	Wickham,
Green,	Montgomery,	Williams.
Haugerud,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Nedrud,	Stadleman,
Heglie,	Norton,	Strom,
McCullough,	Reed,	Watt,
McIntyre,	Selby,	Mr. Speaker.
Murphy,		

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the decision of the Chair was sustained.

Mr. Renaud moved

That the vote by which House Bill No. 37 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Thompson of Cass, gave notice that he would move to reconsider the vote by which House Bill No 37 was passed.

FIRST READING OF HOUSE BILLS.

House Bill No. 190,

A bill for an act to revise the law in relation to counties,
Was read the first time.

Mr. Stevens moved

That all House bills that have been printed and are on their first reading today, including also Senate bills on their first reading be read the first and second times, and referred to their appropriate committees,

Which motion prevailed.

House Bill No. 199,

A bill for an act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters of this State,
Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 190,

A bill for an act to revise the law in relation to counties,
Was read the second time, and referred to the Committee on Counties

Mr. Williams (by unanimous consent) introduced—

House Bill No. 214,

A bill for an act to provide for the support of married women,
Also,

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the penitentiary in certain cases.

Also,

House Bill No. 216,

A bill for an act to exempt pension money from levy and attachment and judicial sale for debt.

Also,

House Bill No. 217,

A bill for an act to facilitate the collection of wages.

Mr. Moore (by unanimous consent) introduced—

House Bill No. 218,

A bill for an act to punish false pretenses in obtaining certificates of registration of cattle, horses and other animals and to punish giving false pedigrees,

Also,

House Bill No. 219,

A bill for an act providing for the recording of contracts concerning the care of animals, making such record, notice and prohibiting the unlawful conversion of the same.

THIRD READING OF HOUSE BILLS.

Mr. Cole moved

That the rules be suspended and that the House now proceed to the consideration of House bills on their third reading,

Which motion prevailed, and

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887 of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses, and requiring additional duties,

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

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer
Lilly,
Lutz,
McCormick,
McDonald,
Milsted,
Moore,
Montgomery,
Olsgard,

Messrs—

Pinkham,
Renaud,
Richardson,
Roney,
Stevens,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland.
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

McCullough,
McIntyre,
Murphy,
Nedrud,

Messrs—

Norton,
Rawlings,
Reed,
Selby,

Messrs—

Stadleman,
Tandberg,
Walsh,
Watt.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor.

And the title of the bill was agreed to.

House Bill No. 97,

A bill for an act to authorize and regulate within this State the business of commercial agencies, credit companies and guarantee associations,

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

Mr. Stevens (by unanimous consent) moved

To amend the bill by striking out all of Section 2 commencing with the words "*Provided, however,*" in line 11 of the printed bill.

Roll call demanded.

The roll being called there were ayes 33, nays 15.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Hankinson,
Heglie,

Messrs—

Hoyt,
Jahr,
Langer,
Lilly,
McCormick,
McDonald,
Milsted,
Moore,
Montgomery,
Olsgard,
Pinkham,

Messrs—

Renaud,
Richardson,
Roney,
Stevens,
Thomas,
Tyler,
Ueland,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Brittin,
Buchanan,
Currier,
Gronli,
Haugen,

Messrs—

Haugerud,
Ingebretson,
Ink,
Johnson,
Lutz,

Messrs—

McIntyre,
Tandberg,
Thomson of Walsh,
Walsh,
Zimmer.

Absent and not voting:

Messrs—

Beard,
Bowen,
Bye,
McCullough,
Murphy,

Messrs—

Nedrud,
Norton,
Rawlings,
Reed,
Selby,

Messrs—

Stadleman,
Strom,
Thompson of Cass,
Watt.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the motion of Mr. Stevens prevailed, and the bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

Also,

Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a
State Normal School at Mayville, Traill county, North Dakota,

Also,

Senate Bill No. 109,

A bill for act granting powers to county courts,

All of which the Senate has passed and your favorable consid-
eration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh (by unanimous consent) offered the following amendment and moved its adoption:

In line 5, Section 5, of printed bill, after the word "without" insert the word "first."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill as amended.

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Renaud,
Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bye,
McCullough,
Murphy,

Messrs—

Nedrud,
Norton,
Reed,

Messrs—

Selby,
Stadleman,
Watt.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby Stadleman and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agree to.

Mr. Williams moved

That House Bill No. 102 be referred to the Engrossment Committee,

Which motion prevailed.

House Bill No. 43,

A bill for an act repealing Chapter 150 of the Session Laws of 1887, which authorizes seed wheat liens,

Was read the third time, and

Mr. Williams moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 152,

A bill for an act to provide for the effect of judgment in an action of foreclosure of liens upon real property,

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

The roll being called there were ayes 48, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Pinkham,
Balkan,	Haugerud,	Rawlings,
Beard,	Hoyt,	Renaud,
Belden,	Ingebretson,	Richardson,
Bowen,	Ink,	Roney,
Brittin,	Jahr,	Stevens,
Buchanan,	Johnson,	Tandberg,
Bye,	Langer,	Thomas,
Christianson,	Lilly,	Thompson of Cass,
Cole,	Lutz,	Thomson of Walsh,
Court,	McCormick,	Tyler,
Currier,	McDonald,	Ueland,
Estabrook,	McIntyre,	Walsh,
Foss,	Milsted,	Walton,
Green,	Moore,	Wickham.
Gronli,	Montgomery,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hankinson,	Nedrud,	Selby,
Heglie,	Norton,	Stadleman,
McCullough,	Olsgard,	Watt,
Murphy,	Reed,	Mr. Speaker.

Messrs. Strom and Williams voting in the negative.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the bill passed, and its title was agreed to.

House Bill No. 153,

A bill for an act to provide for the foreclosure of mortgages upon real property,

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

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Hoyt,	Richardson,
Beard,	Ingebretson,	Roney,
Brittin,	Ink,	Stevens,
Buchanan,	Jahr,	Strom,
Bye,	Johnson,	Tandberg,
Christianson,	Langer,	Thomas,
Cole,	Lilly,	Thompson of Cass,
Court,	Lutz,	Thomson of Walsh,
Currier,	McDonald,	Tyler,
Estabrook,	McIntyre,	Ueland,
Foss,	Milsted,	Walsh,
Green,	Moore,	Walton,
Gronli,	Montgomery,	Wickham,
Hankinson,	Olsgard,	Zimmer,
Haugen,	Pinkham,	Mr. Speaker.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Murphy,	Renaud,
Bowen,	Nedrud,	Selby,
McCormick,	Norton,	Stadleman,
McCullough,	Reed,	Watt.

Mr. Williams voting in the negative.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 154,

A bill for an act to amend Section 739 of the Penal Code, being Section 6931 of the Compiled Laws,

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

Mr. Lutz moved

To amend the bill as follows: "In line 8 strike out "ten hours" and insert "eight hours,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 51, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Renaud,
Balkan,	Heglie,	Richardson,
Beard,	Hoyt,	Roney,
Belden,	Ingebretson,	Stevens,
Bowen,	Ink,	Strom,
Brittin,	Johnson,	Tandberg,
Buchanan,	Langer,	Thomas,
Bye,	Lilly,	Thompson of Cass,
Christianson,	Lutz,	Thomson of Walsh,
Cole,	McCormick,	Tyler,
Court,	McDonald,	Ueland,
Currier,	Milsted,	Walsh,
Estabrook,	Moore,	Walton,
Foss,	Montgomery,	Wickham,
Gronli,	Olsgard,	Williams,
Hankinson,	Pinkham,	Zimmer,
Haugen,	Rawlings,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
McCullough,	Nedrud,	Selby,
McIntyre,	Norton,	Stadleman,
Murphy,	Reed,	Watt.

Messrs. Green and Jahr voting in the negative.

Messrs. McCullough, McIntyre, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. Lilly moved

That the further consideration of House Bill No. 49 be indefinitely postponed,

Which motion prevailed.

House Bill No. 93,

A bill for an act to provide for a uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

Was read the third time, and

Mr. Stevens moved

To strike out the emergency clause,

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To strike out Section 6,

Which motion prevailed, and

The bill was so amended.

Mr. Ink moved

To amend the bill by inserting as Section 6 the following;

SEC. 6. This act shall not apply to County Mutual Insurance companies, organized under the laws of the Territory of Dakota or that may hereafter be organized under the laws of the State of North Dakota.

Objection made.

Mr. Lilly moved

To amend the bill by striking out the word "May" wherever it occurs in the bill and insert in lieu thereof the word "August," also strike out the word "July" wherever it occurs in the bill and insert in lieu thereof the word "October,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended.

The roll being called there were ayes 33, nays 20.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Hankinson,

Messrs—

Haugerud,
Hoyt,
Ingebretson,
Ink,
Langer,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,

Messrs—

Moore,
Olsgard,
Pinkham,
Renaud,
Stevens,
Tandberg,
Thomas,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Bowen,
Buchanan

Messrs—

Heglie,
Jahr,
Johnson,
Montgomery,

Messrs—

Strom,
Thompson of Cass,
Thomson of Walsh,
Tyler,

Messrs—
Foss,
Gronli,
Haugen,

Messrs—
Rawlings,
Richardson,
Roney,

Messrs—
Ueland,
Walsh,

Absent and not voting:

Messrs—
McCullough,
Murphy,
Nedrud,

Messrs—
Norton,
Reed,
Selby,

Messrs—
Stadleman,
Watt,
Zimmer,

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman, Watt and Zimmer being excused.

So the bill passed and its title was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 66,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 66,

A bill for an act to define the powers and duties of the State Superintendent of Public Instruction.

House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public State institutions,

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Pinkham,

Messrs—
Rawlings,
Renaud,
Richardson,
Roney,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Court,
McCullough,
Murphy,
Nedrud,

Messrs—
Norton,
Olsgard,
Reed,
Selby,

Messrs—
Stadleman,
Stevens,
Watt.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

So the bill passed, and the title of the bill was agreed to.

House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same,

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

The roll being called there were ayes 46, nays, 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugan,	Montgomery,
Beard,	Haugerud,	Olsgard,
Belden,	Heglie,	Pinkham,
Bowen,	Hoyt,	Rawlings,
Brittin,	Ingerbretson,	Renaud,
Buchanan,	Ink,	Richardson,
Eye,	Jahr,	Tandberg,
Christianson,	Johnson,	Thomas,
Cole,	Langer,	Thompson of Cass,
Court,	Lilly,	Thomson of Walsh,
Currier,	Lutz,	Ueland,
Estabrook,	McCormick,	Walton,
Foss,	McDonald,	Williams.
Green,	Milsted,	Zimmer.
Gronli,	Moore,	Mr. Speaker.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Norton,	Stevens,
McCullough,	Reed,	Strom,
McIntyre,	Roney,	Walsh,
Murphy,	Selby,	Watt,
Nedrud,	Stadleman,	Wickham.

Mr. Tyler voting in the negative.

Messrs. McCullough, Murphy, Nedrud, Norton, Reed, Selby, Stadleman and Watt being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. McCormick moved

That the vote by which

House Bill No. 93

Was passed, be reconsidered,

Which motion prevailed.

Mr. McCormick moved

That the bill be recommitted to the Committee on Insurance,

Which motion prevailed, and

The bill was recommitted.

SECOND READING OF HOUSE BILLS.

Mr. Williams moved

To suspend the rules and proceed to the second reading of House Bills,

Which motion prevailed, and

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law he shall be ex-officio State Dairy Commissioner,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 207,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown,

Was read the second time, and referred to the Committee on Appropriations.

House Bill No. 210,

A bill for an act to amend Chapter 58 of the Session Laws of 1887,

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

House Bill No. 211,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

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

Mr. Walsh by (unanimous consent) introduced—

House Bill No. 213,

A bill for an act providing for an appropriation for the maintenance of the University of North Dakota for the fiscal year ending March 1, A. D., 1891,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

SIXTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 23, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. McCullough, Nedrud, Norton, Reed, Stadleman and Watt excused.

Mr. Haugen moved

That the reading of the Journal be dispensed with, and that it be referred to a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Haugen, Heglie and Hoyt.

Mr. Stevens moved

That the original report of the Sub-Committee on Railroads, printed in yesterday's Journal, be referred to the Railroad Commissioners for information,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 203,

A bill for an act requiring county commissioners to give bond, Have had the same under consideration and recommend that said bill be amended as follows:

Strike out the words "two thousand" in Section 1, line 5, original bill, and insert in lieu thereof the words "one thousand."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 134,

A bill for an act to provide for the election of road supervisors.
Have had the same under consideration and recommend that said bill do not pass.

JAMES McCORMICK,
Chairman.

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 relating to the shipment of live stock and grain,

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

Also,

House Bill No. 184,

A bill for an act to fix the maximum rate that railroad companies and other common carriers may charge for the transportation within North Dakota of coal mined in North Dakota,

And recommend that said bill do pass.

R. N. STEVENS,
Chairman.

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. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senator,

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

W. W. BEARD,
Chairman.

Mr. Thompson of Cass, moved

That House Bill No. 98 be referred to the Judiciary Committee,
Which motion prevailed, and

The bill was so referred.

The Committee on Elections and Privileges made the following majority report on House Bill No. 139:

MR. SPEAKER:

Your Committee on Elections and Privileges to whom was referred

House Bill No. 139,

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

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

W. W. BEARD,
Chairman.

And the following minority report:

MR. SPEAKER:

Your Committee on Elections and Privileges to whom was referred

House Bill No. 139,

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

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

W. W. BEARD,
O. T. JAHR.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 102 and 14,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred

House Bill No. 93,

A bill for an act to provide for a uniform policy of fire insurance companies,

Have had the same under consideration and recommend that said bill do pass with the following amendment:

SEC. 6. *Provided*, That nothing herein contained shall be construed to effect county mutual companies organized and doing business in this State.

P. B. WICKHAM,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 28 and 55 and amendments to House Bill No. 154,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 17,

A bill for an act to enforce the removal of paid or satisfied chattel mortgages from off the files of the registry offices of the State of North Dakota,

Have had the same under consideration and recommend that

said bill do not pass, because its provisions are covered by House Bill No. 181,

Also,

House Bill No. 104,

A bill for an act defining the marriage relation; providing who can so marry; how solemnized, and procuring and filing the license therefor,

And recommend that said bill do not pass because its provisions are covered by House Bill No. 67.

F. J. THOMPSON,
Chairman.

The Committee on Railroads made the following majority report on House Bill No. 67:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licences,

Have had the same under consideration and a majority of the committee present recommend that said bill be amended as follows:

That wherever the words "county judge" occur in said bill it shall be stricken out, and the words "county auditor or county clerk" be inserted in lieu thereof.

That in Section 1, and in lines 3 and 4, of printed bill, strike out the words "ceremony or religious sacrament," after the word "civil" and insert in lieu thereof the words "or religious ceremony."

That in Section 12, and in line 4, strike out the word and figures "fifty (50)" and insert in lieu thereof the words and figures "one hundred (100)."

That in Section 16, and line 5, strike out the words "three months" and insert in lieu thereof the words "one year."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

And the following minority report on the same bill:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 67,

A bill for an act relating to marriage and providing for marriage licenses,

Have had the same under consideration and a minority of the committee present recommend that said bill do not pass.

F. J. THOMPSON,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 185,

A bill for an act to prevent the formation of trusts,

Have had the same under consideration and recommend that said bill be reported back with the recommendation that it be re-committed to the Committee on Corporations other than Municipal.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report of the Judiciary Committee on House Bill No. 185,

Which motion prevailed, and
The report was adopted and the bill re-committed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 191,

A bill for an act to declare unlawful trusts and combinations in restraint of trade and products, and to provide penalties therefor,

Have had the same under consideration and recommend that said bill be re-committed to the Committee on Corporations other than Municipal.

F. J. THOMPSON,
Chairman.

Mr. Haugerud moved
To adopt the report of the Judiciary Committee on House Bill No. 191,

Which motion prevailed, and
The report was adopted and the bill re-committed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 107,

A bill for an act to prevent the formation of trusts,

Have had the same under consideration and recommend that said bill be reported back with the recommendation that it be re-committed to the Committee on Corporations other than Municipal.

F. J. THOMPSON,
Chairman.

Mr. Haugerud moved
To adopt the report of the Judiciary Committee on House Bill No. 107,

Which motion prevailed, and
The report was adopted and the bill re-committed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 45,

A bill for an act providing for filing and recording of chattel mortgages by township clerks,

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

Also,

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

Have had under consideration Sections 5, 6 and 11, referred to us for the purpose of passing upon the legal features of the same, and would respectfully report that we are of the opinion that Sections 5 and 6 present no legal objections, and that Section 11 be amended by inserting after the words, "unreasonable delay" the following: "Of the same grade of grain specified in the storage receipt issued for the same," the seeming illegal feature would be removed.

Also,

Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases,

Recommend that said bill be reported back with the recommendation that it be recommitted to the Committee on Corporations other than Municipal.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved

To adopt the report of the Committee on Judiciary on Senate Bill No. 77,

Which motion prevailed, and

The report was adopted and the bill recommitted.

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. 118,

A bill for an act to amend Subdivision 14 of Section 2, Chapter 28, of the Political Code, entitled "Revenue,"

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

Also,

House Bill No. 130,

A bill for an act to exempt roads and public highways from taxation,

And recommend that said bill do pass.

Also,

House Bill No. 20,

A bill for an act relating to the date upon which taxes shall become delinquent, and the lien of personal taxes,

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

JOHN MILSTED,
Chairman.

Mr. McCormick moved

To adopt the report of the Committee on Taxes and Tax Laws on House Bill No. 20,

Which motion prevailed, and

The report of the committee was adopted, and the further consideration of the bill indefinitely postponed.

Mr. Roney moved

To adopt the report of the Committee on Counties on House Bill No. 203,

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. 58,

A bill for an act to regulate taxation of mortgaged property as between mortgagor and mortgagee,

Have had the same under consideration and at the request of Mr. Renaud report the same back without recommendation.

Also,

House Bill No. 23,

A bill for an act to amend Section 70 of Chapter 28 of the Political Code, as amended by Section 1, Chapter 145, Laws of 1887, entitled "Revenue," changing the rate of interest required upon redemption from tax sales from 30 to 18 per cent,

Have had the same under consideration and recommend that said bill do not pass, as the same is incorporated in House Bill No. 14, which has passed the House, and that it be indefinitely postponed.

JOHN MILSTED,
Chairman.

Mr. McDonald moved

To adopt the report of the Committee on House Bill No. 23,

Which motion prevailed, and

The further consideration of House Bill No. 23 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. 18,

A bill for an act providing for the levy and collection of taxes upon railroad companies in the Territory and approved March 7, 1889,

Have had the same under consideration and recommend that said bill be referred to the Committee on Judiciary.

JOHN MILSTED,
Chairman.

Mr. Renaud moved

To adopt the report,

Which motion prevailed, and

The report was adopted, and the bill referred to the Judiciary Committee.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred House Bill No. 189,

A bill for an act to provide for the destruction of gophers, and to create a fund out of which bounties may be paid,

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

In Section 1, line 1, strike out all to the word "county" and insert the word "the" in lieu thereof; and in line 2 after the word "State" strike out all down to the word "offer" in line 3, and insert the words "may at their discretion" in lieu thereof; in line 6 strike out the word "April" and insert the word "March" in lieu thereof; in Section 2, line 2, after the word "shall" strike out all to the word "produce" and insert the words "on or before the first day of July" in lieu thereof; in line 7 strike out the word "alone;" in line 8 strike out the word "April" and insert the word "March;" in Section 4, line 3, after the word "than" strike out all down to the word "which" in line 5, and insert the following in lieu thereof: "one mill on the dollar on the assessed valuation of said counties."

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

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

Amend Section 2 by striking out of line 6, original bill, the words and figures "twenty-eight (28)," and inserting in lieu thereof the words "twenty."

Also, strike out the word "deemed" in line 8.

Also, strike out all of Section 2 after the word "necessary" in line 8, and insert in lieu thereof the following: "For the safety and convenience of the traveling public."

Also, by striking out the words "the entire," and insert in lieu thereof the words "twenty feet in," in line 21 of Section 2.

Also, by striking out Section 5.

Also amend Section 6 by inserting in said section, before the word "city," the word "county."

Also, by striking out the word "county" before the word "attorney" in line 9, Section 6, and insert the word "states."

Also, by adding to Section 6 the words, "for attorney fees."

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 23, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 15,

A bill for an act for the organization and government of State banks,

With the following amendments:

Amend Section 5, line 1, printed bill, by inserting after the word "act" the words, "may have an authorized capital of \$200,000, and."

Also, amend Section 6, line 14, printed bill, by inserting after the word "business" the words "up to the amount it shall organize for."

Which the Senate has passed and your concurrence is requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 201,

A bill for an act to amend Section 69, Sub-chapter 2 of Chapter 112 of the Session Laws of 1883, relating to township organization,

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

Strike out the word "sixty" in Section 1, line 16, and insert in lieu thereof the word "ninety."

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

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

Be it Resolved by the House of Representatives, That the Auditor of State be and he is hereby requested to pay the members and employes from

January 7th to January 10th, both inclusive, and credit the amounts paid on the vouchers now on file in his office.

Mr. Hankinson moved

As an amendment that the House recall from the Auditor's office the vouchers now on file therein, and that the Speaker and Chief Clerk be instructed to issue vouchers for *per diem* from January 7th to January 22d, inclusive.

Mr. Williams moved

As a substitute that the Auditor be instructed to honor the vouchers now before him,

Mr. Selby moved

To amend by including in the motion the words "and that he be instructed to issue warrants for the vouchers, the opinion of the Attorney General to the contrary notwithstanding,"

Which amendment was accepted.

Roll call demanded on the substitute motion as amended.

Call of the House demanded,

Call seconded.

Roll called.

All members present except Messrs. McCullough, Nedrud, Norton, Reed, Stadleman and Watt, excused

Mr. Speaker declared further proceedings under the call of the House dispensed with.

Roll call demanded on the motion of Mr. Williams as amended.

The roll call being called there were ayes 31, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Stevens,
Beard,	Langer,	Tandberg,
Belden,	McIntyre,	Thomas,
Bowen,	Moore,	Thompson of Cass,
Brittin,	Murphy,	Tyler,
Buchanan,	Pinkham,	Walton,
Bye,	Rawlings,	Wickham,
Court,	Renaud,	Williams,
Currier,	Roney,	Zimmer,
Hoyt,	Selby,	Mr. Speaker.
Ingebretson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Milsted,
Christianson,	Heglie,	Montgomery,
Cole,	Ink,	Olsgard,
Estabrook,	Johnson,	Richardson,
Foss,	Lilly,	Strom,
Green,	Lutz,	Thomson of Walsh,
Gronli,	McCormick,	Ueland,
Hankinson,	McDonald,	Walsh.
Haugen,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
McCullough,	Norton,	Stadleman,
Nedrud,	Reed,	Watt.

Messrs. McCullough, Nedrud, Norton, Reed, Stadleman and Watt being excused.

And so the motion to instruct the Auditor to honor the vouchers of the House prevailed.

Mr. Thompson of Cass, called up his notice to reconsider the vote by which House Bill No. 37 was passed.

Mr. Bowen raised the point of order that the bill had already been disposed of, the motion of Mr. Renaud that the vote by which the bill was passed be reconsidered and that the motion to reconsider be laid on the table having prevailed, and such being the case that the notice of Mr. Thompson of Cass, was out of order.

Mr. Speaker submitted the point to the House for decision, and The House decided that the point was well taken.

Mr. Williams moved

That the rules be suspended and that the Clerk be instructed not to transmit the bill to the Senate.

Mr. Stevens raised the point of order that the motion is out of order,

Which point of order the speaker decided well taken.

Mr. Thompson of Cass, moved

That the vote by which the motion to reconsider was laid on the table be taken from the table.

Mr. Stevens raised the point of order that the motion was out of order,

Which point Mr. Speaker decided well taken.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of the business on the Clerk's desk,

Which motion prevailed, and

Mr. Speaker called Mr. Walsh to the Chair.

When the committee rose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,

And recommeud that the following amendments proposed by the Committee on Railroads be adopted.

Amend Section 5 as follows: After the word "to" in line 8, original bill insert the following: "Condemn all lands necessary for the requirements of the prayer of said petition in such manner as lands are usually condemned for public purposes; *Provided, however,* That said Railroad Commissioners cannot easily obtain the right of way or a deed to such lands as may be necessary in building any Y's, tracks, depots, or platforms; *Provided, further,* That in all cases where there is room upon the rights of way of any intersecting lines of railroad, the Commissioners shall build all tracks, Y's, switches, depots, platforms, etc., thereon.

That the following be inserted as Section 6:

In all cases where it becomes necessary for the Railroad Commissioners to build any tracks, Y's, switches, depots, platforms, etc., under any of the provisions of this act, and the railroad companies owning or operating any intersecting lines fail to pay for the same within thirty days after being duly notified of and presented with an itemized account of one-half the cost of constructing the same, the said Railroad Commissioners are hereby empowered to present the State Auditor with a verified account, in writing, of the cost of building of any such tracks, Y's, switches, platforms, etc., and the State Auditor shall thereupon draw his warrant upon the State Treasurer for the amount thereof, in favor of said Railroad Commissioners. Immediately upon receipt of such warrant it shall be the duty of the Railroad Commissioners to commence an action against all railroad companies interested for the recovery of the cost of construction of all such Y's, tracks, switches, platforms, depots, etc. Said action shall be in the name of the State, as plaintiff, and shall be maintained and prosecuted as all such actions are maintained and prosecuted.

And that all subsequent sections commencing with Section 6 be renumbered consecutively 7, 8 and 9, instead of 6, 7 and 8.

Also that Section 7 be amended as follows: Add after the word "*Provided*" at end of section the following: "*Provided, however,* That the same rate shall be charged from any point on any railroad to any point on any other railroad that corresponds with the schedule rate of the road first making shipment to a point correspondingly distant on their own line with the cost of transfer added. If any railroad company shall fail to forward any car or other quantity of freight consigned to them and transferred from any other line of railroad within forty-eight hours thereafter they shall be liable for all damages caused by such delay, and a fine of \$25 per day, upon conviction thereof, in any court of competent jurisdiction, for each and every day of such delay.

Also, recommend that the following be inserted in Section 6 of the amendment of the Railroad Committee after the words "platform, etc.," in line 10:

And the cost of all lands necessarily condemned or bought in the construction of the same.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 135,

A bill for an act relating to damages and liability for personal injuries, and amending Section 677 of the Code of Civil Procedure,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted; with the exception of the emergency clause reported by them, which was not adopted:

That after the word "recover" in Section 1, and in line 10, of the printed bill, insert the words: "Punitive damages in," and after the word "of," occurring before the figures \$5,000, in said line 10, insert the following words: "Not

less than;" also strike out the word "damages" occurring after the figures 5,000, in said line 10, and that the following section be added:

SEC. 2. That Sections 1 and 2, of Chapter 27, of the General Laws of 1887, and all acts or parts of acts in conflict with the provisions of Section 1 of this act, be and the same is hereby repealed.

SEC. 3. An emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Also, recommend that the following emergency clause be inserted as Section 3:

An emergency exists in that there is no law governing the liabilities of the employer to the employe for damages sustained through the negligence of a co-employe, therefore, this act shall take effect and be in force from and after its passage.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred condemned muskets for use of students for drill purposes,

And recommend that the following amendment proposed by the Committee on Military Affairs be adopted:

Strike out all of Section 3 and insert in lieu thereof the following:

Inasmuch as there is no law authorizing the adjutant general to comply with the provisions of this act, and in due consideration of the fact that it is very desirable for the students to be supplied with these arms at once, it is deemed that an emergency exists and that this act shall go into effect on and after its passage and approval by the Governor.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 56,

A bill for an act to regulate abstracting,

And recommend that Section 2 of the bill be stricken out, and that the following be added as Sections 2 and 3:

SEC. 2. That it shall be the duty of the register of deeds to make an abstract of title to any real property situate within his county when so requested by any person, omitting therefrom the instruments enumerated in the preceding section, and shall charge for the entries in such abstract the same fees provided for in Section 7 of Chapter 1 of the General Laws of 1889, entitled "abstracts," and said fee shall be paid into the county treasury.

SEC. 3. That the register of deeds shall be liable on his official oath and bond as register of deeds for the due and faithful performance of his acts and duties as provided by this act.

Also, recommend that the bill be recommitted to the Judiciary Committee.

Also,

House Bill No. 42,

A bill for an act to create the office and define the duties of fire warden,

And recommend that the following amendment proposed by the Committee of Agriculture be adopted:

Recommend that line 1 of Section 6 be amended by striking

out the word "or" before the word "persons" and inserting the words "or corporation" after the word "person."

And that when so amended the bill do pass.

Also,

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Strike out all after the enacting clause and insert the following in lieu thereof:

SEC. 3. The Attorney General shall consult with and advise the state's attorneys when requested by them in all matters pertaining to the duties of their office. He shall also, when requested, give his opinion in writing without fee, upon all questions of law submitted to him by the Legislative Assembly, or either branch thereof, or by the Governor or any of the State officers.

SEC. 4. Whenever requested, by any of the State officers, he shall prepare proper drafts for contracts, forms and other writings, which may be wanted for the use of the State, and he shall report to the Legislature, or either branch thereof, whenever requested, upon any business relating to the duties of his office.

Also, recommend that the following emergency clause be added as Section 5:

Whereas, an emergency exists for the immediate taking effect of this act, in that the law as it now exists is inadequate: therefore, this act shall be in force and take effect immediately upon its passage and approval by the Governor.

And when so amended recommend that the bill do pass.

GEO. H. WALSH,
Chairman.

Mr. Walsh moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Speaker called Mr. Walsh to the Chair.

Mr. Stevens moved

That the rules be suspended and that Senate Bill No. 54 be now read the first and second times, and referred to its proper committee,

Which motion was lost.

Mr. Tyler moved

To adopt the following House Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring: That the Legislative Assembly of North Dakota most respectfully memorialize and request the Congress of the United States, by proper legislation, to grant to the State of North Dakota, the consent of the United States that the said State of North Dakota appropriate and use Section 36 in Township 140 of Range 49, west, which was granted by the United States to the State of North Dakota for school purposes by the act of Congress, approved February 22, 1889, as a site for an Agricultural College and Experimental Station.

Be it further resolved, That the foregoing resolution be forwarded to the Senators and Representative of the State of North Dakota in Congress, who are hereby requested to use their best efforts to secure the legislation specified herein.

Which motion prevailed, and
The Concurrent Resolution was adopted.

Mr. Williams moved

That the rules be suspended and that the House proceed to the third reading of House bills.

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 23, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 80,

A Joint Resolution for a proposition to amend the Constitution of the State of North Dakota (by striking out Article XX).

Also,

Senate Bill No. 83,

A bill for an act classifying the judicial districts in the State, and fixing the salaries of the judges therein.

Also,

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887, entitled "An Act to suppress and prevent the spread of contagious and infectious diseases among domestic animals."

Also,

Senate Bill No. 125,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized.

Also,

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Experiment Station at Fargo.

All of which the Senate has passed and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 23, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate by motion adopted, recalls House Bill No. 15 for correction.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the request of the Senate be granted, and that House Bill No. 15 be returned to the Senate,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
January 23, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 66,

An act to define the powers and duties of the State Superintendent of Public Instruction,

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

Respectfully,

JOHN MILLER,
Governor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Belden introduced—

House Bill No. 220,

A bill for an act to revise the law concerning voluntary assignments and conferring jurisdiction therein upon county courts.

Mr. Hoyt introduced—

House Bill No. 221,

A bill for an act to prohibit the blacklisting or publishing of employes when they shall have been discharged, and fixing the punishment of the same.

Mr. McDonald introduced—

House Bill No. 222,

A bill for an act for the prevention and punishment of corrupt practices, bribery and other illegal acts at elections.

Mr. Rawlings introduced—

House Bill No. 223,

A bill for an act relating to switch connections at the crossings of railroads and providing for their construction and maintenance.

Mr. Williams introduced—

House Bill No. 224,

A bill for an act to protect children and to provide for their removal from the custody of their parents or guardian or custodian in certain cases.

FIRST READING OF SENATE BILLS.

Mr. Stevens moved

That the rules be suspended, and that all Senate bills on their first reading to-day be also read the second time and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,

Was read the first and second times, and referred to the Committee on Public Buildings.

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Agricultural Experiment Station at Fargo,

Was read the first and second times, and referred to the Committee on Public Buildings.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 23, 1890. }

Mr. SPEAKER:

I have the honor to transmit herewith

House Bill No. 15,

A bill for an act for the organization and government of State banks,

Which the Senate has passed with the following amendments:

In Section 1, line 3, strike out the word and figure "five (5)" and insert the word and figure "three (3);" in the same section, line 4, strike out the words "two-thirds" and insert the words "one-third."

In Section 2, line 11 of the written bill, the word "shares" is omitted, amend by adding the word "shares" between "its" and "are."

In Section 4, line 46 of the written bill, and line 31 of the printed bill, after the word "banking" strike out the balance of the section.

In Section 5, line 9 of the written bill, after the word "security" strike out the words "for debts previously contracted."

In Section 6 strike out the following words in the written bill: "No association shall be organized under this title," and insert in lieu thereof the following: "It shall be unlawful for any corporation, firm or individual to trans-

act a banking business by receiving money on deposits, buying and selling exchange and the like, unless such corporation, firm or individual shall have property of cash value as follows;" and add to Section 6 the following: "And the shares of any association owned by non-residents of the State shall be taxed in the city or town wherein the bank is located, and not elsewhere."

In Section 13, line 2 of written bill, after the word "association" insert the following: "Organized under this act."

In Section 21, line 2 of the written bill, after the word "association" insert the words "organized under this act."

Insert the following as Sections 25 and 26:

SEC. 25. No bank, corporation, firm or individual engaged in the banking, broker, exchange or deposit business shall accept or receive on deposit, with or without interest, any money, bank bills or notes, or United States treasury notes or currency, or other notes, bills or drafts, circulating as money or currency, when such bank or corporation, firm or individual is insolvent.

SEC. 26. If any such bank, corporation firm or individual shall receive or accept on deposit any such deposits as aforesaid when insolvent, any officer, director, cashier, manager, member, party or managing party thereof, who shall knowingly receive or accept, be accessory or permit, or connive at the receiving or accepting on deposit therein or thereby any such deposits as aforesaid, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$10,000, or by imprisonment in the penitentiary not exceeding five years, or by both fine and imprisonment as aforesaid.

And renumber the following sections to conform.

In Section 8 strike out the words "certificate required in the preceding section," and insert in lieu thereof the words "articles of incorporation."

Amend Section 5, line 1, printed bill, by inserting after the word "act" the words, "may have an authorized capital of \$200,000, and."

Also, amend Section 6, line 14, printed bill, by inserting after the word "business," the words, "up to the amount it shall organize for"

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That House Bill No. 15, together with the amendments of the Senate, be referred to the Committee on Banking,

Which motion prevailed, and

The bill and message were so referred.

THIRD READING OF HOUSE BILLS.

Mr. Green moved

That the rules be suspended and that the House pass to the third reading of House Bills,

Which motion prevailed, and

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,

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

Mr. Stevens (by unanimous consent) moved

To amend the bill by inserting in Section 5 after the words "State Treasurer," the words "not otherwise appropriated,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Brittin,	Langer	Stevens,
Bye,	Lilly,	Strom,
Cole,	Lutz,	Tandberg,
Court,	McCormick,	Thomas,
Currier,	McDonald,	Thompson of Cass,
Estabrook,	McIntyre,	Thomson of Walsh,
Foss,	Milsted,	Tyler,
Green,	Moore,	Ueland.
Gronli,	Montgomery,	Walsh,
Hankinson,	Murphy,	Walton,
Haugen,	Olgard,	Wickham,
Haugerud,	Pinkham,	Williams,
Heglie,	Rawlings,	Zimmer.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Nedrud,	Stadleman,
Buchanan,	Norton,	Watt,
Christianson,	Reed,	Mr. Speaker.
McCullough,		

Messrs. McCullough, Nedrud, Norton, Reed, Stadleman and Watt being excused.

And so the bill passed and its title was agreed to.

House Bill No. 78,

A bill for an act to permit the assignment, satisfaction or foreclosure of mortgages and other liens by foreign executors and administrators,

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Brittin,	Jahr,	Roney,
Bye,	Johnson,	Selby,
Christianson,	Langer,	Stevens,
Cole,	Lilly,	Strom,
Court,	Lutz,	Tandberg,
Currier,	McCormick,	Thomas,
Estabrook,	McDonald,	Thompson of Cass,
Foss,	McIntyre,	Thomson of Walsh,
Green,	Milsted,	Tyler,
Gronli,	Moore,	Ueland,
Hankinson,	Montgomery,	Walsh,
Haugen,	Murphy,	Walton,

Messrs—
 Haugerud,
 Heglie,
 Hoyt,

Messrs—
 Olsgard,
 Pinkham,
 Rawlings,

Messrs.—
 Wickham,
 Williams,
 Zimmer.

Absent and not voting:

Messrs—
 Balkan,
 Beard,
 Bowen,
 Buchanan,

Messrs—
 McCullough,
 Nedrud,
 Norton,
 Reed,

Messrs—
 Stadleman,
 Watt.
 Mr. Speaker.

Messrs. McCullough, Nedrud, Norton, Reed, Stadleman and Watt being excused.

So the bill passed, and its title was agreed to.

House Bill No. 151,

A bill for an act to provide for the protection of hotels, boarding houses and restaurants,

Was read the third time, and

Mr. Williams moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 44,

A bill for an act providing bounty for tree planting,

Was read the third time, and

Mr. Ueland moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners,

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

The roll being called there were ayes 47, nays 7.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Bowen,
 Buchanan,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,

Messrs—
 Heglie,
 Hoyt,
 Ingebretson,
 Ink,
 Jahr,
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McCormick,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Olsgard,

Messrs—
 Rawlings,
 Richardson,
 Roney,
 Selby,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh
 Tyler,
 Ueland,
 Walton,
 Wickham,
 Williams,
 Zimmer.

Those who voted in the negative were:

Messrs—
Belden,
Bye,
Murphy,

Messrs—
Pinkham,
Renaud,

Messrs—
Stevens,
Walsh.

Absent and not voting:

Messrs—
Brittin,
McCullough,
Nedrud,

Messrs—
Norton,
Reed,
Stadleman,

Messrs—
Watt,
Mr. Speaker.

Messrs. McCullough, Nedrud, Norton, Reed, Stadleman and Watt being excused.

Mr. Pinkham explaining his vote.

So the bill passed, and its title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 23, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of the
Legislative Assembly of the State of North Dakota, and to pro-
vide for the compensation and payment of the same,

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

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the rules be suspended and that Senate Bill No. 133 be
read the first and second times and referred to its appropriate
committee,

Which motion prevailed, and
Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of
the Legislative Assembly of the State of North Dakota, and to
provide for the compensation of the same,

Was read the first and second times.

Mr. Stevens moved

That the bill be referred to the Committee on State Affairs,
Which motion prevailed, and

The bill was so referred.

House Bill No. 29,

A bill for an act to license attorneys and counsellors at law,
Was read the third time, and placed upon its final passage.

Mr. Cole moved

That the further consideration of the bill be indefinitely post-
poned,

Which motion was withdrawn.

Mr. Green moved

That the bill be referred to the Committee on Agriculture,
Which motion was lost.

Mr. Thompson of Cass, moved

To recommit the bill to the Committee on Woman's Suffrage,
Which motion was lost.

The question being on the passage of the bill,

The roll being called there were ayes 26, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Gronli,	Milsted,
Bowen,	Hankinson,	Moore,
Brittin,	Haugen,	Renaud,
Buchanan,	Hoyt,	Roney,
Bye,	Ingebretson,	Selby,
Christianson,	Lutz,	Stevens,
Court,	McCormick,	Walsh,
Currier,	McDonald,	Mr. Speaker.
Foss,	McIntyre,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Tandberg,
Balkan,	Langer,	Thomas,
Belden,	Lilly,	Thompson of Cass,
Cole,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy,	Tyler,
Green,	Olsgard,	Ueland,
Hangerud,	Pinkham,	Walton,
Heglie,	Rawlings,	Wickham,
Ink,	Richardson,	Zimmer.
Jahr,	Strom,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
McCullough,	Reed,	Watt,
Nedrud,	Stadleman,	Williams.
Norton,		

Messrs. McCullough, Nedrud, Norton, Reed, Stadleman, Watt and Williams being excused.

And so the bill was lost.

Mr. Thompson of Cass, moved
That the House do now adjourn,
Which motion was lost.

House Bill No. 102,

A bill for an act fixing the liability of railroad corporations for setting fires,

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

The roll being called there were ayes 38, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Olsgard,
Balkan,	Ingrebretson,	Pinkham,
Beard,	Jahr,	Rawlings,
Bowen,	Johnson,	Renaud,
Brittin,	Lilly,	Richardson,
Buchanan,	Lutz,	Roney,
Bye,	McCormick,	Stevens,
Cole,	McDonald,	Strom,
Court,	McIntyre,	Thomas,
Estabrook,	Milsted,	Thomson of Walsh,
Foss,	Moore,	Ueland,
Gronli,	Montgomery,	Williams.
Haugen,	Murphy,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Langer,	Walsh,
Christianson,	Selby,	Walton,
Currier,	Tandberg,	Zimmer,
Hankinson,	Thompson of Cass,	Mr. Speaker.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	Nedrud,	Tyler,
Heglie,	Norton,	Watt,
Hoyt,	Reed,	Wickham.
McCullough,	Stadleman,	

Messrs. Heglie and Tyler passing the vote.

Messrs. McCullough, Nedrud, Norton, Reed, Stadleman, Tyler and Watt being excused.

And so the bill passed, and its title was agreed to.

COMMUNICATION FROM THE STATE AUDITOR.

The following communication was received from the State Auditor:

BISMARCK, January 23, 1890.

To the Honorable Members of the House of Representatives of the First Legislative Assembly for North Dakota:

GENTLEMEN: I have the honor to acknowledge receipt through your Chief Clerk of a copy of a resolution passed by your honorable body this day which reads as follows, to-wit:

“That the Auditor of State be requested to honor the vouchers of the House for members and employes now in his hands and to issue warrants therefor, the opinion of the Attorney General to the contrary notwithstanding.”

I beg to inform you that we recognize the Attorney General as the legal adviser of all State officers, and having transmitted a copy of his opinion to your honorable body upon this subject wherein he holds that this office has no authority or power to issue warrants in payment of the *per diem* of members and employes of the House of Representatives from December 20, 1889 to January 7, 1890, therefore I am constrained to deny your request.

I assure you, however, that as soon as a way is opened by the Legislative Assembly for the proper adjustment of said vouchers, I will give the matter my immediate attention.

I have the honor, gentlemen, to remain,

Your obedient servant,
JOHN P. BRAY,
State Auditor.

Mr. Williams moved

That the communication be referred to the Judiciary Committee.

Which motion prevailed, and

The communication was so referred.

Mr. Buchanan moved

That the House do now adjourn.

Mr. Williams moved

That when the House adjourn it be to meet again at 7:30 o'clock this evening,

Which motion was lost, and

The question recurring on the motion to adjourn,

The motion to adjourn prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 24, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Nedrud, Norton, Reed and Stadleman.

Mr. Stevens moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed.

Mr. Ueland moved

To recall substitute for House Bill No. 35 from the Senate,

Which motion prevailed.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Williams presented the following letter, and requested that it be printed in the Journal:

BOTTINEAU, January 20, 1890.

Hon. E. A. Williams, Bismarck:

DEAR SIR: I have given some attention and have had some correspondence with millers on the question involved in House Bill No. 16. I find that it costs 50 cents per barrel to pay for insurance, interest on investment, wages, ordinary repairs, waste, fuel, etc., in running a mill, or, say, 12 cents per bushel. Four

and one-half bushels of No. 1 hard or northern will make a barrel of flour, or, say, 43½ pounds to the bushel of 60 pounds, leaving 16½ pounds in brand and shorts. I have allowed for waste in the 12 cents per bushel.

The miller who gives 38 pounds of straight flour and 18 pounds of brand and shorts, receives enough to pay over 12 cents per bushel.

Plum Creek mill, Manitoba, cost \$30,000; wood, \$5 per cord, gives 40 pounds of flour, 14 pounds of brand, 4 pounds of shorts, and charges 15 cents per bushel. They say it usually pays better than merchant work, though not always.

Portage La Prairie mill, Manitoba, cost \$75,000. They give 32 pounds of flour, 10 pounds of brand and 3 pounds of shorts, and make no other charge per bushel, which gives them 11½ pounds of flour, 1½ pounds in brand and shorts, allowing two pounds for waste. They say it does not generally pay as well as merchant work.

Devils Lake mill gives, flour, 36 pounds, family patent (not as good as straight), brand, 12 pounds, shorts, 10 pounds, and charges 15 cents per bushel.

Bottineau mill gives, flour, 38 pounds, brand and shorts, 18 pounds, and charges 20 cents per bushel.

I have compared two mills in Manitoba with two in Dakota. The conditions are much the same, only fuel costs more in Manitoba than in Dakota; yet our mills charge more for their work.

It is a difficult thing to regulate by law what mills shall charge, as they may refuse to do an exchange business if they will. I think, however, that should any bill pass regulating public mills, that any mill electing to be a private mill should be prohibited from being a public mill forever after. Also, that provision should be made that any combination to flood the market with flour or feed by any private mill or mills at less price than charged anywhere else by said mill or mills to freeze out any private mill should be a criminal act, and such flour or feed, upon proof that it so offered, should be seized and sold by the sheriff of the county where offered, and the proceeds placed in the poor fund for the support of the poor of said county. This should be done so that public mills might not be destroyed by combinations formed against them.

Yours truly,

EZRA TURNER.

Mr. Haugen presented the following open letter and requested that it be printed in the Journal:

CITIZENS OF NORTH DAKOTA: Let the immense coal fields of North Dakota be developed—and the fuel problem is solved for all future time. The coal fields of this State are inexhaustible in quality, and their development means millions of dollars saved to the State. There is nothing that would tend to build up Dakota as the development of native coal—if the railroads that cross the State would exercise a little leniency towards the people and do away with their present coercion policy and high freight rates on Dakota coal.

Seven years ago, hearing of coal existing in the Mouse River and DeLac River valleys, I came here and examined the field, and found coal in unlimited quantities, and of a very superior quality. Believing that the Northern Pacific railroad was going to build into this country, in the spring of '84 I opened an extensive coal mine, and supplied the country around until the fall of '86. The Northern Pacific failed to tap this section of the country. In the fall of '86 the St. Paul, Minneapolis & Manitoba railroad built into this region and their main line ran within three-quarters of a mile of my mine. Here surely was an opportunity to develop the coal resources of Ward county. I went to St. Paul and interviewed the company with regard to securing rates to deliver coal to towns on their line, and also to get them to put in a siding as near as possible to the mine. They pleaded being too busy to put in a siding, but finally gave me the following rates from Minot. Besides paying these rates I was compelled to haul the coal six miles to the station. The rate per ton in carload lots was as follows:

Rugby Junction	\$ 1 35
Leeds and Church's Ferry	1 40

Devils Lake.....	\$ 1 50
Lakota ...	1 80
Petersburgh	2 20
Niagara.....	2 35

I shipped coal to those points that winter at those rates, thus introducing the coal. I proceeded to St. Paul the next fall and again endeavored to get a siding put in opposite my mine—as it would save hauling the coal six miles by team. I also solicited better rates than those previously given. And here I was given an example of the iniquitous and coercive methods practiced by this grinding corporation. They informed me that they would give me a rate that would fix me. Late in the fall their rates were promulgated, and they were so that they almost fixed me—in so much so that I was almost unable to ship any coal at all, but I had to carry out my contracts for coal engaged previous to the issuing of their rates, and thus I was compelled to accede to their outrageous demands. As an instance of their unfairness they raised the rate from Minot to Rugby Junction from \$1.35 to \$1.75; Pleasant Lake from \$1.35 to \$2; Knox from \$1.35 to \$2.15; York from \$1.35 to \$2.30; Leeds from \$1.40 to \$3.40; Church's Ferry from \$1.40 to \$2.50 per ton. All of those places are within less than 100 miles of Minot, the shipping point.

In the fall of 1888, together with the attorney for their road, I went to St. Paul to again see the company about putting in a siding for me, and also have them lessen their exorbitant and outrageous freight rates. After seeing them all a number of times and refuting the numerous arguments and excuses to put in a siding and lower the rate on coal—it is needless to state that they never complied with their agreement—for they put forth the plea of poverty and to-day the exorbitant freight rates quoted above, exist and are in full force. This same company have put a rate on wood from the Turtle mountains of \$1 a cord to Devils Lake, which is near five times cheaper than they carry coal for the same distance. Farmers of Ward county receive six tons of coal for \$7.50, which will run two stoves all winter—and if the railroads would carry coal at reasonable rates every man in North Dakota would be enabled to get six tons of coal at less than \$20, and many of them much less, but when the Manitoba road does as in a case like this: That notwithstanding I was shipping a large amount of coal daily into the Red River valley and other sections, and paying an exorbitant rate for freight, they ordered their agent to weigh a small box of coal on a little platform scales, and estimate the contents of the car in this manner, and bill it according to the estimate thus guessed at, and compel me to pay freight on their estimate; also they refuse to transfer their cars onto the Northern Pacific road so that I am unable to ship coal to Lisbon, North Dakota, from which place I am in receipt of orders for coal. Under such an existing state of affairs, it is not to be wondered at that the people demand cheaper fuel.

Now there is but one way out this. The Legislature has full control of regulating the rates from any point to any other point in our State, and also to compel all railroads to put in "Y's" and siding, and to compel different roads to transfer their cars from one road to other roads. It is a fact that North Dakota is sending half a million dollars out of the State annually, when one-half of it need not be expended at all, and the other half can and should be left at home.

Now, gentlemen, what we desire you to do is to sign a petition to the Legislature (petitions will be sent to you) and to write to your members asking them to pass a law compelling any railroad that has a line running near any mine in the State and which mine having shipped not less than ten cars of coal from any station to any other station on their line of road in the State, shall upon being petitioned by said person or persons who shipped said coal over line, to put in a side track at the nearest point where said railroad runs to said mine, unless both parties agree to put it in at some other point, said siding to be at least 300 feet long in the clear, and said road shall furnish empty cars and take away full cars from said siding the same as they do from any station on said line of road. And also that they shall carry all native coal in carload lots of not less than ten tons which is mined in North Dakota from any station

or siding to any station or siding in the State, at the rate of \$1 per ton for 100 miles or any fraction thereof if shipped to any point less than 100 miles, and at the rate of one-half cent per ton for each mile over the first 100 miles, and if said car of coal is transferred from one road to another, the second road shall carry the coal for one-half cent per mile for every ton of coal. Upon the enactment of such a law, I can furnish all the coal needed in North Dakota at the following rates, laid down freight and all included, in car load lots of ten tons or over, to-wit:

Towner at	\$ 2 50
Rugby	2 50
Bottineau	2 50
Pleasant Lake	2 50
Knox	2 50
York	2 50
Leeds	2 50
Church's Ferry	2 50
Devils Lake	2 58
Lakota	2 71
Larimore	2 89
Grand Forks	3 02
Grafton	3 22
St. Thomas	3 29
Tompson	3 09
Buxton	3 15
Hillsboro	3 22
Fargo	3 40
Mayville	3 06
Northwood	2 96
Inkster	3 00
Park River	3 07
Edinburg	3 12
Milton	3 18
Langdon	3 27
Casselton	3 27
Wahpeton	3 63

Should the demand be large, the price of coal can be reduced accordingly, as the more coal mined per day the cost is less per ton. I have already mined from 50 to 55 tons of coal per day—but with a siding at the mine I can put out from 100 to 300 tons daily on board of cars. I have under the present existing disadvantages—to say nothing of the high freight rates—since November 1st, put out and sold from 1,200 to 1,500 tons of coal and have furnished coal at cost on board of cars to the needy in the districts in which destitution exists.

There may be some who may doubt if the rates above asked for are paying rates for the railroads. The Manitoba is carrying coal from Sand Coulee, Montana, for less than the amounts above mentioned. The Chicago & St. Paul is carrying coal 450 miles for 40 cents per ton which is about one-sixth of this rate, and every road east of St. Paul is carrying coal for much less.

This fuel question is a business worth fighting for—is worth agitating and striving to secure. Energetic and quick work is needed and we should all pull together for the accomplishment of this object.

Yours respectfully,
J. L. COLTON.

Mr. Thompson of Cass, moved

That House Bills Nos. 182 and 193 be recommitted to the Committee on Judiciary,

Which motion prevailed.

Mr. Speaker appointed as the committee to revise and correct the Journal, Messrs. Milsted, McCormick and McCullough.

REPORTS OF STANDING COMMITTEES.

The Committee on State and Federal Relations made the following report:

MR. SPEAKER:

Your Committee on State and Federal Relations to whom was referred

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

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

Strike out the title of said bill and insert therefor the following: "A bill for an act to provide for a commission to act with a like commission from the State of South Dakota to effect the final adjustment between the respective States of North and South Dakota in defining its duties and powers."

Also, strike out all of said bill after the enacting clause and insert the following:

A Bill for an Act to Provide for a Commission to Act with a Like Commission from the State of South Dakota to Effect the Final Adjustment Between the Respective States of North and South Dakota in Defining its Powers and Duties.

SECTION 1. The Auditor, Treasurer and Attorney General of the State of North Dakota shall constitute a commission to represent and act for said State, to effect a final settlement and adjustment of the outstanding indebtedness of the Territory of Dakota, including all accounts and matters of difference between the States of North Dakota and South Dakota respectively; such commission shall meet as soon as practicable with the commission appointed from the State of South Dakota at some place mutually agreed upon, and proceed to make and consummate a final settlement and adjustment of outstanding indebtedness of the Territory of Dakota, and determine what portion thereof each of said States shall assume and pay; also, to determine all other accounts and matters of difference between said States, in accordance with the joint agreement of said States, as incorporated in the Constitution of the respective States. Said Commission shall, upon the completion of their labors, make a full report of all their proceedings under this act to the Governor of the State, and if such proceedings are approved by him the Auditor is hereby authorized and directed to draw warrants on the State Treasurer to pay any sum which said Joint Commission shall determine to be paid by the State of North Dakota. All necessary traveling expenses of said Commission incurred under the provisions of this act shall, upon the presentation of an itemized statement thereof, properly verified, be audited and paid by the State Auditor.

SEC. 2. It being important for the public welfare that a final settlement and adjustment of accounts between the States of North Dakota and South Dakota should be effected long prior to July 1, 1890, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

JAMES BRITTIN,
Chairman.

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 an act to give publicity to chattel mortgage sales, approved March 8, 1889,

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

That in Section 1, line 3, of printed bill, the words "so as" be stricken out.

That Section 2 be amended to read as follows:

SEC. 2. Out of the proceeds arising from the sale, the officer making the sale shall pay first the costs and expenses of the foreclosure; second, shall pay the person or persons entitled thereto the amount of the mortgage debt, and, third, shall pay the balance, if any there be, to the owner of the mortgaged property, and when any chattel mortgage shall have been paid in any manner, the mortgagee or person owning said mortgage, shall cause the same to be released of record within sixty days after such payment shall have been made; and any person refusing or neglecting for ten days to release or cause said mortgage to be released, shall be subject to a penalty of fifty dollars, to be recovered in a civil action, and when collected the same shall be paid into the school fund. It shall be the duty of the States attorney to sue for said penalty in the name of the State, and to prosecute such action.

That Section 3 of said bill be stricken out.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 97, 37, 192, 184, 187, 186, 196, 183, 172, 193,
and Senate Bill No. 43,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The committee to revise and correct the Journal of the sixty-fifth day made the following report:

MR. SPEAKER:

Your committee to whom was referred the correction of the House Journal of the sixty-fifth day, find the Journal of that day correct.

ARNE P. HAUGEN,
Chairman.

Mr. Milsted (by unanimous consent) introduced—

House Bill No. 225,

A bill for an act to abolish the office of Commissioner of Immigration, and defining the duties of the Commissioner of Agriculture and Labor.

Mr. Stevens moved

That all reports read to-day be referred to General Orders, and that the rules be suspended and that the House do now resolve itself into Committee of the Whole for the consideration of the business on the Clerk's desk,

Which motion prevailed, and
Mr. Speaker called Mr. Stevens to the Chair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 24, 1890. }

MR. SPEAKER:

I have the honor to return herewith in accordance with the request of the House,

Senate Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885, supplement, relating to noxious weeds.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That Mr. Haugerud be excused until such time as sickness in his family will permit his return,

Which motion prevailed.

Messrs. Thomas, Balkan, Roney, Jahr, McCormick, McIntyre, Olsgard, Richardson, Ingebretson and Heglie were excused until next Tuesday,

Mr. Zimmer was excused until one week from next Monday.

Mr. Stevens moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SIXTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 25, 1890.

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

Roll called.

There being no quorum present,

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Balkan, Bye, Christianson, Court, Green, Haugerud, Heglie, Ingebretson, Jahr, McCormick, McDonald, McIntyre, Moore, Norton, Olsgard, Richardson, Stadleman, Thomas, Walton, Watt and Zimmer, excused.

Messrs. Walton and Court were excused until next Wednesday.

Mr. Buchanan moved

That the reading of the communications in the Journal of the sixty-seventh day be dispensed with.

Mr. Stevens moved

As an amendment that the reading of the Journal be dispensed with and that the Speaker appoint a committee of three to revise and correct the same, and report to the House,

Which amendment prevailed, and

The original motion as amended prevailed.

Mr. Speaker appointed as such committee Messrs. Stevens, Beard and Tandberg.

The committee to revise and correct the Journal of the sixty-sixth day made the following report:

MR. SPEAKER:

Your Committee to whom was referred the correction of the House Journal of the sixty-sixth day find the Journal of that day correct.

JOHN MILSTED,
Chairman.

Mr. Selby moved

To adopt the report of the Committee,
Which motion prevailed, and

The report was adopted.

The Journal of the sixty-eighth day was read and approved.

REPORTS 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. 206,

A bill for an act defining the duties of the Commissioner of
Agriculture and Labor and providing that until otherwise provided
by law he shall be *ex-officio* State Dairy Commissioner,

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

C. A. CURRIER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Bowen moved

To strike out the words "or corporation" in line 1 of Section 6
of House Bill No. 42, and insert the words "or corporation" after
the word "persons" in line 1 of Section 6.

Which motion prevailed, and

The bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 27, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 79,

A bill for an act authorizing the State Auditor to hear and de-
termine a claim of Frank Donnelly against the Territory of Da-
kota and authorizing the payment thereof,

Also,

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the
State,

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

C. C. BOWSFIELD,
Secretary

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Stevens moved

That the rules be suspended and that the House proceed to the
first reading of House bills, and that those which have been
printed be read also the second time and referred to their appro-
priate committees,

Which motion prevailed, and
House Bill No 198,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Was read the first time, and

Mr. Williams moved

To amend the bill by inserting after the words "State Superintendent of Public Instruction" in line 3, Section 1 of Article 16, the words "and the President of the State University,"

Which motion prevailed, and

The bill was so amended.

House Bill No. 198,

A bill for an act to provide for an uniform system of free public schools throughout the State.

Was read the second time, and referred to the Committee on Education.

The Committee to revise and correct the Journal of the sixty-seventh day made the following report:

MR. SPEAKER:

Your committee to revise the House Journal of January 24th beg leave to report said Journal as correct.

R. N. STEVENS,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bills Nos. 130, 135 and 100,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 214,

A bill for an act to provide for the support of married women,
Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the penitentiary in certain cases,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 216,

A bill for an act to exempt pension money from levy and attachment and judicial sale for debt,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 217,

A bill for an act to facilitate the collection of wages,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 218,

A bill for an act to punish false pretenses in obtaining certificates of registration of cattle, horses and other animals and to punish giving false pedigrees,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 219,

A bill for an act providing for the recording of contracts concerning the care of animals, making such record, notice and prohibiting the unlawful conversion of the same,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 220,

A bill for an act to revise the law concerning voluntary assignments and conferring jurisdiction therein upon county courts,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 221,

A bill for an act to prohibit the blacklisting or publishing of employes when they shall have been discharged, and fixing the punishment of the same,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 222,

A bill for an act for the prevention and punishment of corrupt practices, bribery and other illegal acts at elections,

Was read the first and second times, and referred to the Committee on Elections and Privileges,

House Bill No. 223,

A bill for an act relating to switch connections at the crossings of railroads and providing for their construction and maintenance,

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 224,

A bill for an act to protect children and to provide for their removal from the custody of their parents or guardian or custodian in certain cases,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,

Was read the second time, and referred to the Committee on Military Affairs.

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the public printing and for use in the Legislature and State offices,

Was read the second time, and referred to the Committee on Public Printing.

House Bill No. 212,

A bill for an act to revise the law in relation to boards of health, to establish county and township boards of health, and fix the compensation thereof,

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

House Bill No. 225,

A bill for an act to abolish the office of Commissioner of Immigration, and defining the duties of the Commissioner of Agriculture and Labor,

Was read the first time.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Thompson of Cass, introduced—

House Bill No. 226,

A bill for an act to fix the maximum rate that railroad companies, etc., may charge for the transportation within North Dakota of coal mined therein,

Which was read the first time.

Mr. Wickham introduced—

House Bill No. 227,

A bill for an act establishing a legal holidays,

Which was read the first time.

Mr. Walsh introduced—

House Bill No. 228,

A bill for an act to amend Section 9, of Chapter 40, of the General Laws of 1883, entitled "University of North Dakota."

Which was read the first time.

Also,

House Bill No. 229,

A bill for an act to amend Section 38, of Chapter 27, of the Political Code, known as Section 1470 of the Compiled Laws of 1887,

Which was read the first time.

UNFINISHED BUSINESS.

The following report of the Committee of the Whole of January 24th was read:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 141,

A bill for an act restraining certain male animals from running at large,

And recommend that the following amendments proposed by the Committee on Agriculture be adopted:

"*Provided*, That no animal kept in a herd shall be regarded as running at large."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881 relating to sheep husbandry,

And recommend that the following amendment proposed by the Committee on Agriculture be adopted:

That the following emergency clause be added to the bill:

WHEREAS, An emergency exists in that there is now no protection to sheep growers from the ravages of wolves; *Therefore*, This act shall take effect from and after its passage.

Also, recommend that Section 1 be amended by striking out the word "fifty" in line 4 of the section and substituting therefor the words "twenty-five."

Also, recommend that Section 1 be further amended by striking out the words "stock raisers" and inserting in lieu thereof the word "freeholders,"

Also, recommend that the bill be further amended by inserting after the word "wolf" wherever it occurs in the bill the word or "cayote,"

Also, recommend that Section 1 be amended by striking out the word "shall" in the fourth line and inserting in lieu thereof the word "may,"

Also, recommend that the bill be further amended by inserting after the word "whom" in line 4 the following: "And that said wolf or cayote was not brought into said county before being killed."

Also, recommend that in line 5 of Section 1, the words "not less than two (2)" be stricken out.

Also, recommend that the word "\$5" where it occurs in Section 1, be stricken out and "\$3" inserted.

Also, recommend that the bill and amendments be recommitted to the Committee on Agriculture.

Also,

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

And recommend that the further consideration of the bill be indefinitely postponed.

The committee arose, reported progress and asked leave to sit again.

R. N. STEVENS, Chairman.

Mr. Bowen moved

To adopt the report of the committee, with the exception of that part relating to House Bill No. 142,

Which motion prevailed, and

The report of the Committee of the Whole, with the exception of that portion relating to House Bill No. 142, was adopted.

Mr. Bowen moved

That House Bill No. 142 be recommitted to the Committee on Irrigation,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bills Nos. 42, 19 and 55,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 83,

A bill for an act classifying the judicial districts in the State, and fixing the salaries of the judges therein,

Was read the first time, and

Mr. Selby moved

That the rules be suspended and that all Senate bills that are read the first time to-day be read also the second time and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 83,

A bill for an act classifying the judicial districts in the State, and fixing the salaries of the judges therein,

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

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887, entitled "An Act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

Was read the first and second times, and referred to the Committee on State Affairs.

Senate Bill No. 126,

A bill for an act prescribing the fees of the register of deeds,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill 129,

A bill for an act to allow organized townships to raise a tax for irrigation purposes,

Was read the first and second times, and referred to the Committee on Irrigation.

Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 109,

A bill for an act granting powers to county courts,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 86,

A bill for an act amending Chapter 13 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the principal and interest thereof,

Was read the first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

Was read the first and second times, and referred to the Committee on Public Printing.

Senate Bill No. 79,

A bill for an act authorizing the State Auditor to hear and determine a claim of Frank Donnelly against the Territory of Dakota, and authorizing the payment thereof,

Was read the first and second times, and referred to the Committee on Appropriations.

THIRD READING OF SENATE BILLS.

Mr. Ueland moved

That the rules be suspended, and that Senate Bill No. 47 be taken from General Orders and that it be now read the third time and placed on its final passage, with privilege of amendment,

Which motion prevailed, and

Senate Bill No. 47,

A bill for an act to promote forest culture,

Was read the third time, and

Mr. Williams moved

To adopt the first recommendation in the report of the Committee on Forestry on the bill,

Which motion prevailed.

Mr. Ueland moved

To amend the bill by adding at the end of Section 2 the following:

Provided, further, That not more than \$100 shall be paid annually for the trees raised on any one-quarter section of land.

Which motion prevailed, and

The bill was so amended.

Mr. Beard moved

To amend the bill by striking out the figure "3" in line 3 of Section 1 and insert in lieu thereof the figure "1,"

Which amendment was lost.

Mr. Beard moved

To amend the bill by striking out "three years" and substituting therefor the words "one year from the first of August after the time of planting."

Mr. Bowen moved

As a substitute motion to amend the bill by substituting the words "two years."

Mr. Hankinson moved

That the House do now adjourn,

Which motion was lost, and

The question recurring on the substitute motion of Mr. Bowen, the motion prevailed.

Mr. Ueland moved

To amend by substituting two years.

Mr. Tyler moved

To amend the motion of Mr. Beard by stating the first Monday in August following the first year of planting.

Mr. Speaker declared both motions out of order because a division of the House was being taken on Mr. Beard's motion.

On division the motion of Mr. Beard was lost.

Mr. Ueland moved

To strike out the word and figure "two (2)" where it occurs in Section 1 and insert in lieu thereof the figure "4."

Mr. Stevens moved

That the House do now adjourn,

Which motion was lost.

The question recurring on the motion of Mr. Ueland, the motion was lost.

Mr. Ueland moved

That "two dollars" be stricken out and that "three dollars" be inserted,

Which motion was lost.

Mr. Selby moved

To adopt the report of the Committee on Forestry on the bill,

Which motion prevailed, and

The following amendments proposed by the committee were adopted:

Strike out the words "of trees is" in line 7, Section 1, and insert in lieu thereof the words "shall have at least 400 living trees on each acre so."

Insert as Section 2 the following

SEC. 2. Every person planting such forest trees or trees suitable for hedge in rows as boundary lines along the public highways or on any other portion of his premises, which rows shall contain not less than three living trees to each rod, and who shall in other respects comply with the provisions of this act, shall annually receive a bounty at the rate of \$4 for every 160 rods of each row in length.

Amend Section 2 to read Section 3, and in line 2 of said section insert after the word "grove" the following words "row or rows."

In line 5, same section, after the word "grove" insert the words "row or rows," and in line 9, same section, after the word "grove" insert the words "row or rows."

Amend Section 3 to read Section 4.

Strike out all of Section 4.

Mr. Ueland moved

To recommit the bill to the Committee on Forestry.

Mr. Buchanan moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Haugeraud, Heglie, McIntyre, Moore, Thomas, Walton, Watt and Zimmer, excused.

Mr. Moore was excused until next Monday.

Mr. Watt was excused until Wednesday.

Mr. Bowen moved

That the reading of the Journal be dispensed with, and that a committee of three be appointed to revise and correct the same and report to the House,

Which motion prevailed.

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

Resolved, That no further reports of committees be received until the business now on the table shall have been disposed of.

Which motion prevailed, and
The resolution was adopted.

Mr. Speaker appointed as the committee to revise and correct the Journal Messrs. Bowen, Pinkham and Olsgard.

COMMITTEE OF THE WHOLE.

Mr. Williams moved

That the House do now resolve itself into Committee of the Whole for the consideration of House bills,

Which motion prevailed, and

Mr. Speaker called Mr. Williams to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 111,

A bill for an act to empower county commissioners to purchase poison for the destruction of gophers,

And recommend that the following amendments proposed by the Committee on Counties and County Boundaries be adopted:

Amend Section 1, line 4, by striking out the word "town" and inserting in lieu thereof the word "township."

Amend Section 2, line 3, strike out the words "presented to the board of county commissioners" and insert in lieu thereof "filed with county auditor."

Amend Section 4 by adding the following: "*Provided*. That for the purpose of this act counties not organized into civil townships in whole or in part election precincts shall be deemed to mean organized townships and judges of election shall act and have the same authority as supervisors."

"An emergency exists in this, that in order to make this act operative for the ensuing year, this act shall take effect and be in force from and after its approval."

And that when so amended the bill do pass.

Also,

House Bill No. 189,

A bill for an act to provide for the destruction of gophers, and to create a fund out of which bounties may be paid,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

In Section 1, line 1, strike out all to the word "county" and insert the word "the" in lieu thereof; and in line 2 after the word "State" strike out all down to the word "offer" in line 3, and insert the words "may at their discretion" in lieu thereof; in line 6 strike out the word "April" and insert the word "March" in lieu thereof.

In Section 2, line 2, after the word "shall" strike out all to the word "produce" and insert the words "on or before the first day of July," in lieu thereof; in line 7 strike out the word "alone"; in line 8 strike out the word "April" and insert the word "March."

In Section 4, line 3, after the word "than" strike out all down to the word "which," in line 5, and insert the following in lieu thereof: "one mill on the dollar on the assessed valuation of said counties."

And that when so amended the bill do pass.

Also,

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Subchapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

And recommend that the following amendments proposed by the Committee on Counties be adopted:

By striking out the comma after the word "person," in line 7, and insert a comma after the word "property," in line 7. And strike out the comma after the word "land," in line 8 of original bill.

And that when so amended the bill do pass.

Also,

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it,

And recommend that the following amendments proposed by the Committee on Insurance be adopted:

In Section 1, line 17, after the word "shall" strike out the word "forthwith" and insert in lieu thereof the words "within thirty days."

And that when so amended the bill do pass.

Also,

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code of 1877,

And recommend that the following amendments proposed by the committee be adopted:

That the present title be amended to read as follows: "For an act to amend Section 58, Article 10, Chapter 1, Justice Code of the Revised Code of 1877, being Section 6098 of the Compiled Laws."

That said bill be amended by inserting between the word "of" and the figures "1877," occurring in line 2 of the printed bill as follows:

"The Revised Code of" and after the figures "1877," occurring in line 2 of the printed bill the following: "Being Section 6098 of the Compiled Laws."

And that when so amended the bill do pass.

Also,

House Bill No. 155,

A bill for an act amending Section 2 of Chapter 88 of the Session Laws of 1889,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That Section 2 be amended to read as follows:

SEC. 2. Said lien shall have priority over all other liens and incumbrances upon said grain, created subsequent to the passage and approval of this act, if filed within thirty days from the day upon which said threshing was completed.

Also, recommend that the bill be further amended in Section 5 of same chapter by adding to it the following: "And the costs and fees for foreclosing shall be the same."

And that when so amended the bill do pass.

Also,

Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

And recommend that further action on the bill be postponed until the return of Mr. Zimmer,

Also,

House Bill No. 195,

A bill for an act to legalize the acts of certain officers herein named,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

In Section 1 of printed bill, and in line 3, after the word "appointed" add the words "under the laws of the Territory of Dakota," and in same section and line after the word "then" add the word "lawfully," and in the same section and line 5 after the word "such" add the words "duly qualified."

And in same section and line 6 after the word "valid" strike out the words "for all intents and purposes" and insert in lieu thereof the following: "To the same intent and purposes that they would have been had the State of North Dakota remained a territory."

And that when so amended the bill do pass.

Also,

House Bill No. 138,

A bill for an act to provide for the summoning of jurors as talesmen in the district courts in this State,

And recommend that the following report of the Committee on Judiciary be adopted:

By striking out the word "three" where it occurs in line 7 of the printed bill, and insert the word "two" in lieu thereof.

And that when so amended the bill do pass.

Also,

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter and to repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the year 1879,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That the word "indexes" occurring in Section 4, line 2 of the printed bill, be changed to "indices."

That after the word "State" occurring in section 4 and line 4, the "semicolon" be changed to 'a "comma," and the following be inserted thereafter: "And to secure a copyright of each volume of said reports before the same is distributed, for the exclusive use and benefit of the State of North Dakota; the procurement of said copyright to be properly printed in each volume."

That the following section be added:

SEC. 7. It shall be the duty of the Supreme Court Reporter to publish in book form the opinions of the Supreme Court, together with other matter as contemplated in Section 2 of this act, not sooner than the month of October and not later than the 31st day of December, beginning in the year 1892, and shall publish said opinions and other matter as contemplated by this act, biennially thereafter, the publication of said opinion and other matter to be let and paid for in the same manner as other public printing.

That Section 7 of the original bill be numbered Section 8.

And that when so amended the bill do pass.

Also,

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

And recommend that the following amendments proposed by the Committee on Insurance be adopted:

That Section 6 be added as follows:

"SEC. 6. *Provided*, That nothing herein contained shall be construed to effect county mutual companies organized and doing business in this State."

And that when so amended the bill do pass.

Also,

House Bill No. 139,

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

And recommend that the majority report of the Committee on Elections and Privileges, viz: that the bill do pass, be adopted.

Also, recommend that the bill be further amended as follows:

Amend by inserting after the word "election" in line 14, Section 6, printed bill, the following: "And is a member of the political party holding said primary election."

Also, recommend that the bill be further amended by adding at the end of Section 7 the following:

"And said delegates shall vote for the persons for whom they are instructed to vote by the electors taking part in such primary election, and in casting such vote it shall be by open ballot."

Also, recommend that the bill, with the amendments, be recommended to the Committee on Elections and Privileges.

Also,

House Bill No. 178,

A bill for an act to set aside and declare inoperative the herd law,

And recommend that the bill be amended as follows:

Strike out in Section 1 all after the word "election" (the first word in line 7) to the word "at" in line 9.

And recommend that the bill do not pass.

Also,

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licenses,

And recommend that the following amendments proposed by majority of the Committee on Judiciary be adopted:

That wherever the words "county judge" occur in said bill it shall be stricken out, and the words "county auditor or county clerk" be inserted in lieu thereof.

That in Section 1, and in lines 3 and 4, of printed bill, strike out the words "ceremony or religious sacrament," after the word "civil" and insert in lieu thereof the words "or religious ceremony."

That in Section 12, and in line 4, strike out the word and figures "fifty (50)" and insert in lieu thereof the words and figures "one hundred (100)."

That in Section 16, and in line 5, strike out the words "three months" and insert in lieu thereof the words "one year."

Also, recommend that the bill be further amended by striking out the words "every marriage of a stepfather with a stepdaughter, or of a stepmother with a stepson, is illegal and void from the beginning."

Also, recommend that the bill be amended by striking out the word "eighteen" in line 1 of Section 2 and inserting the word "sixteen"; and in line 2, same section, strike out the word "fifteen" and insert the word "thirteen."

Also, recommend that after the word "performed," in line 8, Section 7, there be added "or if such county be unorganized, the county to which it is attached for judicial purposes."

Also, after the word "law" in line 10, same section, add "giving official title, or if minister of the Gospel or priest, the ecclesiastical body with which he is connected."

Also, recommend that after the word "all," in line 1, Section 7, there be inserted: "Judges of courts of record within their respective jurisdictions," and strike out of line 2, Section 7, the words "and judges of county courts."

Also, recommend that after the word "deeds" in line 1 of Section 17, there be inserted the following: "The judges of the county courts or other officers in which certificate of marriage may have been filed."

Also, recommend that Section 12 be amended by adding after the word "costs" in line 5 the words, "or be imprisoned in the county jail not exceeding one year and not less than three months, in the discretion of the court."

Also, recommend that all after the word "essential" in line 2, Section 1, be stricken out, down to and including the word "but."

And that when so amended the bill do pass.

E. A. WILLIAMS,
Chairman.

Mr. Lilly moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Stevens moved

That the House do now adjourn to meet again to-morrow morning at 10 o'clock,

Which motion was lost.

Mr. Haugen moved

That the rules be suspended, and that Senate Bill No. 80 be now read the first time.

Mr. Stadleman moved

That the House do now adjourn,

Which motion was lost.

Mr. Haugen's motion prevailed, and

Senate Bill No. 80,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

Was read the first time.

Mr. Haugen moved

That the further consideration of the bill be indefinitely postponed.

Mr. Thompson of Cass, moved

As an amendment that the bill be read the second time, and referred to its appropriate committee.

Mr. McCormick moved

To lay the the amendment on the table.

Roll call demanded on the motion to lay on the table,

The roll being called there were ayes 43, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Norton,
Balkan,	Haugen,	Olsgard,
Beard,	Ingebretson,	Pinkham,
Belden,	Ink,	Rawlings,
Bowen,	Jahr,	Richardson,
Brittin,	Johnson,	Roney,
Buchanan,	Langer,	Selby,
Bye,	Lilly,	Stevens,
Christianson,	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Court,	McDonald,	Thomson of Walsh,
Currier,	Milsted,	Ueland,
Foss,	Montgomery,	Williams,
Green,	Nedrud,	Mr. Speaker.
Gronli,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Estabrook,	Renaud,	Tyler,
Hoyt,	Stadleman,	Walsh,
Lutz,	Thompson of Cass,	Wickham.
Murphy,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haugerud,	Moore,	Walton,
Heglie,	Reed,	Watt,
McIntyre,	Thomas.	Zimmer.

Messrs. Haugerud, Heglie, McIntyre, Moore, Thomas, Walton, Watt and Zimmer being excused.

And so the motion to lay the motion of Mr. Thompson of Cass, on the table prevailed.

The question recurring on the motion to indefinitely postpone, Roll call was demanded.

The roll being called there were ayes 45, nays 9.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,

Messrs—

Gronli,
Hankinson,
Haugen,
Ingrebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Montgomery,
Nedrud,

Messrs—

Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomson of Walsh,
Ueland,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Hoyt,
Lutz,
Murphy,

Messrs—

Renaud,
Stadleman,
Thompson of Cass,

Messrs—

Tyler,
Walsh,
Wickham.

Absent and not voting:

Messrs—

Hagerud,
Heglie,
McIntyre,

Messrs—

Moore,
Thomas,
Walton,

Messrs—

Watt,
Zimmer.

Messrs. Thompson of Cass, and Williams explaining their votes.

Messrs. Hagerud, Heglie, McIntyre, Moore, Thomas, Norton, Watt and Zimmer being excused.

And so the motion to indefinitely postpone prevailed.

Mr. Wickham moved

That the house do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 29, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Heglie, Ingebretson, Walton and Zimmer, excused.

Mr. Milsted moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Milsted, Foss and Murphy.

The committee to revise and correct the Journal of January 27th made the following report:

MR. SPEAKER:

Your committee appointed to correct the House Journal of January 27, 1890, respectfully report the same as examined and corrected.

E. W. BOWEN,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of the business on the Clerk's desk,

Which motion prevailed, and

Mr. Speaker called Mr. Selby to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

And recommend that the following amendments proposed by the Committee on Warehouses, Grain Grading and Dealing be adopted:

First. By adding to Section 4 as follows: "Such bonds to be given to the State of North Dakota, and to be conditioned on a faithful compliance with the provisions of this act."

Second. In Section 7, line 2, strike out the word "and" after the word "grain" and before the word "shall," and insert instead the word "but."

Third. In Section 7, line 3, insert the letter "a" after the word "give" and before the word "bond."

Fourth. That the whole of Section 25 be stricken out except the words "Section" and "25," and insert instead the following: "All the acts or parts of acts in conflict with any of the provisions of this act are hereby repealed."

And that the following additional amendments reported by the same committee be also adopted:

Also, add to Section 12: "*Provided, further,* That all books, papers, written or printed matter, that are used for the purpose of registering the weight, grade, dockage, price, etc., of any grain, and which is the memorandum upon which the purchase, storage, handling, shipping, or other transaction is based by the warehouseman in his dealings with any person or persons in the prosecution of his business, shall not be deemed private."

Amend Section 22, line 4, by striking out the word "wheat" and inserting instead the word "grain."

And that the following amendments proposed by the Committee on Judiciary be also adopted:

Amend Section 11 by inserting after the words "unreasonable delay" the words "of the same grade of grain specified in the storage receipt issued for the same."

And that when so amended the bill do pass.

Also,

House Bill No. 203,

A bill for an act requiring county commissioners to give bonds,
And recommend that the following amendments proposed by the Committee on Counties be adopted:

Strike out the words "two thousand" in Section 1, line 5, original bill, and insert in lieu thereof the words "one thousand."

Also, recommend that Section 2 of the printed bill be stricken out.

And that when so amended the bill do pass.

Also,

House Bill No. 201,

A bill for an act to amend Section 69, Subchapter 2 of Chapter

112 of the Session Laws of 1883, relating to township organization,

And recommend that the following amendments proposed by the Committee on Counties be adopted:

Strike out the word "sixty" in Section 1, line 16, and insert in lieu thereof the word "ninety."

And that when so amended the bill do pass.

Also,

House Bill No. 158,

A bill for an act requiring railroad companies to build and keep in repair highway crossings,

And recommend that the following amendments proposed by the Committee on Railroads be adopted:

Amend Section 2 by striking out of line 6, original bill, the words and figures "twenty-eight (28)," and inserting in lieu thereof the word "twenty."

Also, strike out the word "deemed" in line 8.

Also, strike out all of Section 2 after the word "necessary" in line 8 and insert in lieu thereof the following: "For the safety and convenience of the traveling public."

Also, by striking out the words "the entire," and insert in lieu thereof the words "twenty feet in," in line 21 of Section 2.

Also, by striking out Section 5.

Also, amend Section 6 by inserting in said section, before the word "city," the word "county."

Also, by striking out the word "county" before the word "attorney" in line 9, Section 6, and insert the word "states."

Also, by adding to Section 6 the words, "for attorneys fees."

And that when so amended the bill do pass.

Also,

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the General Laws of the Eighteenth Session of the Legislative Assembly,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That Section 1 of said bill be stricken out and the following be substituted in lieu thereof:

SECTION 1. "Section 2. No county shall issue its bonds under the provisions of this act in excess of 5 per cent. of its valuation, according to the last assessment thereof, and including all the outstanding indebtedness of such county at the time of issuing such bonds."

And that when so amended the bill do pass.

Also,

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

And recommend that the bill be laid over for future consideration.

Also,

House Bill No. 181,

A bill for an act to give publicity to chattel mortgage sales, approved March 8, 1889.

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That in Section 1, line 3, of printed bill, the words "so as" be stricken out.

That Section 2 be amended to read as follows:

SEC. 2. Out of the proceeds arising from the sale, the officer making the sale shall pay first the costs and expenses of the foreclosure; second, shall pay the person or persons entitled thereto the amount of the mortgage debt, and, third, shall pay the balance, if any there be, to the owner of the mortgaged property, and when any chattel mortgage shall have been paid in any manner, the mortgagee or person owning said mortgage, shall cause the same to be released of records within sixty days after such payment shall have been made; and any person refusing or neglecting for ten days to release or cause said mortgage to be released, shall be subject to a penalty of fifty dollars, to be recovered in a civil action, and when collected the same shall be paid into the school fund. It shall be the duty of the State's attorney to sue for said penalty in the name of the State, and to prosecute such action.

That Section 3 of said bill be stricken out

And that when so amended the bill do pass.

Also,

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to punishment for Sabbath breaking,

And,

House Bill No. 80,

A bill for an act to amend Section 6248, Chapter 4 of the Penal Code of the Compiled Laws of Dakota, in reference to Sabbath breaking,

And recommend that both bills be recommitted to the Committee on State Affairs.

Also,

Senate Bill No. 39,

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

Together with the following petition signed by George W. Cunningham and 39 others:

To the Honorable, the Legislative Assembly of the State of North Dakota:

The undersigned, residents of townships Nos. 155, 156 and 157, ranges 60 and 61, known as No Man's Land, respectfully protest against being attached to either Ramsey, Nelson or Walsh counties for the following reasons, viz.:

First. Each of these counties are heavily indebted for what would be of little benefit to us.

Second. Devils Lake is distant twenty miles from the nearest point of this territory and forty from the central portion of the same, without any railroad communication or any prospect of same.

Third. We are thinly settled and most of us have only been here two years and have never raised a crop. Have made our improvements and would be taxed out of existence before we would be able to have any say in regard to the county's business, and it would be taxation without representation.

Fourth. We have a direct promise of a railroad through this land the

coming season and until such time as this should occur we would earnestly desire to be let alone.

And we respectfully ask your honorable body that we be attached to Ramsey county for judicial purposes only, until such time as we may take steps for our further advancement.

And recommend that the bill and petition be referred to a special committee of five members to investigate the matter and report to the House.

Also,

House Bill No. 58,

A bill for an act to regulate taxation on mortgaged property, between mortgagee and mortgagor,

And recommend that said bill do not pass.

Also,

House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same,

And recommend that this bill and all other usury bills be made a special order for next Wednesday at 3 o'clock.

Also,

House Bill No. 62,

A bill for an act to establish a State Board of Corrections and Charities for the State of North Dakota,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

In Section 2, line 5, printed bill, after the word "shall" insert the words "on the order of the Governor."

Also, that Section 3 be stricken out.

In Section 4, where the words and figures "five hundred (500) copies" occur, they be stricken out and "two hundred and fifty (250) copies" be inserted in lieu thereof.

And that when so amended the bill do pass.

Also,

House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing the rate of toll, and regulating the exchange of manufactured products of grain for grain,

And recommend that the bill be made a special order for tomorrow at 3 o'clock.

J. F. SELBY,
Chairman.

Mr. Haugen moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 29, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session Laws of 1887,

Also,

Senate Bill No. 95,

A bill for an act to amend Section 5128 of the Compiled Laws of 1887,

Also,

Senate Bill No. 137,

A bill for an act to amend Section 7 of the Civil Code of 1877, entitled "Husband and Wife,"

Also,

Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner,

Also,

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,

Also,

Senate Bill No. 108,

A bill for an act authorizing the Governor and Secretary of State to provide furniture and supplies for the various State officers, and making appropriations therefor,

Also,

Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers,

All of which have been passed by the Senate, and your favorable consideration thereof is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the regular order be dispensed with, and that the House proceed to the introduction and second and third readings of House bills,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Walsh introduced—

House Bill No. 230,

A bill for an act to provide for the support, care, maintenance and general supervision of the poor; providing who shall be entitled to support and assistance, and granting certain powers to

the board of county commissioners of the respective counties with respect thereto.

Mr. Belden introduced—

House Bill No. 231,

As a Substitute for House Bill No. 30,

Entitled "A bill for an act to amend certain sections of Part 2, Chapter 13, of the Code of Civil Procedure of the Territory of Dakota; subject, 'Exemptions.'"

Mr. Thompson of Cass, introduced—

House Bill No. 232,

A bill for an act to amend Section 48 of the Civil Code, and to repeal Sections 50 and 53 of the Civil Code.

Mr. Selby introduced—

House Bill No. 233,

A bill for an act amending Section 1397 of the Compiled Laws of 1887, Section 1, Chapter 6, of the Revised Code of 1877.

Mr. Lilly introduced—

House Bill No. 234,

A bill for an act to prescribe the oath of civil officers,

Also,

House Bill No. 235,

A bill for an act prescribing the bond, oath and duties of State's attorneys.

Mr. Haugen introduced—

House Bill No. 236,

A bill for an act defining the offense of fornication and prescribing a punishment therefor.

Mr. Belden introduced—

House Bill 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates.

Mr. Nedrud introduced—

House Bill No. 238,

A bill for an act to fix the maximum rate of charges for transporting coal, etc., by railroads.

Mr. McDonald introduced—

House Bill No. 239,

A bill for act to amend Section 3 of Chapter 50 of the Political Code, in relation to the registration of warrants.

Also,

House Bill No. 240,

A bill for act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck and for making needed permanent improvements.

SECOND READING OF HOUSE BILLS.

House Bill No. 225,

A bill for an act to abolish the office of Commissioner of Im-

migration, and defining the duties of the Commissioner of Agriculture and Labor,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 226,

A bill for an act to fix the maximum rate that railroad companies, etc., may charge for the transportation within North Dakota of coal mined therein,

Was read the second time, and referred to the Committee on Railroads.

House Bill No. 227,

A bill for an act establishing a legal holiday,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled "University of North Dakota,"

Was read the second time and referred to the Committee on Educational Institutions.

House Bill No. 229,

A bill for an act to amend Section 38 of Chapter 27 of the Political Code, known as Section 1470 of the Compiled Laws of 1887,

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

THIRD READING OF HOUSE BILLS.

House Bill No. 186,

A bill for an act to promote medical science,

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

The roll being called there were ayes 31, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	Pinkham,
Belden,	Haugerud,	Rawlings,
Bowen,	Ink,	Reed,
Brittin,	Langer,	Renaud,
Buchanan,	Lilly,	Richardson,
Cole,	McCullough,	Thompson of Cass,
Court,	Milsted,	Tyler,
Currier,	Montgomery,	Watt,
Estabrook,	Murphy,	Wickham,
Gronli,	Norton,	Mr. Speaker.
Hankinson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	McCormick,	Strom,
Bye,	Moore,	Tandberg,
Christianson,	Nedrud,	Thomas,
Foss,	Olsgard,	Thomson of Walsh,

Messrs—
 Jahr,
 Johnson,
 Lutz,

Messrs—
 Selby,
 Stadleman,
 Stevens,

Messrs—
 Ueland,
 Walsh,
 Williams.

Absent and not voting:

Messrs—
 Allen,
 Green,
 Heglie,
 Hoyt,

Messrs—
 Ingebretson,
 McDonald,
 McIntyre,

Messrs—
 Roney,
 Walton,
 Zimmer.

Mr. Stevens explaining his vote.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill was lost, a majority of the House not voting therefor.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

BISMARCK, January 29, 1890.

Governor and Mrs. Miller present their compliments to the members of the House of Representatives and their ladies, and request the honor of receiving them at the Governor's residence, on Third street, Friday evening, January 31st, at 8 o'clock.

Mr. Williams moved

That the invitation of the Governor be accepted,

Which motion prevailed.

House Bill No. 183,

A bill for act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council,

Was read the third time and placed upon its final passage, and

Mr. Lilly asked unanimous consent to amend the bill by striking out Section 2.

Which consent was given, and the bill was so amended.

The question being on the final passage of the bill as amended,

The roll call being called there were ayes 47, nays 3.

Those who voted in the affirmative were:

Messrs—
 Beard,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Gronli,
 Haugen,
 Hangerud,
 Hoyt,
 Ink,
 Jahr,

Messrs—
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,
 Renaud,

Messrs—
 Richardson,
 Selby,
 Stadleman,
 Stevens,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Watt,
 Wickham,
 Williams,
 Mr. Speaker.

Those who voted in the negative were:

Messrs— Bye,	Messrs— Christianson,	Messrs— Strom.
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Absent and not voting.

Messrs— Allen, Balkan, Green, Hankinson,	Messrs— Heglie, Ingebretson, McDonald, McIntyre,	Messrs— Norton, Roney, Walton, Zimmer.
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Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, and its title was agreed to.

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain,
Was read the third time, and placed upon its final passage.

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs— Allen, Balkan, Beard, Belden, Bowen, Brittin, Buchanan, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud,	Messrs— Hoyt, Ink, Jahr, Johnson, Langer, Lilly, Lutz, McCormick, McCullough, McDonald, Milsted, Moore, Montgomery, Murphy, Nedrud, Norton, Olsgard, Pinkham, Rawlings,	Messrs— Reed, Renaud, Richardson, Selby, Stadleman, Stevens, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Watt, Wickham, Williams, Mr. Speaker.
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Absent and not voting:

Messrs— Heglie, Ingebretson,	Messrs— McIntyre, Roney,	Messrs— Walton, Zimmer.
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Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill 192,

A bill for an act relating to electors of President and Vice President,

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

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Reed,
Balkan,	Jahr,	Renaud,
Beard,	Johnson,	Richardson,
Belden,	Langer	Selby,
Bowen,	Lilly,	Stadleman,
Brittin,	Lutz,	Stevens,
Buchanan,	McCormick,	Strom,
Bye,	McCullough,	Tandberg,
Christianson,	McDonald,	Thomas,
Cole,	Milsted,	Thompson of Cass,
Court,	Moore,	Thomson of Walsh,
Currier,	Montgomery,	Tyler,
Estabrook,	Murphy,	Ueland,
Foss,	Nedrud,	Walsh,
Green,	Norton,	Watt,
Gronli,	Olsgard,	Wickham,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Mr. Speaker.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hankinson,	McIntyre,	Walton,
Heglie,	Roney,	Zimmer.
Ingebretson,		

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 184,

A bill for an act to fix the maximum rate that railroad companies and other common carriers may charge for the transportation within North Dakota of coal mined in North Dakota,

Was read the third time, and

Mr. Thompson of Cass, moved

That the further consideration of the bill be temporarily postponed.

Mr. Wickham moved

To lay the motion to postpone on the table,

Which motion was lost, and

The motion to temporarily postpone prevailed.

House Bill No. 72,

A bill for an act for the destruction of gophers,

Was read the third time, and

Mr. Stevens moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 118,

A bill for an act to amend Subdivision 14 of Section 2, Chapter 28, of the Political Code, entitled "Revenue,"

Was read by its title, and

Mr. Strom moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 83,

A bill for an act defining the liabilities of railroad companies or persons caused by the setting of fires,

Was read by its title.

Mr. Reed moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 45,

A bill for an act providing for filing and recording chattel mortgages by township clerks,

Was read by its title, and

Mr. Haugerud moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 134,

A bill for an act to provide for the election of road supervisors,

Was read by its title, and

Mr. Stevens moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 17,

A bill for an act to enforce the removal of paid or satisfied chattel mortgages from off the files of the registry office of the State of North Dakota,

Was read by its title, and

Mr. Renaud moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 9,

A bill for an act providing for the creation of a State Board of Equalization,

Was read by its title, and

Mr. Milsted moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 104,

A bill for an act defining the marriage relation; providing who

can so marry; how solemnized, and procuring and filing the license therefor,

Was read by its title, and

Mr. Walsh moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 42,

A bill for an act to create the office and define the duties of fire warden,

Was read the third time, and

Mr. Roney asked unanimous consent to amend the bill by striking out the word "shall" in the second line of Section 1, and inserting in lieu thereof the word "may,"

Which request was granted, and

The bill was so amended.

The question being on the passage of the bill as amended.

The roll being called there were ayes 42, nays 13.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Hoyt,
Ink,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,

Messrs—

Olsgard,
Pinkham,
Rawlings,
Reed,
Richardson,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Ueland,
Walsh,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—

Beard,
Bye,
Foss,
Jahr,
Johnson,

Messrs—

Langer,
Norton,
Renaud,
Roney,

Messrs—

Stadleman,
Thomson of Walsh,
Tyler,
Mr. Speaker.

Absent and not voting:

Messrs—

Heglie,
Ingebretson,

Messrs—

Thompson of Cass,
Walton,

Messrs—

Watt,
Zimmer.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 187,

A bill for an act relating to State, county and city officers to restrain them from speculating in their offices,

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

The roll being called there were ayes 47, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Pinkham,
Beard,	Haugerud,	Rawlings,
Belden,	Hoyt,	Reed,
Bowen,	Ink,	Renaud,
Brittin,	Jahr,	Richardson,
Buchanan	Johnson,	Selby,
Bye,	Langer,	Strom,
Christianson,	Lutz,	Tandberg,
Cole,	McCormick,	Thompson of Cass,
Court,	McCullough,	Thomson of Walsh,
Currier,	McIntyre,	Tyler,
Estabrook,	Milsted,	Ueland,
Foss,	Moore,	Walsh,
Green,	Montgomery,	Watt,
Gronli,	Murphy,	Williams.
Hankinson,	Olsgard,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Lilly,	Roney,	Thomas,
Nedrud,	Stevens,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McDonald,	Walton,
Heglie,	Norton,	Wickham,
Ingebretson,	Stadleman,	Zimmer.

Mr. Lilly explaining his vote.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. Williams moved

That House Bill 193 be laid on the table,

Which motion prevailed.

House Bill No. 196,

A bill for act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature,

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

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Reed,
Balkan,	Ink,	Renaud,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Langer,	Stadleman,
Brittin,	Lilly,	Stevens,
Buchanan,	Lutz,	Strom,

Messrs—
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Hankinson,
 Haugen,
 Haugerud,

Messrs—
 McCormick,
 McCullough,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings,

Messrs—
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Watt,
 Williams,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Gronli,
 Heglie,
 Ingebretson,

Messrs—
 McDonald,
 Norton,
 Richardson,

Messrs—
 Walton,
 Wickham,
 Zimmer.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. Bowen moved

That the rules be suspended and that all bills to be transmitted to the Senate, be transmitted to day,

Which motion was withdrawn.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Thompson of Cass, moved

That the rules be suspended and that the House proceed to the first reading of House bills,

Which motion was withdrawn.

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays,

Was read the third time, and

Mr. Milsted asked unanimous consent to amend the bill by adding the following emergency clause:

SEC. 22. Whereas, an emergency exists, in that this act will expedite the finding of estrays; therefore, this act shall take effect and be in force immediately from and after its passage and approval.

Which consent was given, and

The bill was so amended.

Mr. Williams asked unanimous consent to strike out Section 22,

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 54, nays, 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Reed,
Balkan,	Ink,	Renaud,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Langer,	Stadleman,
Brittin,	Lilly,	Stevens,
Buchanan,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McIntyre,	Thomas,
Cole,	Milsted,	Thompson of Cass,
Court,	Moore,	Thomson of Walsh,
Currier,	Montgomery,	Tyler,
Estabrook,	Murphy,	Ueland,
Foss,	Nedrud,	Walsh,
Gronli,	Norton,	Watt,
Hankinson,	Olgard,	Wickham,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	McDonald,	Walton,
Heglie,	Richardson,	Zimmer.
Ingerbretson,		

Mr. McCullough voting in the negative.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred condemned muskets for use of students for drill purposes,

Was read the third time, and

Mr. Stevens asked unanimous consent to amend the bill by striking out the word "condemned,"

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Renaud,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Langer,	Stadleman,
Brittin,	Lilly,	Stevens,
Buchanan,	Lutz,	Strom,
Bye,	McCormick	Tandberg,

Messrs—
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Hangerud,

Messrs—
 McCullough,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,
 Rawlings,
 Reed,

Messrs—
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Watt,
 Wickham,
 Williams,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Heglie,
 Ingebretson,

Messrs—
 McDonald,
 Pinkham,

Messrs—
 Walton,
 Zimmer.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The question being on the title of the bill,

The title was amended by striking out the word "condemned," and

The title as amended was agreed to.

House Bill No. 130,

A bill for an act to exempt roads and public highways from taxation,

Was read the third time, and

Mr. Stevens moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 135,

A bill for an act relating to damages and liabilities for personal injuries, and amending Section 677 of the Code of Civil Procedure,

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

The roll being called there were ayes 46, nays 8.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Bowen,
 Brittin,
 Buchanan,
 Bye,
 Christianson,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Haugen,
 Hoyt,

Messrs—
 Ink,
 Jahr,
 Johnson,
 Langer,
 McCormick,
 McCullough,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Rawlings,

Messrs—
 Reed,
 Richardson,
 Roney,
 Selby,
 Stadleman,
 Strom,
 Tandberg,
 Thompson of Cass,
 Thomson of Walsh,
 Ueland,
 Walsh,
 Watt,
 Wickham,
 Williams,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—

Belden,
Cole,
Hankinson,

Messrs—

Haugerud,
Lilly,
Lutz,

Messrs—

Renaud,
Stevens,
Thomas.

Absent and not voting:

Messrs—

Heglie,
Ingebretson,
McDonald,

Messrs—

McIntyre,
Tyler,

Messrs—

Walton,
Zimmer.

Mr. Stevens explaining his vote.

Messrs. Heglie, Ingebretson, Walton and Zimmer being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Renaud was excused until Monday.

Mr. Williams moved

That when the House adjourn it be to meet again at 10 o'clock to-morrow morning,

Which motion was withdrawn.

Mr. Hankinson moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

SEVENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 30, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Heglie and Renaud, excused.

Mr. Bowen moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Nedrud, Balkan and Bye.

Mr. Hankinson moved

That the rules be suspended and that the Engrossing Committee be permitted to make their report,

Which motion prevailed.

Mr. Speaker appointed as the special committee to consider Senate Bill No. 39 and the petition in relation thereto from the residents of "No Man's Land," to investigate the matter and report to the house: Messrs. Bowen, Milsted, Thomas, Reed and Stevens.

The committee to revise and correct the Journal of the seventy-first day made the following report:

MR. SPEAKER:

Your committee appointed to examine and correct the Journal of the seventy-first day have examined the Journal of that day and find the same correct.

JOHN MILSTED,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bills Nos. 206, 138, 195, 155, 111, 140, 129, 93, 161 and
189.

Also,
Senate Bills Nos. 30, 9 and 53,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of
Agriculture and Labor, and providing that until otherwise pro-
vided by law he shall be *ex-officio* State Dairy Commissioner,

Was read the third time, and

Mr. Wickham asked unanimous consent to amend the bill as
follows:

After the word "property" in line 6 of Section 10, insert the
following:

"And he shall also ascertain the amount of mortgage indebtedness and
assessed value of real property owned by citizens as distinguished from cor-
porations."

Which consent was given, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Ink,	Roney,
Belden,	Jahr,	Selby,
Bowen,	Johnson,	Stadleman,
Brittin,	Lilly,	Stevens,
Buchanan,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McCullough,	Thomas,
Cole,	McDonald,	Thompson of Cass,
Court,	McIntyre,	Thomson of Walsh,
Currier,	Milsted,	Tyler,
Estabrook,	Moore,	Ueland,
Foss,	Montgomery,	Walsh,
Green,	Nedrud,	Walton,
Gronli,	Norton,	Watt,
Hankinson,	Olsgard,	Wickham,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Zimmer,
Hoyt,	Reed,	Mr. Speaker.
Ingebretson,	Richardson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Langer	Renaud.
Heglie,	Murphy	

Mr. Allen voting in the negative.

Messrs. Heglie and Renaud being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That the rules be suspended and that all House bills passed today be immediately transmitted to the Senate,

Which motion prevailed.

Mr. Ueland moved

That the vote by which House Bill No. 186 was lost be reconsidered,

Which motion prevailed.

Mr. Montgomery asked unanimous consent to amend House Bill No. 186 as follows:

In Section 1 strike out in lines 7 and 8 the words "county and city poor houses, whose burial would be at the public expense."

In Section 3 strike out all the words after "death" in line 3 of said section as far as the words "the deceased" in line 4, and insert in lieu thereof "any friend or relative of."

Mr. Walsh moved

As an amendment to the amendment to strike out in line 6 of Section 1, printed bill, the words "and all persons dying in hospitals,"

Which amendment prevailed, and

Unanimous consent being given the bill was amended as proposed.

The question being on the final passage of House Bill No. 186,

A bill for an act to promote medical science,

As amended,

The roll being called there were ayes 53, nays 5.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,
Rawlings,

Messrs—

Reed,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Foss,	McCullough,	Strom.
Jahr,	Olsgard,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	Williams,	Zimmer.
Renaud,		

Messrs. Heglie and Renaud being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 138,

A bill for an act to provide for summoning jurors as talismen in the district courts in this State,

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

The roll call being called there were ayes 59, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Richardson,
Balkan,	Ink,	Roney,
Beard,	Jahr,	Selby,
Belden,	Johnson,	Stadleman,
Bowen,	Langer,	Stevens,
Brittin,	Lilly,	Strom.
Buchanan,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	McCullough,	Thompson of Cass,
Cole,	McDonald,	Thomson of Walsh,
Court,	McIntyre,	Tyler,
Currier,	Milsted,	Ueland,
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Walton,
Green,	Nedrud,	Watt,
Gronli,	Norton,	Wickham,
Haukinson,	Olsgard,	Williams,
Haugen,	Pinkham,	Zimmer,
Haugerud,	Rawlings,	Mr. Speaker.
Hoyt,	Reed,	

Mr. Moore voting in the negative.

Absent and not voting, Messrs. Heglie and Renaud, who were excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named,

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

The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Pinkham,
Balkan,	Ingebretson,	Rawlings,
Beard,	Ink,	Reed,

Messrs—	Messrs—	Messrs—
Belden,	Jahr,	Richardson,
Bowen,	Johnson,	Roney,
Brittin,	Langer,	Selby,
Buchanan,	Lilly,	Stadleman,
Bye,	Lutz,	Stevens,
Christianson,	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Court,	McDonald,	Thomas,
Currier,	McIntyre,	Thompson of Cass,
Estabrook,	Milsted,	Thomson of Walsh,
Foss,	Moore,	Tyler,
Green,	Montgomery,	Ueland,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Watt,
Haugen,	Norton,	Wickham,
Haugerud,	Olsgard,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	Walsh,	Zimmer.
Renaud,	Williams,	

Messrs. Heglie and Renaud being excused.

And so the bill passed, more than two-third of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 155,

A bill for an act to amend Section 2, Chapter 88 of the Session Laws of 1889,

Was read the third time, and

Mr. Stevens asked unanimous consent to amend Section 2 of the bill to read as follows:

"The said lien may be foreclosed by a sale of the property embraced in said lien upon the notice and in the manner provided by law for the foreclosure of chattel mortgages, and the costs and fees for foreclosing shall be the same."

Which consent was given, and

The bill was so amended.

The question being on the final passage of the bill as amended,

The roll being called there were ayes 44, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Richardson,
Beard,	Johnson,	Roney,
Belden,	Langer,	Selby,
Bowen,	Lilly,	Stadleman,
Brittin,	McCullough,	Stevens,
Buchanan,	McDonald,	Strom,
Bye,	McIntyre,	Tandberg,
Christianson,	Milsted,	Thompson of Cass,
Cole,	Moore,	Thomson of Walsh,
Court,	Montgomery,	Tyler,
Currier,	Norton,	Ueland,
Estabrook,	Olsgard,	Walton,
Foss,	Pinkham,	Watt,
Gronli,	Rawlings,	Wickham.
Haugerud,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ink,	Thomas,
Green,	Jahr,	Williams,
Hankinson,	Lutz,	Zimmer,
Haugen,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	McCormick,	Renaud,
Ingrebretson,	Nedrud,	Walsh.

Messrs. Heglie and Renaud being excused.

So the bill passed, and the title of the bill was agreed to.

House Bill No. 111,

A bill for an act to empower county commissioners to purchase poison for the destruction of gophers,

Was read the third time, and

Mr. Cole moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 140,

A bill for an act to repeal Chapter 109 of the Session Laws of 1889 relating to aid in the construction of railroads,

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

The roll being called there were ayes 49, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Rawlings,
Balkan,	Hoyt,	Richardson,
Beard,	Ink,	Roney,
Belden,	Jahr,	Selby,
Bowen,	Johnson,	Stevens,
Brittin,	Langer,	Ström,
Buchanan,	Lilly,	Tandberg,
Bye,	Lutz,	Thomas,
Christianson,	McCormick,	Thompson of Cass,
Cole,	McDonald,	Tyler,
Court,	McIntyre,	Ueland,
Currier,	Milsted,	Walton,
Estabrook,	Montgomery,	Watt,
Green,	Murphy,	Wickham,
Gronli,	Norton,	Williams,
Hankinson,	Pinkham,	Mr. Speaker.
Haugen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Moore,	Renaud,
Heglie,	Nedrud,	Stadleman,
Ingrebretson,	Olsgard,	Thomson of Walsh.
McCullough,	Reed.	

Messrs. Walsh and Zimmer voting in the negative.

Messrs. Heglie and Renaud being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885.

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

The roll being called there were ayes 47, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Roney,
Balkan,	Hoyt,	Selby,
Beard,	Ingebretson,	Stevens,
Belden,	Ink,	Strom,
Bowen,	Jahr,	Thomas,
Brittin,	Johnson,	Thomson of Walsh
Buchanan,	Langer,	Tyler,
Bye,	Lutz,	Ueland,
Christianson,	McIntyre,	Walsh,
Cole,	Milsted,	Walton,
Court,	Montgomery,	Watt,
Estabrook,	Murphy,	Wickham,
Foss,	Nedrud,	Williams,
Green,	Norton,	Zimmer,
Gronli,	Pinkham,	Mr. Speaker.
Hankinson,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haugen,	Richardson,	Thompson of Cass.
McCormick,	Tandberg,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	McDonald,	Rawlings,
Heglie,	Moore,	Renaud,
Lilly,	Olsgard,	Stadleman.
McCullough,		

Messrs. Heglie and Renaud being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code of 1877,

Was read the third time, and

Mr. Thompson of Cass, moved

That the bill be recommitted to the Judiciary Committee,

Which motion prevailed.

COMMUNICATION FROM THE RAILROAD COMMISSIONERS.

The following communication was received from the Railroad Commissioners:

MR. SPEAKER: The Board of Railroad Commissioners have the honor and pleasure of presenting this supplemental report to your honorable body on coal rates, and herewith present a schedule which, after repeated conference with the railroad companies and coal operators, on evidence obtained on cost of production and actual cost of transportation, have mutually agreed, and this Board unanimously approve the rates herewith submitted as shown by

the figures in schedule, under head of new rates, and we have the further pleasure of submitting the following correspondence:

DICKINSON, N. D., January 29, 1890.

Railroad Commissioners, Bismarck:

Your letter of to-day just came to hand. In reply, must say that I am more than pleased with the good work you have done in our behalf. Please be kind enough to give me all the rates, and let me know when I can figure on getting them, as I have several orders depending on it.

I am, very truly yours,

A. C. MCGILLIVARY.

BISMARCK, N. D., January 30, 1890.

To the Railroad Commissioners, Bismarck N. D.:

GENTLEMEN: My attention having been called to the schedule of rates on lignite proposed to be put into effect by the Northern Pacific Railroad company on approval of the Railroad Commissioners, I wish to say that as far as I am concerned, I am willing to take my chance with other producers on said rates. While there are some changes that should be made in the tariff, I am willing to give it a trial with the understanding that the railroad company have agreed to make such changes from time to time as the Railroad Commissioners shall recommend.

C. W. THOMPSON.

The rate from Sims is practically one and a half cents per ton per mile for the first 100 miles, and one cent thereafter, to-wit.:

From Sims to Mandan	36 miles, rate	\$ 75
“ “ Bismarck	41 “ rate	1 00
“ “ Menoken	53 “ rate	1 10
“ “ Steele	84 “ rate	1 10
“ “ Dawson	92 “ rate	1 10
“ “ Crystal Springs	104 “ rate	1 15

With a differential rate against Dickinson of forty cents east to Crystal Springs.

From Sims to Jamestown	142 miles, rate	\$ 1 75
“ “ Sanborn	166 “ rate	1 85
“ “ Valley City	177 “ rate	2 00
“ “ Tower City	193 “ rate	2 00
“ “ Buffalo	199 “ rate	2 00
“ “ Casselton	215 “ rate	2 20
“ “ Fargo	235 “ rate	2 25
“ “ Oakes	211 “ rate	2 15
“ “ LaMoure	199 “ rate	2 00
“ “ Cooperstown	202 “ rate	2 00
“ “ Carrington	186 “ rate	2 00
“ “ New Rockford	202 “ rate	2 00
“ “ Minnewaukan	232 “ rate	2 25

With differential rate of 25 cents a ton against Dickinson to all points east of Crystal Springs.

These rates to be put in operation by the Northern Pacific railroad at once, with the understanding the Board of Railroad Commissioners shall and will make such changes as may be necessary to meet change of conditions, or to prevent unjust discrimination.

We also further report that this schedule of rates was shown to the officials of the Manitoba railroad who assured us that like rates would be adopted by their road as soon as approved by our board; and further they would place side tracks wherever practicable for the accommodation of coal mines on their line.

Respectfully submitted,

GEO. S. MONTGOMERY,
Chairman Railroad Commissioners.

RATES IN CENTS PER 2,100 LBS. IN CARLOAD SHIPMENTS OF 21,000 LBS.
OR OVER.

TO	FROM			
	SIMS.		DICKINSON.	
	New Rate.	Old Rate.	New Rate.	Old Rate.
Moorhead, Minn.....	\$ 2 25	\$ 2 50	\$ 2 50	\$ 3 25
Cotters, N. Dak.....	2 35	2 75	2 60	3 50
Horace, ".....	2 35	2 75	2 60	3 50
Warren, ".....	2 35	2 75	2 60	3 50
Davenport, ".....	2 35	2 75	2 60	3 50
Woods, ".....	2 35	2 75	2 60	3 25
Leonard, ".....	2 35	2 75	2 60	3 25
Sheldon, ".....	2 35	2 75	2 60	3 25
Butzville, ".....	2 25	2 75	2 50	3 25
Lisbon, ".....	2 25	2 75	2 50	3 25
Marshall, ".....	2 20	2 75	2 45	3 25
Verona, ".....	2 10	2 50	2 35	3 25
Valley Junction, ".....	2 10	2 50	2 35	3 25
LaMoure, ".....	2 00	2 50	2 25	3 25
Edgeley, ".....	2 15	2 50	2 40	3 25
Oakes, ".....	2 15	2 50	2 40	3 25
Grand Rapids, ".....	2 00	2 50	2 25	3 25
Dickey, ".....	2 00	2 50	2 25	3 25
Adrian, ".....	2 00	2 50	2 25	3 25
Montpelier, ".....	1 90	2 50	2 15	3 25
Ysirlanti, ".....	1 85	2 25	2 10	3 25
Fargo, ".....	2 25	2 50	2 50	3 25
Haggart, ".....	2 25	2 50	2 50	3 25
Mapleton, ".....	2 20	2 50	2 45	3 25
Dalrymple, ".....	2 20	2 50	2 45	3 25
Casselton, ".....	2 20	2 50	2 45	3 25
Sidney, ".....	2 10	2 50	2 35	3 25
Wheatland, ".....	2 10	2 50	2 35	3 25
Buffalo, ".....	2 00	2 50	2 25	3 25
Tower City, ".....	2 00	2 50	2 25	3 25
Oriska, ".....	2 00	2 50	2 25	3 25
Alta, ".....	2 00	2 50	2 25	3 25
Valley City, ".....	2 00	2 50	2 25	3 25
Hobart, ".....	1 90	2 25	2 15	3 00
Sanborn, ".....	1 85	2 25	2 10	3 00
Odell, ".....	1 95	2 50	2 20	3 25
Dazey, ".....	2 00	2 75	2 25	3 50
Hannaford, ".....	2 00	2 75	2 25	3 50
Cooperstown, ".....	2 00	2 75	2 25	3 50
Eckelson, ".....	1 5	2 25	2 00	3 00
Urbana, ".....	1 75	2 25	2 00	3 00
Spiritwood, ".....	1 75	2 25	2 00	3 00
Bloom, ".....	1 75	2 25	2 00	3 00
Jamestown, ".....	1 75	2 00	2 00	2 75
Parkhurst, ".....	1 85	2 25	2 10	3 00
Buchanan, ".....	1 85	2 25	2 10	3 00
Pingree, ".....	1 85	2 25	2 10	3 00
Edmunds, ".....	1 90	2 25	2 15	3 00
Melville, ".....	1 90	2 25	2 15	3 00
Carrington, ".....	2 00	2 25	2 25	3 00
Ross, ".....	2 00	2 25	2 25	3 00
Sykeston, ".....	2 00	2 25	2 25	3 00
Barlow, ".....	2 00	2 25	2 25	3 00
New Rockford, ".....	2 00	2 25	2 25	3 00
Sheyenne, ".....	2 10	2 25	2 35	3 00
Oberon, ".....	2 15	2 30	2 40	3 05
Lallie, ".....	2 25	2 35	2 50	3 10
Minnewaukan, ".....	2 25	2 40	2 50	3 15
Leeds, ".....	2 30	2 40	2 55	3 15
Eldridge, ".....	1 55	2 00	1 80	2 75
Windsor, ".....	1 30	2 00	1 55	2 75
Cleveland, ".....	1 20	2 00	1 55	2 75
Crystal Springs, ".....	1 15	2 00	1 55	2 75

RATE IN CENTS PER 2,100 LBS. IN CARLOAD SHIPMENTS OF 21,000 LBS.
OR OVER—Continued.

TO	FROM			
	SIMS.		DICKINSON.	
	New Rate.	Old Rate.	New Rate.	Old Rate.
Tappan, N. Dak.	\$ 1 10	\$ 2 00	\$ 1 50	\$ 2 75
Dawson, "	1 10	2 00	1 50	2 75
Steele, "	1 10	2 00	1 50	2 75
Geneva, "	1 10	2 00	1 50	2 75
Driscoll, "	1 10	2 00	1 50	2 75
Sterling, "	1 10	2 00	1 50	2 75
Menoken, "	1 10	2 00	1 50	2 75
Apple Creek, "	1 10	1 50	1 50	2 25
Bismarck, "	1 00	1 00	1 40	1 75
River Landing, "	1 00	1 00	1 40	1 75
Mandan, "	.....	75	1 25	1 50
Sunny Side, "	.....	50	.....	1 25
Sweet Briar, "	.....	50	.....	1 25
Sedalia, "	.....	50	.....	1 25
New Salem, "	.....	50	.....	1 25
Blue Grass, "	.....	50	.....	1 25
Almont, "	.....	50	.....	1 00
Curlew, "	.....	50	.....	1 00
Kurtz, "	.....	1 00	.....	1 00
Glenullen, "	.....	1 25	.....	1 00
Eagle's Nest, "	.....	1 25	.....	1 00
Hebron, "	.....	1 50	.....	1 00
Knife River, "	.....	1 75	.....	1 00
Antelope, "	.....	1 75	.....	1 00
Richardton, "	.....	1 75	.....	1 00
Taylor, "	.....	1 75	.....	75
Gladstone, "	.....	1 75	.....	50
Dickinson, "	.....	1 75	.....	.....
Eland, "	.....	1 75	.....	50
South Heart, "	.....	1 75	.....	50
Belfield, "	.....	1 75	.....	75
Fryburg, "	.....	1 75	.....	75
Sully Springs, "	.....	1 75	.....	1 00
Scoria, "	.....	1 75	.....	1 00
Medora, "	.....	2 00	.....	1 25
Little Missouri, "	.....	2 10	.....	1 35
Mingusville, Mont.	.....	2 75	.....	2 00
Glendive, "	.....	3 00	.....	2 25

Mr. Wickham moved

That the communication be referred to the Committee on Railroads,

Which motion prevailed, and

The communication was so referred.

House Bill No. 189,

A bill for an act to provide for the destruction of gophers, and to create a fund out of which bounties may be paid,

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

Mr. Thompson of Cass, asked unanimous consent to amend the bill by adding after the word "gopher" in line 4 of Section 1, the words "the great Northern gopher,"

Which consent was given, and

The bill was so amended.

Mr. McCullough asked unanimous consent to amend the bill by striking out the word "tail" in line 4, Section 2, and inserting the word "scalp,"

Objection made.

The question being on the passage of the bill as amended,

The roll being called there were ayes 41, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Stevens,
Balkan,	Hoyt,	Strom,
Beard,	Ingebretson,	Thomas,
Belden,	Jahr,	Thompson of Cass,
Bowen,	Langer,	Tyler,
Brittin,	Lilly,	Ueland,
Bye,	McCormick,	Walsh,
Cole,	Milsted,	Walton,
Court,	Murphy,	Watt,
Currier,	Nedrud,	Wickham,
Estabrook,	Olsgard,	Williams,
Foss,	Pinkham,	Zimmer,
Green,	Rawlings,	Mr. Speaker.
Gronli,	Roney,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Buchanan,	Lutz,	Reed,
Christianson,	McCullough,	Richardson,
Hankinson,	McDonald,	Selby,
Haugen,	Moore,	Stadleman,
Ink,	Montgomery,	Tandberg,
Johnson,	Norton,	Thomson of Walsh.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	McIntyre,	Renaud.

Messrs. Heglie and Renaud being excused.

Mr. Speaker decided that more than two-thirds of the members present and voting, having voted for the bill, the bill was passed with the emergency clause.

Mr. Stevens raised the point of order that it required two-thirds of all the members-elect to pass an emergency bill,

Which point of order Mr. Speaker decided not well taken, and

Mr. Stevens appealed from the decision of the Chair, and

The question being shall the decision of the Chair be sustained,

The House voted to sustain the decision of the Chair, and

So the bill passed and its title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 30, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 144,

A bill for an act to provide for the issuing of warrants to pay the expenses of the Constitutional Convention, and to provide for the payment of the same,

Which the Senate has passed, and your favorable consideration is requested,

C. C. BOWSFIELD,
Secretary.

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

As amended was placed upon its final passage.

The roll being called there were ayes 55, and nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Reed,
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Selby,
Belden,	Jahr,	Stadleman,
Bowen,	Johnson,	Stevens,
Brittin,	Langer,	Tandberg,
Buchanan,	Lilly,	Thomas,
Bye,	McCormick,	Thompson of Cass,
Christianson,	McDonald,	Thomson of Walsh.
Cole,	McIntyre,	Tyler,
Court,	Milsted,	Ueland,
Currier,	Moore,	Walsh,
Estabrook,	Montgomery,	Walton,
Foss,	Murphy,	Watt,
Green,	Nedrud,	Wickham,
Gronli,	Olsgard,	Williams,
Hankinson,	Pinkham,	Zimmer,
Haugen,	Rawlings,	Mr. Speaker.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Lutz,	Norton,	Roney.
McCullough,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Heglie,	Renaud,	Strom.

Messrs. Heglie and Renaud being excused.

Mr. McCullough explaining his vote.

And so the bill passed, and the title of the bill was agreed to.

Mr. Stevens moved

That House bills be now taken up and given their first and second readings, and referred to their appropriate committees,

Which motion was withdrawn.

Mr. Williams moved

That the House do now proceed to the consideration of House Bill No. 16,

Which motion prevailed, and
 Mr. Roney asked unanimous consent to amend the bill by striking out section six,
 Objection made.

Mr. Hankinson moved
 That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 24, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Gronli,	Nedrud,
Bowen,	Hankinson,	Norton,
Buchanan,	Ink,	Richardson,
Christianson,	Johnson,	Strom,
Cole,	McCormick,	Thomson of Walsh,
Currier,	McCullough,	Tyler,
Estabrook,	McDonald,	Ueland,
Foss,	Montgomery,	Mr. Speaker.

Those who voted in the negative were

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Reed,
Balkan,	Langer,	Roney,
Belden,	Lilly,	Selby,
Brittin,	Lutz,	Stadleman,
Bye,	McIntyre,	Stevens,
Court,	Milsted,	Tandberg,
Green,	Moore,	Thomas,
Haugen,	Murphy,	Walton,
Hangerud,	Olsgard,	Williams,
Hoyt,	Pinkham,	Zimmer.
Ingebretson,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	Thompson of Cass,	Watt,
Renaud,	Walsh,	Wickham.

Messrs. Heglie, Renaud and Thompson of Cass, being excused.

And so the motion to indefinitely postpone was lost.

Mr. McCormick moved

That the rules be suspended to permit the presentation and consideration of amendments to the bill,

Which motion prevailed, and

Mr. Roney moved

To amend the bill by striking out Section 6,

Which motion prevailed, and

The bill was so amended.

Mr. McCullough moved

To further amend the bill by striking out the enacting clause.

Roll call demanded.

The roll being called there were ayes 9, nays 47,

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Hankinson,	McDonald,
Belden,	Ink,	Tyler,
Christianson,	McCullough,	Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Roney.
Balkan,	Langer,	Selby,
Bowen,	Lilly,	Stadleman,
Brittin,	Lutz,	Stevens,
Buchanan,	McCormick,	Strom,
Bye,	McIntyre,	Tandberg,
Cole,	Milsted,	Thomas,
Court,	Moore,	Thompson of Cass,
Currier,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy,	Walsh,
Green,	Nedrud,	Walton,
Gronli,	Norton,	Watt,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Zimmer,
Hoyt,	Reed,	Mr. Speaker.
Ingebretson,	Richardson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Johnson,	Renaud,
Heglie,	Olsgard,	Wickham.

Messrs. Heglie and Renaud being excused.

So the motion to strike out the enacting clause was lost.

Mr. McCullough moved a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Heglie, Renaud and Wickham,

Messrs. Heglie and Renaud being excused.

Mr. Bowen moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under the call of the House were dispensed with.

Mr. McCullough moved

That the House do now adjourn,

Which motion was lost.

The question being, shall

House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of the manufactured products of grain for grain,

Pass as amended,

The roll being called there were ayes 39, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Rawlings,
Balkan,	Jahr,	Reed,
Beard,	Langer,	Richardson,
Bowen,	Lilly,	Roney,
Brittin,	Lutz,	Selby,
Bye,	McCormick,	Stadleman,
Court,	McIntyre,	Stevens,
Currier,	Milsted,	Strom,
Estabrook,	Moore,	Walsh,
Foss,	Murphy,	Walton,
Green,	Norton,	Watt,
Gronli,	Olsgard,	Williams,
Haugen,	Pinkham,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Thomas,
Buchanan,	Johnson,	Thompson of Cass,
Christianson,	McCullough,	Thompson of Walsh,
Cole,	McDonald,	Tyler,
Hankinson,	Montgomery,	Ueland,
Haugerud,	Nedrud,	Mr. Speaker.
Hoyt,	Tandberg,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	Renaud,	Wickham.

Messrs. Heglie and Renaud being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

The committee to revise and correct the Journal of the seventy-second day made the following report:

MR. SPEAKER:

Your committee appointed to correct the House Journal of January 29th find the same correct, except on page 9, in line 12, after the word "House" the word "elect" should be inserted.

A. C. NEDRUD,
Chairman.

UNFINISHED BUSINESS.

Mr. Ueland moved

That the rules be suspended and that Senate Bill No. 47 be now considered,

Which motion prevailed, and

Mr. Ueland asked unanimous consent to amend the bill by striking out the words "two dollars" where they occur in Section 1, and insert in lieu thereof the words "three dollars."

Which consent was voted by the House, and

The the bill was so amended.

Mr. Little asked unanimous consent to amend the bill as follows:

Strike out the words "within three" in line 2, Section 2, and insert the words "during the month of June next, after the expiration of two."

Which consent the House granted, and
The bill was so amended.

Mr. McCullough asked unanimous consent to amend the bill as follows;

In the first line of Section 1, after the word "more" insert the words "not exceeding twenty acres on any one-quarter section."

Which request was withdrawn.

The question being shall
Senate Bill No. 47,

A bill for an act to promote forest tree culture,
Pass, as amended,

The roll being called, there were ayes 45, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Rawlings,
Balkan,	Jahr,	Reed,
Bowen,	Johnson,	Richardson,
Brittin,	Lilly,	Roney,
Bye,	Lutz,	Selby,
Christianson,	McCormick,	Stevens,
Cole,	McDonald,	Strom,
Court,	McIntyre,	Thomas,
Currier,	Milsted,	Tyler,
Estabrook,	Moore,	Ueland,
Foss,	Montgomery,	Walton,
Green,	Murphy,	Watt,
Gronli,	Norton,	Wickam,
Haugerud,	Olsgard,	Williams,
Hoyt,	Pinkham,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Tandberg,
Hankinson,	McCullough,	Thompson of Cass,
Haugen,	Nedrud,	Thomson of Walsh.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Renaud,	Walsh,
Belden,	Stadleman,	Zimmer.
Heglie,		

Messrs. Heglie and Renaud being excused.

So the bill passed, and the title of the bill was agreed to.

Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at rail-
road crossings and the maintenance of depots at the same.

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

The roll being called there were ayes 58, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Hangerud,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Heglie,
Renaud,

Messrs—

Stadleman,

Messrs—

Walsh.

Messrs. Heglie and Renaud being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. Stevens moved

That the house do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 31, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Ingebretson and Renaud, excused.

Mr. Haugerud moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Haugerud, Moore and Christianson.

Mr. Thompson of Cass, moved

That the House resolve itself into executive session,

Which motion prevailed, and

The House resolved itself into executive session.

House reassembled in open session.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 31, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture.

Also,

Senate Bill No. 153

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

Both of which the Senate has passed, and your favorable consideration is respectfully requested.

Also,

House Bill No. 42,

A bill for an act to create the office and define the duties of fire warden,

Which the Senate has indefinitely postponed.

C. C. BOWSFIELD,
Secretary.

Mr. Haugen moved

That the rules be suspended and that Senate Bill No. 82 be now read the first and second times, and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 82,

A bill for an act to provide for the annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture,

Was read the first and second times, and

Mr. Haugen moved

To refer the bill to the Committee on State Affairs,

Which motion prevailed, and

The bill was so referred.

The committee to revise and correct the Journal of the seventy-third day made the following report:

MR. SPEAKER:

Your committee appointed to examine and correct the Journal of the seventy-third day, have examined the same and recommend that the name of Selby be stricken out on page fifteen and the name of Lilly be inserted, and with this correction find the Journal correct.

C. C. MOORE,
Chairman.

Mr. McCormick moved

That the rules be suspended and that the House do now proceed to the consideration of Senate Bill No. 115,

Which motion prevailed, and

Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein,

Was read the first time, and

Mr. Williams moved

To amend the bill by striking out the word "wheat" in line 2 of Section 8 of the printed bill, and inserting in lieu thereof the word "grain,"

Which motion prevailed, and
The bill was so amended.

Mr. Selby (by unanimous consent) moved
That the Speaker be instructed to inform Mr. Herrick of the
action of the secret session of the House this day held,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
January 31, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill 118,

A bill for an act authorizing counties to build all bridges,
within the county limits wherein the cost of construction of the
same exceeds the sum of \$100.

Also,
Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines
and separators for repairing the same,

Both of which the Senate has passed, and your favorable con-
sideration is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

To amend the bill by striking out in lines 11 and 12 of Section
1 the following words: "Support of the poor of the county re-
quired that the,"

Which motion prevailed, and
The bill was so amended.

Mr. Ueland moved

To amend Section 7 by adding at the close thereof the follow-
ing:

The board of county commissioners may issue warrants instead of bonds,
if in their judgment the best interests of the county are thereby served; *Pro-
vided*, That such warrants shall not be issued in any amount to exceed \$3,000.

Which motion prevailed, and
The bill was so amended.

Mr. Lutz moved

To further amend the bill by striking out the work "national"
in Section 6,

Which motion prevailed, and
The bill was so amended, and
Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure
seed wheat for poor and needy farmers resident therein,

Was read the second time, and referred to the Committee on Agriculture.

THIRD READING OF SENATE BILLS.

Senate Bill No. 7,

A bill for an act to revise and amend an act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota," approved March 9, 1885,

Was read the third time, and

Mr. Lilly asked unanimous consent to amend the bill as follows:

Strike out in line 9, Section 9, the words "one-half of." And also, strike out all after the word "brought," in line 10, down to the word "and" in line 11.

Which consent the House voted, and

The bill was so amended.

The question being on the passage of the bill as amended,

Mr. Thompson of Cass, moved a call of the House,

Call seconded.

Mr. Roney raised the point of order, that roll call on the final passage of the bill having been commenced, a call of the House could not be had,

Which point Mr. Speaker decided well taken.

The roll being called on the final passage of the bill there were ayes 32, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Rawlings,
Beard,	Langer,	Tandberg,
Belden,	Lilly,	Thomas,
Bowen,	Lutz,	Thompson of Cass,
Buchanan,	McCormick,	Thomson of Walsh,
Cole,	McIntyre,	Tyler,
Court,	Milsted,	Walton,
Currier,	Moore,	Watt,
Estabrook,	Montgomery,	Wickham,
Green,	Murphy,	Williams.
Hankinson,	Pinkham,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ink,	Olsgard,
Bye,	Jahr,	Roney,
Christianson,	Johnson,	Stadleman,
Foss,	McCullough,	Strom,
Gronli,	McDonald,	Ueland,
Heglie,	Nedrud,	Zimmer,
Hoyt,	Norton,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Reed,	Selby,
Haugen,	Renaud,	Stevens,
Ingrebretson,	Richardson,	Walsh.

Messrs. Ingebretson and Renaud being excused.

And so the bill passed, and the emergency clause was lost.

Mr. Pinkham moved

To reconsider the vote just taken,
Which motion prevailed.

Mr. Williams moved

To amend the bill by striking out Section 12,
Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 41, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Reed,
Beard,	Langer,	Richardson,
Belden,	Lilly,	Stadleman,
Bowen,	Lutz,	Tandberg,
Brittin,	McCormick,	Thomas,
Buchanan,	McCullough,	Thompson of Cass,
Cole,	McIntyre,	Thomson of Walsh,
Court,	Milsted,	Tyler,
Currier,	Moore,	Ueland,
Estabrook,	Montgomery,	Walton,
Green,	Murphy,	Watt,
Hankinson,	Nedrud,	Wickham,
Haugerud,	Pinkham,	Williams.
Heglie,	Rawlings,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hoyt,	Olsgard,
Bye,	Jahr,	Roney,
Christianson,	Johnson,	Strom,
Foss,	McDonald,	Zimmer,
Gronli,	Norton,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haugen,	Renaud,	Stevens,
Ingebretson,	Selby,	Walsh.

Messrs. Ingebretson and Renaud being excused.

And so the bill passed, and the title of the bill was agreed to.

Mr. Estabrook moved

To reconsider the vote by which House Bill No. 16 was passed.

Mr. Zimmer moved

To lay the motion on the table.

Roll call demanded.

Mr. Milsted moved a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Ingebretson, Renaud and Stevens,

Messrs. Ingebretson and Renaud being excused.

Mr. Renaud moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under the call of the House was dispensed with.

Roll call demanded on the motion of Mr. Zimmer.

The roll being called there were ayes 30, nays 28.

Those who voted in the affirmative were:

Messrs—

Balkan,
Brittin,
Bye,
Christianson,
Court,
Green,
Gronli,
Haugen,
Heglie,
Jahr,

Messrs—

Langer,
Lilly,
Lutz,
Milsted,
Moore,
Murphy,
Norton,
Olsgard,
Rawlings,
Reed,

Messrs—

Richardson,
Roney,
Stadleman,
Strom,
Thomson of Walsh,
Walsh,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Buchanan,
Cole,
Currier,
Estabrook,
Foss,
Hankinson,

Messrs—

Haugerud,
Hoyt,
Ink,
Johnson,
McCormick,
McCullough,
McDonald,
McIntyre,
Montgomery,

Messrs—

Nedrud,
Selby,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walton,
Watt,

Absent and not voting:

Messrs—

Ingebretson,
Pinkham,

Messrs—

Renaud.

Messrs—

Stevens,

Messrs. Ingebretson and Renaud being excused.

And so the motion to lay on the table prevailed.

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

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

The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,

Messrs—

Ink,
Jahr,
Johnson,
Langer,
Lilly,

Messrs—

Reed,
Richardson,
Roney,
Selby,
Stadleman,

Messrs—	Messrs—	Messrs—
Buchanan,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Cole,	McCullough,	Thomas,
Court,	McDonald,	Thompson of Cass,
Currier,	McIntyre,	Thomson of Walsh,
Estabrook,	Milsted,	Tyler,
Foss,	Moore,	Ueland,
Green,	Montgomery,	Walsh,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Watt,
Haugen,	Norton,	Wickham,
Haugerud,	Olsgard,	Williams,
Heglie,	Pinkham,	Zimmer,
Hoyt,	Rawlings,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Ingebretson,	Stevens.
Christianson,	Renaud,	

Messrs. Ingebretson and Renaud being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden,

Was read the third time, and

Mr. Roney moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

Mr. Roney asked unanimous consent to amend the bill by striking out the word "shall" in Section 1 and inserting in lieu thereof the work "may,"

Which consent the House voted, and

The bill was so amended.

Mr. Selby moved

That the report of the committee on the bill be adopted,

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 52, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Pinkham,
Balkan,	Heglie,	Reed,
Beard,	Hoyt,	Richardson,
Belden,	Ink,	Selby,
Bowen,	Jahr,	Stadleman,
Brittin,	Lilly,	Strom,
Buchanan,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	McCullough,	Thompson of Cass,

Messrs—
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,

Messrs—
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,

Messrs—
 Thomson of Walsh.
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer.

Those who voted in the negative were:

Messrs—
 Johnson,
 Langer,

Messrs—
 Rawlings,
 Roney,

Messrs—
 Tyler,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Ingebretson,
 Montgomery,

Messrs—
 Renaud,

Messrs—
 Stevens.

Messrs. Ingebretson and Renaud being excused.

So the bill passed, and the title of the bill was agreed to.

Mr. Roney was excused until next Tuesday.

Mr. Wickham was excused until next Tuesday.

Mr. Lutz was excused until Monday.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating its exchange of manufactured products of grain for grain.

Also,

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

And find the same correctly engrossed.

E. W. BOWEN,
 Chairman.

Mr. Speaker announced an informal recess.

House reassembled.

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so author-

ized to transact business, to satisfy any execution on any judgment against it,

Was read the third time, and

Mr. Bowen asked unanimous consent to amend the bill by striking out Section 3,

Which consent the House voted, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 53, nays, none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Pinkham,
Reed,
Richardson,
Roney,
Stadleman,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Ingerbretson,
McDonald,

Messrs—

Rawlings,
Renaud,
Selby,

Messrs—

Stevens,
Strom,
Walsh.

Messrs. Ingebretson and Renaud being excused.

So the bill passed, and the title of the bill agreed to.

Mr. Foss was excused until next Wednesday.

Mr. McCullough was excused until next Wednesday.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion was withdrawn.

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter and to repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the year 1879,

Was read the third time, and

Mr. Selby moved

That the words and figures "one thousand (1,000) dollars," written in lead pencil, be stricken out, and the words and figures "eight hundred (800) dollars," as written in ink, inserted in lieu thereof,

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Richardson,
Balkan,	Jahr,	Roney,
Beard,	Johnson,	Selby,
Belden,	Langer	Stadleman,
Bowen,	Lilly,	Tandberg,
Buchanan,	Lutz,	Thomas,
Bye,	McCormick,	Thompson of Cass,
Christianson,	McDonald,	Thomson of Walsh,
Cole,	Milsted,	Tyler,
Court,	Moore,	Ueland,
Estabrook,	Montgomery,	Walton,
Green,	Murphy	Watt,
Gronli,	Nedrud,	Wickham,
Hankinson,	Norton,	Williams,
Haugen,	Olgard,	Zimmer,
Haugerud,	Pinkham,	Mr. Speaker.
Heglie,	Reed,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Ink,	Renaud,
Currier,	McCullough,	Stevens,
Foss,	McIntyre,	Strom,
Ingebretson,	Rawlings,	Walsh.

Messrs. Ingebretson and Renaud being excused.

And so the bill passed, more than two-thirds of the members
present and voting, voting therefor,
And the title of the bill was agreed to.

The Speaker announced the appointment of Jorgen Howard of
Traill county, as an Engrossing Clerk, the work of the Engross-
ment Committee being such as to require additional help.

Mr. Selby moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 1, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Foss, Lutz, Renaud, Roney, Stevens, Tyler and Wickham who were excused.

Mr. Hankinson moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Hankinson, Walton and Zimmer.

Mr. Ueland moved

That Senate Bill No. 47 be recalled from the Senate for correction,

Which motion prevailed.

PETITIONS, COMMUNICATIONS, ETC.

Mr. McIntyre presented the following petition:

Hon. Messrs. McIntyre, Bye and Pinkham, Members Legislature, Tenth Legislative District, Bismarck, N. D.:

GENTLEMEN:—Please present the following petition to the House of Representatives of the State of North Dakota, and use all honorable means to secure the location of the State Agricultural Fair for the City of Casselton.

PETITION.

To the House of Representatives of the State of North Dakota:

We, the undersigned, citizens of the City of Casselton, Cass county, North Dakota, respectfully and urgently petition your honorable body to locate the State Agricultural Fair at the City of Casselton, North Dakota; and we hereby promise and agree on condition of such location to donate to the said State of North Dakota for such purpose, upon condition the same shall be forever used

therefor, 160 acres of land within the city limits of the said City of Casselton, which said 160 acres shall not be more than one mile from the business center of said City of Casselton, and the same shall be suitable and well adapted for said purpose. And your petitioners will ever pray, etc.

Signed by JOHN L. GUNKEL,
And 78 Others.

Mr. Watt presented the following petition:

PEMBINA COUNTY, N. D., January 7, 1890.

To the Hon. Judson LaMoure, Member of the Senate, and the Hons. J. H. Watt and R. B. Richardson, Members of the House of Representatives from the First Legislative District of the State of North Dakota.

GENTLEMEN: We, farmers of Neche, Pembina, Bathgate and Cavalier townships, after holding public meetings in various places to discuss matters of legislation, and what in our opinion is the most required in this crisis of financial depression, do most earnestly petition you, and each of you, to lend your best efforts in support of the following, which we feel are in the best interests of the State at large without regard to class.

By complying with our request you will greatly oblige your constituents who showed their confidence in you at the last general election

First. That the rate of interest shall not be more than 10 per cent. per annum, and that the penalty for violating the same shall be a fine and imprisonment, and that it shall be the duty of the county attorney to prosecute the party or parties violating the law.

Second. That all taxes levied for the year 1889 shall not become delinquent until October 15, 1890.

Third. Prohibiting taking real estate and chattel mortgage for one and the same debt.

Fourth. Compelling millers grinding wheat for toll to take no more than the eighth bushel or its equivalent in money.

Fifth. To reduce all railroad freight on grain and merchandise at least 25 per cent. of the present rate.

Sixth. Compelling county treasurers to notify township and school district treasurers every three months of the amount of all money in their hands belonging to said townships and districts.

Seventh. That homesteads of 160 acres be exempt to the amount of \$3,000, and that exemptions on personal property shall be \$1,500.

Eighth. That owing to the fact that a great many farmers who have taken up their homestead and pre-emption rights are now, owing to a succession of failures in crops, and the high rate of interest and bonuses they had to pay, are about to lose the land they now have, therefore, we trust that you will take such steps as will place them in a position to take up another homestead, as many of them will be compelled to leave our country in order to obtain another home.

JOHN F. MILLER,
And Many Others.

Mr. Richardson moved

That the petition be referred to the Committee on State Affairs,
Which motion prevailed, and

The petition was referred.

REPORTS OF STANDING COMMITTEES.

The Committee on Charitable Institutions made the following report:

MR. SPEAKER:

Your Committee on Charitable Institutions to whom was referred

House Bill No. 146,

A bill for an act to amend Chapter 23 of the Session Laws of 1879,

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

Also,

House Bill No. 145,

A bill for an act to provide funds for defraying the expenses of insane persons in the North Dakota Hospital for the Insane,

And recommend that said bill be amended by striking out all of Section 10, and

When so amended recommend that said bill do pass.

E. D. McINTYRE,

Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred

House Bill No. 176,

A bill for an act to prevent deception in the sale of dairy products and to preserve the public health, and to prohibit and prevent the sale or manufacture of unhealthy or adulterated dairy products,

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

Strike out the whole of Section 8.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 46,

A bill for an act amending Section 1 of Chapter 99 of the Session Laws of 1889, relating to the appointment of members of the Board of Pharmacy,

And recommend that said bill do not pass, as Senate Bill No. 123 makes provision for the points covered in this bill.

J. MONTGOMERY,

Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

House Bill No. 127,

A bill for an act providing standing annual appropriations for salaries of State officers,

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

Also,

House Bill No. 74,

A bill for an act to provide for the erection and operation of a State Normal School at Valley City, Barnes county, North Dakota,

And recommend that said bill do not pass.

Also,

House Bill No. 205,

A bill for an act to provide for the payment of the expenses of the Constitutional Convention in excess of the \$20,000 appropriated by Congress therefor, and making an appropriation for the payment thereof,

And recommend that said bill do pass.

Also,

Senate Bill No. 79,

A bill for an act authorizing the State Auditor to hear and determine a claim of Frank Donnelly against the Territory of Dakota and authorizing the payment thereof,

And recommend that said bill do pass.

R. N. INK,
Chairman.

The Committee on Appropriations made the following majority report on House Bill No. 131:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889,"

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

Strike out the words "one thousand" in said bill and insert in lieu thereof the words "six hundred."

And when so amended recommend that said bill do pass.

R. N. INK,
Chairman.

And the following minority report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889,"

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

GEORGE LUTZ,

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 1, 1890. }

MR. SPEAKER:

I have the honor to return herewith, as per your request, Senate Bill No. 47.

C. C. BOWSFIELD,
Secretary.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties,

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

That Section 1 be amended by inserting the following after line 8:

"The Secretary of State shall issue a commission and duplicate thereof to each notary public appointed by the Governor, one of which shall be by said notary public posted in a conspicuous place in his office for public inspection, and the Secretary shall collect and receive \$2 for the issuance of said commission and duplicate, which \$2 shall be paid into the State Treasury and credited to the general fund. The Secretary shall keep in his office a careful record of such appointments and the date of expiration, and shall notify each notary by mailing, at least thirty days before the expiration of his term, a notice of the date upon which his commission expires, which notice shall be addressed to said notary at his last known place of residence."

Insert Section 6 as follows:

SEC. 6. All acts or parts of acts in conflict with this act are hereby repealed.

Renumber original Section 5 to make it Section 7.

And when so amended recommend that said bill do pass.

C. A. CURRIER,
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 Bills Nos. 107, 185 and 189,

Bills for acts to prevent the formation of pools and trusts, etc.,

Have had the same under consideration and recommend that said bills do not pass, inasmuch as Senate bill No. 77 covers the entire ground of above bills.

Also,

Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and conspiracies and as to evidence in such cases,

And recommend that said bill do pass.

R. H. HANKINSON,
Chairman.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred
Substitute for Senate Bill No. 107,

A bill for an act to allow organized townships to raise a tax for
irrigation purposes,

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

Strike out the words "thirty days" where it occurs and insert in
lieu thereof the words "fifteen days."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase
for the use of their respective counties an artesian well drilling
outfit,

And recommend that said bill be amended as follows:

Section 1, in line 2, between the words "State" and "one" insert "on peti-
tion of not less than one-fourth of the legal voters of their respective coun-
ties."

Also, add to Section 3:

"*Provided*, That but one application from each congressional township
shall be granted until all applications that have been received shall have one
well."

And when so amended recommend that said bill do pass.

G. W. RAWLINGS,
Chairman.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred
House Bill No. 208,

A bill for an act to authorize school boards to purchase United
States flags,

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

Strike out all after the enacting clause, and insert the following:

SEC. 1. At the discretion of the school board of any town, city or dis-
trict, is hereby authorized to purchase at the expense of the town, city or dis-
trict, one or more flags of the United States, and place the same in the school
room or rooms under their charge. Also, to purchase such apparatus as may
be necessary for properly preserving such flag or flags; *Provided, however*,
That not more than one flag and appurtenances shall be purchased for each
department.

And when so amended recommend that said bill do pass.

W. H. H. RONEY,
Chairman.

The Committee on Banks and Banking made the following re-
port:

MR. SPEAKER:

Your Committee on Banks and Banking to whom was referred

House Bill No. 15, with the amendments proposed by the Senate,

A bill for an act to provide for the organization and government of State Banks,

Have had the same under consideration and recommend that the House do not concur in the amendments made by the Senate, and further recommend that this House ask for a Committee of Conference.

E. S. TYLER,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and
The report was adopted, and
Mr. Selby moved

That the Speaker appoint a committee of three to confer with a like committee from the Senate on the differences on the bill,
Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Selby, Tyler and Haugen.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 188,

A bill for an act defining the duties of county commissioners in relation to the building of bridges,

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

Insert enacting clause after title of bill as follows:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

In Section 2 in line 2 of original bill, strike out all after the word "township" and insert in lieu thereof "to keep in repair all bridges built by the county in their respective townships. When the cost of repairing does not exceed the sum of \$25 and under \$100, the cost shall be equally divided between the county and township in which such bridge is located. When ever \$100 the entire cost shall be borne by the county."

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

The Committee on Railroads made the following report on House Bill No. 67:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the same,

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

By inserting the words "side tracks" after the word "branches" wherever it appears in the bill.

Also, add to Section 1 the following: "They shall cause a record to be made of the estimated value placed upon each of the items set forth in this section, which go to make the aggregate valuation of such assessment."

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 80,

A bill for an act to amend Section 6248, Chapter 4 of the Penal Code of the Compiled Laws of Dakota, in reference to punishment for Sabbath breaking,

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

Also,

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to Sabbath breaking,

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

In Section 1, line 4, strike out the word and figure "five (5)" and insert the word "one" in lieu thereof, and after the word "offense" insert the words "at the discretion of the court."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,
And recommend that said bill do pass.

Also,

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the penitentiary in certain cases,

And recommend that said bill do not pass.

Also,

Senate Bill No. 69,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States,

And recommend that said bill do pass.

Also,

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of

1887, entitled "An Act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,"

And recommend that said bill do pass.

Also,

House Bill No. 167,

A bill for an act to provide for covering into the State Treasury all fees and profits arising from any of the State offices,

And recommend that said bill do pass.

Also,

House Bill No. 105,

A bill for an act requiring the registration of births and deaths,

And recommend that said bill be amended as follows:

That in Section 1, line 2, after the word "city" the words "and town" be stricken out and the words "town and township" be inserted in lieu thereof; and wherever in the bill the words "city and town" occur the words "and town" shall be stricken out and the words "town and township" be inserted in lieu thereof.

In line 8, after the word "record" insert the following:

"*Provided*, That in unorganized townships the county commissioners shall appoint some person to act in the capacity of town clerk for the purpose of registration of births and deaths, and said person shall receive the same compensation as provided in this act for town clerks."

In Section 2, line 10, strike out the word and figures "twenty (20)" and insert the word and figures "ten (10)."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 199,

A bill for an act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters of this State,

And recommend that said bill do pass.

Also,

House Bill No. 173,

A bill for an act to secure to laborers in and about coal mines and manufactories the payment of their wages at regular intervals and in lawful money of the United States,

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

C. A. CURRIER,
Chairman.

The Committee on Judiciary made the following majority report on Senate Bill No. 83:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 83,

A bill for an act classifying the judicial districts in the State, and fixing the salaries of the judges therein,

Have had the same under consideration and a majority of committee present recommend that said bill do not pass.

F. J. THOMPSON,
Chairman.

And the following minority reports:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 83,

A bill for an act classifying the judicial districts in the State,
and fixing the salaries of the judges therein,

Have had the same under consideration and a minority of com-
mittee present recommend that said bill be amended as follows:

In Section 3, line 3, of printed bill, strike out the figures "6,000" and insert
in lieu thereof the figures "5,500."

In line 6 of same section strike out the figures "6,000" and insert instead the
figures "5,500."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 83,

A bill for an act classifying the judicial districts in the State
and fixing the salaries of the judges therein,

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

For the reason that at the time of election all judges elected understood
that their salary was to be \$3,000 per year.

Further, the judges who would receive an increase of salary, are those
whose districts are the smallest, and although the population is greater, the
distance to travel is less and the number of counties wherein they hold court
is not so great as in the districts where the salary of the judges would not be
increased.

Further, I believe it would be an unjust discrimination against certain
districts in favor of other districts.

J. H. McCULLOUGH,
Minority Committee.

The Committee on State Affairs made the following minority
report on House Bill No. 227:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 227,

A bill for an act establishing a legal holiday,

Have had the same under consideration and the minority re-
commend that said bill do pass.

C. C. MOORE.

And the following majority report:

MR. SPEAKER:

Your Committee on State Affairs to when was referred
House Bill No. 227,

A bill for an act establishing a legal holiday,

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

C. A. CURRIER,
Chairman.

The Committee on Coal Lands and Mining made the following report:

MR. SPEAKER:

Your Committee on Coal Lands and Mining to whom was referred

House Bill No. 103,

A bill for an act to encourage the development of the coal mines of the State and to determine the kind of coal that shall be used as fuel in the various State institutions,

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

E. A. WILLIAMS,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 56,

A bill for an act to subdivide the Sixth judicial district of the State of North Dakota, and to fix the terms of court therein,

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

Add the following proviso at the end of Section 5 of said bill: "*Provided*, That all cases heretofore instituted and now pending from said county of Williams shall be tried and determined in the district court to be holden in and for the county of Morton."

That the following be added as Section 10:

It shall be the duty of the district judge to hold at least two terms of court annually in such judicial subdivision wherein the time of holding the terms is at the option of said judge as hereinbefore provided.

That Section 10 and 11 of said bill be numbered 11 and 12 respectively.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 169,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized,

Have had the same under consideration and recommend that said bill be referred to the Committee on Judiciary.

Also,

House Bill No. 133,

A bill for an act to amend Sections 1 and 5 of Chapter 50, of

the Session Laws of 1887, entitled, "An Act regulating the salary of register of deeds and county treasurers,"

And recommend that said bill be amended as follows:

Strike out Sections 2 and 4 and renumber Section 3 to be Section 2,

And when so amended recommend that said bill do pass.

J. McCORMICK,
Chairman.

Mr. Bowen moved

To adopt the report of the committee on House Bill No. 169,

Which motion prevailed, and

The bill was referred to the Judiciary Committee.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 102,

A bill for an act providing for the election in cities not organized under General Laws,

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

In Section 1, line 3, of printed bill strike out the word "qualified."

Add in Section 1, line 4, printed bill, after the words "at large" the following: "Qualified to vote at school elections."

Add at the end of Section 1 the following: "*Provided*, That the provisions of this act shall not apply to cities existing under a special enactment incorporating the same, and which are now conducting its schools under the General Common School Laws."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 229,

A bill for an act to amend Section 38 of Chapter 27 of the Political Code, known as Section 1470 of the Compiled Laws of 1887,

Have had the same under consideration and find that in our opinion that there exists no legal objection to the passage of the bill and recommend that it be recommitted to the Committee on Counties and County Boundaries, for the purpose of considering the merits of the bill.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved

To adopt the report,

Which motion prevailed, and

House Bill No. 229 was recommitted to the Committee on Counties and County Boundaries.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 216,

A bill for an act to exempt pension money from levy and attachment and judicial sale for debt,

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

Also,

House Bill No. 217,

A bill for an act to facilitate the collection of wages,

And recommend that said bill do pass.

Also,

House Bill No. 115,

A bill for act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof,

And recommend that said bill be amended as follows:

That all after Section 1 of said bill be stricken out and Sections 2, 3 and 4 of House Bill No. 193 be inserted in lieu thereof, as follows:

SEC. 2. The jurisdiction of the State of North Dakota in and over the land mentioned in the preceding section, when purchased or condemned by the United States, shall be and the same hereby is ceded to the United States; *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said land.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of North Dakota shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of North Dakota against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, grant or condemnation, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 211,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage.

And recommend that said bill do pass.

Also,

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and provide a fund to reimburse the county for the same,

And recommend that said bill be amended as follows:

That Section 1 and in line 19 of printed bill, strike out the word "administration" and insert in lieu thereof the word "guarianship."

That in Section 4 and line 11 of printed bill after the word "say" add the following: "Five dollars when the value of such estate does not exceed the sum of five hundred dollars."

And in same section and in line 27 of printed bill, strike out the word "five" and insert in lieu thereof the word "one."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

And recommend that said bill do not pass.

Also,

House Bill No. 126,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure of Dakota Territory, as published in Livisee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory for the year 1887; also, Sections 5213 to 5239, both inclusive of the Compiled Laws of the Territory of Dakota of the year 1887,

And recommend that said bill do pass.

Also,

House Bill No. 112.

A bill for an act regulating the practice in the Supreme Court,

And recommend that said bill do pass.

Also.

House Bill No. 214,

A bill for an act to provide for the support of married women,

And recommend that said bill do pass.

Also,

House Bill No. 221,

A bill for an act to prohibit the blacklisting or publishing of employes when they shall have been discharged, and fixing the punishment of the same,

And recommend that said bill do pass.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof.

And recommend that said bill be amended as follows:

That in Section 1 and line 11 of printed bill, insert after the word "been" the words "or may hereafter be," and in same section and line 13, after the word "county" insert the words "*Provided*, That the board in making settlement of disputed claims shall not allow interest at a greater rate than 7 per cent. per annum.

Strike out of Section 1, after the word "law," in line 16 of printed bill, beginning with the word "unless," and all words to and including the word "state" in line 17 of said section. In line 18, Section 1, strike out the word "further" and insert the word "however."

In line 19, same section, after the word "bonds" insert the words "or in-

debtednes." In same line strike out the last word, "indebtedness," and insert in lieu thereof the word "debt."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 40,

A bill for an act entitled "An Act to define and limit the homestead exemption, limiting the value thereof, providing a method of claiming and obtaining the same, regulating the disposition, conveyance and incumbrance thereof, and the disposition, conveyance and reincumbrance of the same in cases of insanity of husband or wife."

And recommend that said bill be amended as follows:

That in Section 1 and in line 2 of printed bill, strike out the word "five" and insert in lieu thereof the word "two."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred condemned muskets for use of students for drill purposes.

Also,

House Bill No. 158,

A bill for an act requiring railroad companies to build and keep in repair highway crossings.

Also,

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889.

Also,

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the acts of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide for the payment of principal and interest of such bonds."

Also,

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

Also,

House Bill No. 62,

A bill for an act to establish a State Board of Corrections and Charities for the State of North Dakota.

Also,

House Bill No. 201,

A bill for an act to amend Section 69, Subchapter 2 of Chapter 112 of the Session Laws of 1883, relating to township organization.

Also,

House Bill No. 203,

A bill for an act requiring county commissioners to give bonds, And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Special Committee to whom was referred Senate Bill No. 39 made the following report:

MR. SPEAKER:

Your Special Committee to whom was referred Senate Bill No. 39 have had the same under consideration and recommend that said bill do pass.

E. W. BOWEN,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Ueland moved

That the rules be suspended, and that Senate Bill No. 129 be now read the third time and placed upon its final passage.

Mr. Hankinson moved

To amend by including also Senate Bill No. 52,

Which amendment prevailed, and

The original motion as amended prevailed, and

Mr. Williams moved

That the House first consider Senate Bill No. 52,

Which motion prevailed, and

Mr. Williams moved

That the vote by which the consideration of Senate Bill No. 52 was postponed be reconsidered,

Which motion prevailed.

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

Was read the third time, and

Mr. Williams moved

To amend the bill by striking out the words "Attorney General,"

in Section 1 and inserting in lieu thereof the words "Secretary of State."

Mr. Heglie moved

To lay the motion on the table,

Which motion was lost, and

The question recurring on the motion of Mr. Williams the motion prevailed, and the bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugerud,
Heglie,
• Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Richardson,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Belden,
Foss,
Haugen,
Langer,

Messrs—

Lutz,
Renaud,
Roney,

Messrs—

Stevens,
Tyler,
Wickham,

Messrs. Foss, Lutz, Renaud, Roney, Stevens, Tyler and Wickham being excused.

And so the bill passed more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 129,

A bill for an act to allow organized townships to levy a tax for irrigation purposes,

Was read the third time, and

Mr. Ueland moved

To adopt the report of the Committee on Irrigation on the bill,

Which motion prevailed, and

The question being on the passage of the bill as amended by the adoption of the report,

The roll being called there were ayes 42, nays 7.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Cole,
Court,
Estabrook,
Green,
Gronli,
Hankinson,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Lilly,
McCormick,
McCullough,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Rawlings,

Messrs—

Reed,
Richardson,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Bye,
Christianson,
Jahr,

Messrs—

Johnson,
McDonald,

Messrs—

McIntyre,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Currier,
Foss,
Haugen,
Langer,

Messrs—

Lutz,
Pinkham,
Renaud,
Roney,

Messrs—

Selby,
Stevens,
Tyler,
Wickham.

Messrs. Foss, Lutz, Renaud, Roney, Stevens, Tyler and Wickham being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 1, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information and to dispense with the calling of grand jurors except by order of the district court judges.

Also,

House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer,

Which the Senate has passed unchanged.

Also,

House Bill No. 94,

H—38

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

Which the Senate has amended as follows:

In line 5, Section 2, by striking out the word "dereliction" and inserting in lieu thereof the word "neglect."

Also,

House Bill No. 79,

A bill for an act to suppress in this State the selling, lending or giving away to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds,

Which the Senate has amended as follows:

In Section 1, line 3, by striking out the word "to" where it occurs between the words "or" and "show."

Also,

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

Which the Senate has amended as follows:

Insert as Section 2: "Said bond shall run to the State of North Dakota; shall be executed by two or more sureties and shall be for an amount at least equal to the contract price stated in the contract upon which the bond is given, it shall be approved by the clerk of the district court of the county in which such public improvement is to be made, and the sureties thereon shall each quality in a sum equal to double the amount of the bill."

Change Section 2 and number it Section 3.

Also, amend Section 2, line 7, by striking out the word "six" and inserting in lieu thereof the word "three."

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The committee to revise and correct the Journal of the seventy-fourth day made the following report:

MR. SPEAKER:

Your committee appointed to correct the Journal of the seventy-fourth day have had the same under consideration and find that on page 5 on Mr. Estabrook's motion to reconsider the vote by which Senate Bill No. 16 was passed, should be corrected to read House Bill No. 16, and with this correction find the Journal to be correct.

R. H. HANKINSON,
Chairman.

Mr. Williams moved

That the Clerk be instructed to transmit to the Senate forthwith Senate Bill No. 52,

Which motion prevailed.

Mr. Moore moved

That the membership of the Committee on Coal Lands and Mining be increased from nine to twelve,

Which motion prevailed.

Mr. Bowen moved

To amend House Rule No. 48, to change the order of business so that the first, second and third readings of House bills shall come before the first, second and third readings of Senate bills,

Which motion prevailed, and

The rule was so amended.

Mr. McCormick moved

That the rules be suspended, and that Senate Bill No. 39 be now read the third time, and placed upon its final passage,

Which motion was withdrawn.

Mr. McCullough moved

That the bill be referred to the Attorney General with a request to pass upon the constitutionality of the bill,

Which motion prevailed.

Mr. Montgomery moved

That the bill be laid upon the table.

Mr. Estabrook moved

As a substitute that the further consideration of the bill be indefinitely postponed, and

Mr. Montgomery withdrew his motion.

Mr. Selby moved

To make the bill a special order for next Saturday at 3 o'clock,
Which motion prevailed.

Mr. McDonald offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

WHEREAS, In view of the deficiency which must inevitably exist in the State Treasury in the near future, and deeming it necessary and proper in this emergency that retrenchment should be our watchword, and that the pruning knife should be applied whenever and wherever possible; and

WHEREAS, The cost to the State of this session of the Legislative Assembly is about \$800 *per diem*; and

WHEREAS, We believe that the work in which we are now engaged can be better and much more readily accomplished by the appointment of a committee with powers and duties as hereinafter specified; believing that we can thereby save many thousand dollars to the State;

Therefore, Be it Resolved by the Senate and House of Representatives of the State of North Dakota, That a Commission of five, consisting of _____, be and they are hereby appointed, whose duty it shall be to codify the present laws of the State, making the same conform, wherever practicable, to the Constitution of the State; and when, in the option of said commission, additional laws are necessary to carry out the provisions of the Constitution, or to make a complete, uniform and perfect code of laws, it shall be the duty of said commission to prepare and frame the same.

SEC. 2. Said committee shall report to the next session of the Legislative Assembly the result of their labors in full, and a complete system of laws adapted to the condition and wants of the people and consistent with the Constitution. Said commission shall meet at such place as they may agree upon and organize.

SEC. 3. Before entering upon the duties of the office each member shall take an oath to uphold the Constitution of the State and United States, and to perform his duties as such commissioner according to the best of his ability, and that he will not recommend for adoption any law or part of a law that is in his opinion unconstitutional, or not adapted to the best interests of the people.

SEC. 4. Said commission shall have power to regulate its own sessions, and the place of holding the same, and shall further be authorized to procure the assistance of such clerks or stenographers as may in their opinion be absolutely necessary, but they shall in every case agree on the compensation to be paid for the same.

SEC. 5. Each member of said commission shall receive as compensation for his services a *per diem* of \$—— for each and every day actually employed on said commission, and the sum of 10 cents for each mile actually and necessarily traveled while attending to the duties of that office to be paid out of the State Treasury upon the voucher of the chairman of said committee.

And be it further resolved, That on February 20th after the passage of this resolution we adjourn *sine die*.

Mr. Williams moved

To refer the resolution to the Committee on State Affairs,

Which motion prevailed, and

The Concurrant Resolution was referred to the Committee on State Affairs.

Mr. Cole moved

That the rules be suspended and the House now proceed to the consideration of House bills on their third reading.

Mr. Thompson of Cass, moved

As an amendmend that the House now proceed to the ninth order of business--the introduction of bills,

Which amendment prevailed.

Mr. Pinkham was excused until next Tuesday.

Mr. McCullough moved

That all the Pages of the House be discharged.

Mr. Buchanan moved

To lay the motion on the table,

Which motion prevailed, and

The motion of Mr. McCullough was laid on the table.

Mr. Norton moved

That the House do now adjourn,

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 1, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 132,

A bill for an act providing for an appropriation to pay the necessary expenses of the Commissioner of Agriculture and Labor incurred in looking after the reception and distribution of sup-

plies for needy sufferers in North Dakota, and in furnishing aid when deemed necessary,

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

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced as the additional members of the Commission on Coal Lands and Mining, required by motion of the House, Messrs. Walton, Court and Moore.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McDonald introduced—

House Bill No. 241,

A bill for an act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota.

Mr. Stadleman introduced—

House Bill No. 242,

A bill for an act to provide for the payment of a license fee by the owners of palace, drawing room and sleeping car companies.

Mr. McCullough introduced—

House Bill No. 243,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor.

Mr. Belden introduced—

House Bill No. 244,

A bill for an act to amend and re-enact the Insurance Laws of the State of North Dakota.

Mr. Cole introduced—

House Bill No. 245,

A bill for an act to amend Section 1814 of the Civil Code, being Section 4450 of the Compiled Laws of Dakota.

Also,

House Bill No. 246,

A bill for an act to provide for the establishment of an industrial school and school of manual training at the city of Ellendale in the county of Dickey, agreeable to the provision made for the same in Article 19 of the Constitution of the State of North Dakota.

Mr. Green introduced—

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code, relating to the renewal of chattel mortgages.

Mr. Hankinson introduced—

House Bill No. 248,

A bill for an act to prevent fraudulent transactions on the part of commission merchants and other consignees of goods.

Also,

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Mr. Williams introduced—

House Bill No. 250,

A bill for an act to provide that the mortgagor of a stock of goods or stock in trade shall be required to file an inventory of sale and additions to his stock every sixty days.

Mr. Tandberg introduced—

House Bill No. 251,

A bill for an act to amend Section 2, of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws.

Mr. Walsh introduced—

House Bill No. 252,

A bill for an act to protect stock breeders from breeding to sires with bogus or fraudulent pedigrees, and to secure to owners of sires payment for services.

Mr. Currier introduced—

House Bill No. 253,

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

Mr. Speaker called Mr. Estabrook to the Chair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 1, 1890. }

Mr. SPEAKER:

I have the honor to transmit herewith

House Bill No. 48,

A bill for an act to amend Chapter 3, Article 11, Section 3053 of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to the publication of insurance statements,

Which the Senate has passed with the following amendments:

Amend Section 1 by substituting the words "Commissioner of Insurance" for the words "State Auditor" wherever they appear in said section.

Also, amend said section by adding after the word "State" and before the word "proof" the following words: "Shall be published in connection with said statement of such company doing business in this state."

Also, amend the proviso at the end of said section by adding thereto the following: "In each district where there are one or more newspapers publishing daily and weekly editions, one of such daily and weekly newspapers shall be selected, and said statement shall be published one time in the daily edition and two times in the weekly edition of the newspaper so selected and desig-

nated to publish said statement, and the charge for such publication shall be the same as if three continuous insertions of said statement had been made in either the daily or weekly editions only."

Amend Section 2 by substituting the words "Commissioner of Insurance" for the words "State Auditor."

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That the House concur in the Senate amendments to House Bill No. 48,

Which motion prevailed, and

The question being on the passage of the bill as amended,

Mr. McCormick moved

A call of the House.

Call seconded.

Roll called.

All members present except Messrs. Allen, Bye, Foss, Green, Ink, Langer, Lutz, Renaud, Roney, Stevens, Tyler and Wickham.

Messrs. Foss, Lutz, Renaud, Roney, Stevens, Tyler and Wickham being excused.

Mr. McCormick moved

That further proceedings under the call be dispensed with,

Which motion prevailed, and

Further proceedings under the call of the House were dispensed with.

Mr. Williams moved

That House Bill No. 48 be referred to the Committee on Judiciary,

Which motion prevailed, and

The bill was so referred.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 230,

A bill for an act to provide for the support, care, maintenance and general supervision of the poor; providing who shall be entitled to support and assistance, and granting certain powers to the board of county commissioners of the respective counties with respect thereto.

Was read the first time.

Mr. Buchanan moved

That all bills on their first reading to-day, be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 230,

A bill for an act to provide for the support, care, maintenance and general supervision of the poor; providing, who shall be entitled to support and assistance, and granting certain powers to

the board of county commissioners of the respective counties with respect thereto,

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

Mr. Richardson moved
That the House do now adjourn,
Which motion was lost.

House Bill No. 231,
As a Substitute for House Bill No. 30,
Entitled "A bill for an act to amend certain sections of Part 2, Chapter 13, of the Code of Civil Procedure of the Territory of Dakota; subject, 'Exemptions.'"

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 232,
A bill for an act to amend Section 48 of the Civil Code, and to repeal Sections 50 and 53 of the Civil Code,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 233,
A bill for an act amending Section 1397 of the Compiled Laws of 1887, Section 1, Chapter 6, of the Revised Code of 1877,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 234,
A bill for an act to prescribe the oath of civil officers,
Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Walton moved
That the House do now adjourn,
Which motion was lost.

House Bill No. 236,
A bill for an act defining the offense of fornication and prescribing a punishment therefor,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Walsh moved
That the bill be amended by striking out Section 4,
Which motion prevailed, and
The bill was so amended.

House Bill No. 240,
A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck and for making needed permanent improvements,

Was read the first and second times, and referred to the Committee on Appropriations,

Mr. Pinkham moved
That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 9, nays 33.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Moore,	Pinkham,
Bye,	Murphy,	Richardson,
Hoyt,	Norton,	Walton.
Milsted,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Nedrud,
Balkan,	Haugen,	Olsgard,
Belden,	Haugerud,	Rawlings,
Bowen,	Heglie,	Strom,
Brittin,	Ingebretson,	Thomas.
Christianson,	Jahr,	Thompson of Cass,
Cole,	Lilly,	Ueland,
Court,	McCormick,	Walsh,
Estabrook,	McCullough,	Watt,
Green,	McDonald,	Williams,
Gronli,	Montgomery,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McIntyre,	Stevens,
Currier,	Reed,	Tandberg,
Foss,	Renaud,	Thomson of Walsh,
Ink,	Roney,	Tyler,
Johnson,	Selby,	Wickham,
Langer,	Stadleman,	Mr. Speaker.
Lutz,		

Messrs. Foss, Lutz, Renaud, Roney, Stevens, Tyler and Wickham being excused.

And so the motion to adjourn was lost.

House Bill No. 235,

A bill for an act prescribing the bond, oath and duties of State's attorneys,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Williams moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

SEVENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 3, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Foss, Langer, Pinkham, Renaud and Roney, excused.

Mr. Langer was excused until Tuesday.

Mr. Tandberg moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Tandberg, Stadleman and Johnson.

Mr. McIntyre moved

That the petition from the citizens of Casselton printed in Saturday's Journal be referred to the Committee on State Affairs,

Which motion prevailed, and

The petition was so referred.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Tandberg presented the following petition, which was referred to the Committee on Railroads:

To the Honorable Members of the Senate and House of Representatives of the State of North Dakota:

GENTLEMEN: We, the subscribers, residents of the city of Larimore, N. D., and vicinity, hereby respectfully petition you to support House Bill No. 226, fixing the maximum rate for transportation of coal mined in Dakota at one-half cent per ton per mile, and to use all honorable means to secure its passage.

D. W. STEVENS,
And 34 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 229,

A bill for an act entitled "An act to amend Section 38 of Chapter 27 of the Political Code known as Section 1470 of the Compiled Laws of 1887,"

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

Also,

House Bill No. 200,

A bill for an act to authorize the board of town supervisors to let township funds out on interest,

And recommend that said bill be amended as follows:

Strike out all after the enacting clause and substitute the following:

SECTION 1. All funds of any of the organized townships in this State may be deposited by the township treasurer, by and with the consent of the township board of supervisors, in the name of the township of which the treasurer is an officer; such funds to be deposited with some reliable bank, firm, company or corporation offering the highest rate of interest therefor on quarterly balances; said interest to go to the township general fund, except sinking funds, which interest shall accrue to its own fund. It shall be lawful for the board of supervisors of any organized township in this State to advertise for the period of two weeks before any regular meeting of the board, in one or more papers published in their respective counties. Such advertisement shall be substantially as follows: Stating the amount of funds to be deposited, the security required, and on condition that all funds, with accumulated interest, shall at all times be subject to draft and payment on demand.

SEC. 2. Before any such deposit is made by any of the officers mentioned in this act, a bond payable to such township, signed by at least two freeholders of the county as sureties, which bond shall be approved by the board of township supervisors, and shall be in such amount as such board shall direct, which amount shall be at least double the amount to be deposited.

SEC. 3. All bonds required under the provisions of this act shall be given for the period of one year from the date of their approval.

SEC. 4. Whenever any portion of the funds of any township shall be deposited by any township treasurer in the manner as provided in this act, such treasurer and the sureties on his bond shall be exempted from all liabilities thereon, by reason of the loss of any such deposited funds from the failure, bankruptcy or any other acts of such bank, firm, company or corporation to the amount of such funds so deposited.

And when so amended recommend that said bill do pass.

JAMES MCCORMICK.

Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein,

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

In Section 6, printed bill, strike out the word "national" and insert in lieu thereof the word "any," and insert after the word "bank," same section, the following: "Furnishing satisfactory security."

In Section 8, line 2, printed bill, strike out the word "wheat" and insert the word "grain." In line 4, after the word "wheat," add the following: "Or its equivalent in any grain."

In Section 16, line 6, printed bill, after the word "March" add the following: "Provided, That no distribution of seed grain under the provisions of this act shall take place prior to the tenth day of March."

And also add the following section:

"SEC. 20. In case a sufficient fund has been paid into the county treasury in any one year, as provided in Section 11 of this act, on or before November 1st, to meet the interest and sinking fund provided for in this act, then there shall be no tax assessed for such purposes in that year, and in no year shall there be a greater sum assessed than will together with the balance at that date in the treasury belonging to the seed grain fund be sufficient to meet said interest and sinking fund promptly for that year."

Also, make the emergency clause Section 21.

And when so amended recommend that said bill do pass.

A. C. NEDRUD,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Rawlings offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring, That the Commissioner of Agriculture and Labor be and is hereby instructed to secure the services of an expert, or in such other way as may seem in his judgment best, to thoroughly test, or cause to be tested, the qualities of the soil in the various parts of the State of North Dakota, in reference to its adaptability to the culture of the sugar beet, and to report to the Governor at as early a day as possible on the feasibility of the establishment of the beet sugar industry in our State.

Mr. Williams moved
To adopt the resolution,
Which motion prevailed, and
The Concurrent Resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Zimmer introduced—
House Bill No. 254,
A bill for an act to license express companies.

Mr. Cole introduced—
House Bill No. 255,

A bill for an act to amend Section 112 of the Justice Code of the State of North Dakota, providing for a change of venue in criminal proceedings.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licenses,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

FIRST AND SECOND READINGS OF HOUSE BILLS.

House Bill No. 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates,

Was read the first time, and

Mr. McCoullough moved

That all House bills on their first reading to-day be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates,

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

House Bill No. 238,

A bill for an act to fix the maximum rate of charges for transporting coal, etc., by railroads,

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 239,

A bill for act to amend Section 3 of Chapter 50 of the Political Code, in relation to the registration of warrants,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 241,

A bill for an act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 242,

A bill for an act to provide for the payment of a license fee by the owners of palace, drawing room and sleeping car companies,

Was read the first and second times, and referred to the Committee on Railroads.

House Bill No. 243,

A bill for an act to prohibit the mortgaging of real and per-

sonal property in the same instrument, and providing a penalty therefor,

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, }
February 3, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has appointed on the Conference Committee on House Bill No. 15, Messrs. Winship, Little and Robinson,

C. C. BOWSFIELD,
Secretary.

House Bill No. 244,

A bill for an act to amend and re-enact the Insurance Laws of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Insurance.

House Bill No. 252,

A bill for an act to protect stock breeders from breeding to sires with bogus or fraudulent pedigrees, and to secure to owners of sires payment for services,

Was read the first and second times, and

Mr. Walsh moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost, and

Mr. Williams moved to lay the bill upon the table,

Which motion was lost, and

The bill was referred to the Judiciary Committee.

House Bill No. 253,

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

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, }
February 3, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to

Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at rail-road crossings and the maintenance of depots at the same.

C. C. BOWSFIELD,
Secretary.

Mr. Williams (by unanimous consent) introduced—
House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or device, for parks and public grounds and protection of such real estate.

THIRD READING OF HOUSE BILLS.

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

Was read the third time, and

Mr. Walsh asked unanimous consent to amend the bill by striking out Section 22 and substituting therefor the following:

SEC. 22. No public or private elevator or warehouse shall charge more than one cent per bushel for receiving, handling, insuring and thirty days' storage, and delivering back to holder of ticket any kind of grain, and a charge not to exceed one-fourth cent per bushel for storage and insuring for each additional fifteen days or part thereof. All persons, firms or corporations operating elevators or warehouses shall be responsible to any owner of grain held by them for any kind of damage to any kind of grain held by them. All persons operating any elevator or warehouse, shall when required to do so by any person to special bin any kind of grain on same rates of storage, insuring, and receiving and delivering as above, and to issue tickets for same marked "special," and when requested must deliver the same identical grain.

Which consent the House voted, and
The bill was so amended.

Mr. Ueland asked unanimous consent to further amend the bill by striking out the words "fifty cents" in line 5 of Section 14, and inserting in lieu thereof the words "one dollar,"

Which consent the House voted, and
The bill was so amended.

Mr. Ink moved
To reconsider the vote by which Section 22 was stricken out, and a substitute adopted,

Which motion prevailed.

Mr. Ink moved
To amend the substitute for Section 22 by striking out all after and beginning with the words: "All persons operating any elevator or warehouse shall when required, etc.,"

Which motion prevailed, and
The amendment prevailed, and

The question recurring on the original motion,
The original motion prevailed.

Mr. Ueland moved

To further amend the bill by striking out the words "Board of Railroad Commissioners" wherever they occur in the bill and insert in lieu thereof the words "Commissioners of Railroads,"

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 44, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Reed,
Bowen,	Ingebretson,	Richardson,
Brittin,	Ink,	Selby,
Buchanan,	McCormick,	Stadleman,
Bye,	McCullough,	Strom,
Christianson,	McDonald,	Tandberg,
Cole,	McIntyre,	Thomson of Walsh,
Court,	Milsted,	Ueland,
Estabrook,	Moore,	Walsh,
Green,	Montgomery,	Walton,
Gronli,	Murphy,	Watt,
Hankinson,	Nedrud,	Wickham,
Haugen,	Norton,	Williams,
Hangerud,	Olsgard,	Zimmer.
Heglie,	Rawlings,	

Those who voted in the negative were

Messrs—	Messrs—	Messrs—
Balkan,	Jahr,	Stevens,
Beard,	Johnson,	Thomas,
Belden,	Lilly,	Tyler.
Currier,	Lutz,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Renaud,	Thompson of Cass,
Langer,	Roney,	Mr. Speaker.
Pinkham,		

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

So the bill passed and the title of the bill was agreed to.
House Bill No. 74,

A bill for an act to provide for the erection and operation of a State Normal School at Valley City, Barnes county, North Dakota,

Was read the third time, and

Mr. McDonald moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Speaker called Mr. McCullough to the Chair.

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

Was read the third time, and

Mr. Williams (by unanimous consent) moved

To amend the bill by striking out Section 7,

Which motion prevailed, and

The bill was so amended.

Mr. McCormick moved

That the bill be recommitted,

Which motion was lost.

The question being on the passage of the bill as amended,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Rawlings,

Messrs--

Reed,
Richardson,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Foss,
Langer,
Moore,

Messrs—

Olsgard,
Pinkham,
Renaud,

Messrs—

Roney,
Mr. Speaker.

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

So the bill passed, and the title of the bill was agreed to.

House Bill No. 181,

A bill for an act to amend an act entitled "An Act to give publicity to chattel mortgage sales, approved March 8, 1889,"

Was read the third time, and

Mr. Walsh moved

That House Bill No. 181 be recommitted to the Committee on Engrossment for the purpose of proper Engrossment, and that said committee be and are hereby instructed to quote the entire Section 8 of the act entitled "An Act to insure publicity of chattel mortgage sales, approved March 8, 1889," together with the

amendment sought to be added thereto as quoted in Section 2 of said House Bill No. 181,

Which motion prevailed, and
The bill was recommitted.

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the Penitentiary in certain cases,

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

The roll being called there were ayes 40, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Richardson,
Balkan,	Heglie,	Stadleman,
Beard,	Hoyt,	Stevens,
Belden,	Ink,	Strom,
Bowen,	Jahr,	Tandberg,
Brittin,	Lilly,	Thompson of Cass,
Buchanan,	Lutz,	Tyler,
Bye,	McIntyre,	Walsh.
Christianson,	Milsted,	Walton,
Cole,	Montgomery,	Watt,
Court,	Norton,	Wickham,
Green,	Rawlings,	Williams,
Gronli,	Reed,	Mr. Speaker.
Hankinson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	McCormick,	Selby,
Estabrook,	McCullough,	Thomas,
Haugen,	Moore,	Thomson of Walsh,
Ingebretson,	Murphy,	Ueland,
Johnson,	Nedrud,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Olgard,	Renaud,
Langer,	Pinkham,	Roney.
McDonald,		

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused,

And so the bill passed, and the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,)
February 3, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has adopted a motion recalling the message of concurrence to Senate Bill No. 43.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the House take an informal recess of five minutes,
Which motion prevailed, and
The House took a recess.

House reassembled.

Mr. Speaker announced his signature to

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties.

House Bill No. 185,

A bill for an act to prevent the formation of trusts,
Was read the third time, by its title, and

Mr. Ueland moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 80,

A bill for an act to amend Section 6248, Chapter 4 of Penal Code of the Compiled Laws of Dakota, in reference to punishment for Sabbath breaking,

Was read the third time by its title, and

Mr. Zimmer moved

To adopt the report of the Committee on State Affairs,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 191,

A bill for act to declare unlawful trusts and combinations in restraint of trade and products and to provide penalties therefor,
Was read the third time by its title, and

Mr. Rawlings moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 201,

A bill for an act to amend Section 69, Subchapter 2 of Chapter 112 of the Session Laws of 1883, relating to township organization.

Was read the third time, and

Mr. Cole asked unanimous consent to amend the bill by striking out the words and figures "one hundred (100) dollars" and inserting in lieu thereof the words and figures "two hundred (200) dollars,"

Which consent was granted, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Rawlings,
Reed,
Richardson,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Langer,
Pinkham,

Messrs—

Renaud,
Roney,

Messrs—

Stevens,
Tyler.

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

So the bill passed, and the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 3, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in House amendments to

Senate Bill No. 7,

A bill for an act to revise and amend an act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota," approved March 9, 1885.

Also,

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it.

Also,

Senate Bill No. 47,

A bill for an act to promote forest tree culture.

And has refused to concur in the House amendments to Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden.

Also,

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter and to repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the year 1879,

And that the Senate has adopted a motion that the President of the Senate appoint a committee to confer with a like committee from the House upon said amendments, and the President has appointed as such committee on the part of the Senate, Messrs. Barlow, Harmon and Worst, and

On Senate Bill No. 53, Messrs. Worst, Rowe and Barlow.

C. C. BOWSFIELD,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Thompson of Cass, moved

That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bills Nos. 56 and 102.

Mr. Hankinson moved as an amendment,

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which amendment prevailed, and

The question recurring on the original motion as amended,

The original motion prevailed, and

Mr. Speaker called Mr. Lilly to the Chair.

When the committee arose the following report was presented.

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 56,

A bill for an act to sub-divide the Sixth Judicial District of the State of North Dakota, and fix the terms of court therein,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

In Section 1, line 3, of printed bill, strike out the word "first" and insert the word "third."

In Section 4, line 3, of printed bill, strike out the word "first" and insert the word "second." In line 4 strike out the word "December" and insert the word "January."

In Section 7, line 4, of printed bill, strike out the word "first" and insert the word "third." In line 5 of printed bill, strike out the word "May" and insert the word "April," and strike out the word "second" and insert the word "first."

In Section 9, line 4, of printed bill, strike out the word "third" and insert the word "first." In line 5 of printed bill, strike out the word "first" and in-

sert the word "second," and strike out the word "October" and insert the word "September."

Add the following proviso at the end of Section 5 of said bill: "*Provided*, That all cases heretofore instituted and now pending from said county of Williams shall be tried and determined in the district court to be holden in and for the county of Morton."

That the following be added as Section 10:

It shall be the duty of the district judge to hold at least two terms of court annually in such judicial subdivision wherein the time of holding the terms is at the option of said judge as hereinbefore provided.

That Sections 10 and 11 of said bill be numbered 11 and 12 respectively.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

Also, recommend that the bill be further amended as follows:

In line 3 of Section 1, strike out the word "first" and insert instead the word "fourth."

In line 3 of Section 4, strike out the word "first" and insert instead the word "second."

In line 5 of Section 7, strike out the words "second Tuesday of October" and insert instead "first Wednesday after the first Monday in November."

And when so amended that the bill do pass.

Also,

Senate Bill No. 102,

A bill for an act providing for the election of boards of education in cities not organized under General Laws,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

In Section 1, line 3, of printed bill, strike out the word "qualified."

Add in Section 1, line 4, printed bill, after the words "at large" the following: "Qualified to vote at school elections."

Add at the end of Section 1 the following: "*Provided*, That the provisions of this act shall not apply to cities existing under a special enactment incorporating the same, and which are now conducting its schools under the General Common School Laws."

Also, recommend that the word "April" wherever it occurs in the bill be stricken out and the word "June" be substituted therefor,

And when so amended the bill do pass.

Also,

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

And recommend that the following amendments proposed by the Committee on Irrigation be adopted:

In Section 1, in line 2, between the words "State" and "one" insert "on petition of not less than one-fourth of the legal voters of their respective counties."

Also, add to Section 3:

"*Provided*, That but one application from each congressional township shall be granted until all applications that have been received shall have one well."

In the third line of Section 2 strike out the words "within" and insert the word "to."

In the fourth line of Section 5 strike out the words "such artesian well outfit" and insert in lieu thereof the words "the same."

In the fifth line of Section 5 strike out the fifth word of said line, to-wit: the word "so," and in the same line strike out the thirteenth word of said line, which is "the," and insert the word "such" in lieu thereof.

Also, in the sixth line of said section strike out the words "so entitled to the use of the same."

Also, in the seventh line of said section strike out the words "for such artesian well outfit."

Also, in the tenth and eleventh lines of the same section strike out the words "such artesian well outfit," and insert in lieu thereof the words "and operating the same."

And when so amended that the bill do pass.

GEO. W. LILLY,
Chairman.

Mr. Haugerud moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information and to dispense with the calling of grand jurors except by order of the district court judges,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Cole moved

That the House now proceed to the consideration of messages from the Senate,

Which motion prevailed.

Mr. Bowen moved

That the House concur in the Senate amendments to House Bill No. 79,

Which motion prevailed, and

The question being on the passage of

House Bill No. 79,

A bill for an act to suppress in this State the selling, lending or giving away to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds,

As amended,

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Gronli,
Hankinson,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Rawlings,

Messrs—

Reed,
Richardson,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Foss,
Green,
Haugen,
Langer,

Messrs—

McIntyre,
Milsted,
Pinkham,
Renaud,

Messrs—

Roney,
Stevens,
Thompson of Cass,
Mr. Speaker.

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

And so the bill as amended passed, and the title of the bill was agreed to.

Mr. Williams moved

That the House concur in the Senate amendments to House Bill No. 94,

Which motion prevailed, and

The question being shall

House Bill No. 94,

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

Pass, as amended,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,

Messrs—

Richardson,
Selby,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,

Messrs—	Messrs—	Messrs—
Court,	McDonald,	Walsh,
Currier,	Moore,	Walton,
Estabrook,	Montgomery,	Watt,
Gronli,	Murphy,	Wickham,
Hankinson,	Nedrud,	Williams,
Haugen,	Norton,	Zimmer,
Haugerud,	Olsgard,	Mr. Speaker.
Heglie,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McIntyre,	Renaud,
Foss,	Milsted,	Roney,
Green,	Pinkham,	Stadleman,
Langer,	Reed.	Stevens.

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

And so the bill as amended passed, and the title of the bill was agreed to.

Mr. Williams moved

That the House concur in the Senate amendments to

House Bill No. 171,

Which motion prevailed, and

The question being shall

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

Pass, as amended,

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings,
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Selby,
Belden,	Jahr,	Strom,
Bowen,	Johnson,	Tandberg,
Brittin,	Lilly,	Thomas,
Bye,	Lutz,	Thompson of Cass,
Cole,	McCullough,	Thomson of Walsh,
Court,	McDonald,	Tyler,
Currier,	Milsted,	Ueland,
Estabrook,	Moore,	Walsh.
Gronli,	Montgomery,	Walton,
Hankinson,	Murphy	Watt,
Haugen,	Nedrud,	Wickham,
Haugerud,	Norton,	Williams,
Heglie,	Olsgard,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McIntyre,	Roney,
Foss,	Pinkham,	Stadleman,
Green,	Reed,	Stevens,
Langer	Renaud,	Zimmer.
McCormick,		

Mr. Christianson voting in the negative.

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

And so the bill as amended passed, and the title of the bill was agreed to.

Mr. Selby moved

That the Speaker appoint a conference committee of three to confer with a similar committee from the Senate on Senate Bill No. 34,

Also, a conference committee of three to confer with a similar committee of three from the Senate, to confer and settle the differences on Senate Bill No. 53,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion was withdrawn.

Mr. Wickham moved

That the rules be suspended, and that

Senate Bill No 56 be now read the third time and placed on its final passage,

Which motion prevailed, and

Senate Bill No. 56,

A bill for an act to subdivide the Sixth Judicial District of the State of North Dakota, and fix the terms of court therein,

Was read the third time, and

Mr. Thompson of Cass, moved

To strike out the word "that" in line 1 of Section 11 and insert the word "the,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingerbretson,
Ink,
Jahr,
Johnson,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Richardson,
Selby,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Bowen,
Buchanan,
Foss,
Langer,

Messrs—

Lilly,
McDonald,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Roney,
Stadleman,
Stevens.

Messrs. Foss, Langer, Pinkham, Renaud and Roney being excused.

So the bill passed, and the title of the bill was agreed to.

The committee to correct and revise the Journal of February 1st made the following report:

MR. SPEAKER:

Your committee to revise the House Journal of February 1st beg leave to report said Journal as correct.

NELS TANDBERG,
Chairman.

Mr. Walsh moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 4, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Foss and Tandberg, who were excused.

Mr. Reed moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Reed, Heglie and Nedrud.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 94,

A bill for an act fixing the penalty for wilful neglect of officers to make reports required by law,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with calling of grand jurors, except by order of the district court judges.

Also,

House Bill No. 94,

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

Mr. Speaker appointed as the committee on the part of the House to confer with a similar committee from the Senate on Senate Bill No. 34, Messrs. Reed, Thomas and Hoyt. Also, as the committee on the part of the House to confer with a similar committee from the Senate on Senate Bill No. 53, Messrs. Selby, Thompson and Stevens.

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. 24,

A bill for an act indemnifying the owners of sheep in case of damage by dogs and creating a fund to pay for the same by a tax on dogs,

Have had the same under consideration and recommend that all after the enacting clause be stricken out and the following inserted in lieu thereof:

A BILL

For An Act Entitled "An Act Inndemnifying the Owners of Sheep in Case of Damage by Dogs, and Creating a Fund to Pay for the Same by a Tax on Dogs."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. ASSESSOR TO MAKE LIST.] That each county and township assessor in this State, when making the assessment shall annually make a list of the names of all persons who own or keep a dog or dogs, and set opposite the name of such owner or keeper the number of dogs he or she has in his or her possession, or that is or are kept on his or her premises, which list shall be returned by such assessor to the auditor of the county in which said list is taken as soon as the assessment is completed.

SEC. 2. LICENSE FEE.] The county auditor shall charge upon the collector's book against the name of each person reported and returned as the owner or keeper of a dog or dogs, as a license fee the sum of \$1 for each male and \$2 for each female dog owned or kept by such person, which fee shall be collected at the same time and in the same manner as taxes upon personal property. In counties not under township organization, the collector shall pay the amount received from the licenses aforesaid to the treasurer of his county, and in counties under township organization the sum so collected in each town, shall be paid by the collector to the supervisor of his town, who shall first give to the people of the State of North Dakota, for the use of the inhabitants of his town, a bond with at least two sureties to be approved by the board of supervisors of his county, in double the sum of such license fees in his town, conditioned that he will faithfully pay out said fund as hereinafter provided. Said bond shall be filed and remain in the office of the county auditor of the proper county.

SEC. 3. LICENSE FUND, HOW PAID OUT.] It shall be the duty of the county treasurers and supervisors having the custody of the funds collected as license fees as aforesaid, to pay the same out in the manner following:

First: By such county treasurers to the owners or sheep in their respec-

tive counties, and by the supervisors to the owners of sheep in their respective towns, who shall make proof to them before the first Monday of March in each year, of loss or injury to sheep by dogs, other than their own, the full amount of the loss or injury so proved, if there are funds sufficient to pay the same; if there be not sufficient funds to pay such loss or injury in full, then the owners of sheep so sustaining loss or injury as aforesaid, and making proof thereof as in this act provided, shall be paid out of such fund in proportion to his or her loss or injury, or his or her pro rata share thereof.

Second: If there be a balance of said license fund left in the hands of the county treasurer or town supervisor after paying the losses and injuries sustained as aforesaid, such balance shall be turned into the current county funds in counties not under township organization, and be appropriated as the county board may direct; and by the supervisor of the town, in counties under township organization, into the general fund of the town, to be disposed of as such town shall see proper.

SEC. 4. PAYMENT NOT TO BAR ACTION—WHEN.] The payment to any owner of sheep of money for damages resulting from loss or injury to his or her sheep shall not be a bar to an action by such owner against the owner or keeper of the dog or dogs committing such injury or causing such loss for the recovery of damages therefor. The court or jury before whom such action is tried shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the county treasurer, or supervisor of the proper county or town; and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff, for the use of the proper county or town, as the case may be, for the amount which the plaintiff has received on account of such damages from the county treasurer, or supervisor of the proper county or town, if such recovery shall equal or exceed the amount so received by such plaintiff from the county treasurer, or town supervisor of his county or town; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use; if the amount of recovery in such action shall not equal the amount previously paid to the plaintiff on account of such damages by the county treasurer, or the town supervisors of the proper county or town, then the judgment shall be entered as aforesaid for the use of such county or town for the full amount of such recovery. Writs of execution issued upon such judgment shall show on their face what portion of the judgment is to be paid to the proper county or town, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto, in their proper proportions.

SEC. 5. PROOF OF DAMAGES—PROCEEDINGS BEFORE JUSTICE—FILING COPY OF JUDGMENT.] No person having sheep killed or injured, as aforesaid, shall be entitled to receive any portion of the funds herein provided for, unless he shall appear before the nearest justice of the peace who can be found, within three days from the time when such injury or damage is discovered, and make affidavit stating the number of sheep killed or injured, that the name of the owner or keeper of the dog or dogs which destroyed or injured the applicant's sheep, is or are unknown, or if known, then stating the name, and that such owner or keeper is insolvent, and that the applicant has recovered no compensation from the owner or keeper, or any other person for the damage sustained, and thereupon the said justice of the peace shall enter the same on his docket in the same manner as other suits are docketed, and shall proceed to hear testimony of one or more freeholders as to the number and value of the sheep killed or injured, and from such evidence shall find the damages sustained, and shall make a record of his finding as of judgments in other cases. He shall, upon the request of the applicant in such proceeding, make a certified copy from his docket of said proceeding, and the same, with the original affidavit of the applicant, shall be filed with the county treasurer in counties not under township organization, and in counties under township organization with the supervisor of the town in which such sheep were injured or destroyed, within ten days thereafter, and when so filed shall be sufficient evidence of loss

or damages by dogs as aforesaid, and the license fund as aforesaid, shall be paid out thereupon on the first Monday of March in each year, as hereinbefore provided.

SEC. 6. FEES OF JUSTICES AND WITNESSES.] The justice of the peace before whom such application is made, shall receive for hearing and certifying the same the sum of \$1; and the witnesses, not exceeding three, shall be allowed 50 cents each. All fees given for services under this act shall be paid out of the fund created by this act prior to its disposition as provided in the third section of this act.

SEC. 7. MEANING OF DOG.] The word "dog," as used in this act, shall be held and construed to mean all animals of the canine species, both male and female.

SEC. 8. OWNER LIABLE.] The owner of any dog or dogs shall be liable in an action on the case for all damages that may accrue to any person or persons in this State, by reason of such dog or dogs killing, wounding or chasing any sheep or other domestic animal belonging to such other person or persons; and when the amount of such damages does not exceed \$100 the same may be recovered by an action before a justice of the peace.

SEC. 9. WHEN DOG MAY BE KILLED.] If any person shall discover any dog or dogs in the act of killing, wounding or chasing sheep in any portion of this State, or shall discover any dog or dogs under such circumstances as to satisfactorily show that such dog or dogs has been recently engaged in killing, or chasing sheep for the purpose of killing them, such person is authorized to immediately pursue and kill such dog or dogs.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 11. Inasmuch as there is no provision for the protection of sheep in the existing laws; *Therefore*, This act shall be in force from and after its passage and approval.

And when so amended recommend that said bill do pass,
Also, recommend that House Bill No. 25 be indefinitely postponed.

A. C. NEDRUD,
Chairman.

Mr. Hankinson moved
That the reading of the report of the committee be dispensed with until it shall be printed in the Journal,
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors,

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

At the end of Section 1 add the following: "Such inspector may appoint as many deputies as he may deem necessary."

And when so amended recommend that said bill do pass.

A. C. NEDRUD,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 243,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor,

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

Strike out Section 1 of said bill and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful to incumber both chattel and real property by and in one and the same mortgage. It shall be unlawful for any register of deeds within this State to receive for record or filing, or for both, any mortgage incumbering both chattel and real property. Any mortgage incumbering both chattel and real property is hereby declared illegal and void."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 239,

A bill for act to amend Section 3 of Chapter 50 of the Political Code, in relation to the registration of warrants,

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

Insert after the figures "50" in line 1, Section 1, of printed bill, the following: "Being Section 1673 of the Compiled Laws."

That the following words be inserted after the word "Code" in line 2, Section 1 of the printed bill, to-wit: "being Section 1673 of the Compiled Laws."

And insert immediately preceding the word "it" at the beginning of line 3 in Section 1, of the printed bill, the following: "Section 3."

And when so amended recommend that said bill be recommitted to the Committee on Ways and Means.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved

That the report of the committee be be adopted,

Which motion prevailed, and

The report was adopted, and the bill amended and referred to the Committee on Ways and Means.

The Committee on Public Buildings made the following report:

MR. SPEAKER:

Your Committee on Public Buildings to whom was referred
Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,

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

Amend Section 2, in line 3 and 4 as follows:

Strike out the words "all proceeds from sales thereof" and insert in lieu thereof the following: "All proceeds accumulating in the interest and income fund arising from the sale or renting thereof."

Amend Section 4, printed bill, line 3, by striking out the words "be appointed."

Also, amend Section 4, in line 4, by striking out the word "Legislature" and inserting in lieu thereof "Legislative Assembly," and in line 5 strike out the word "Legislature" and insert in lieu thereof the words "Legislative Assembly."

Also, amend Section 7 by inserting in line 13, after the word "the" in printed bill, the following: "Interest and income derived from the fund accumulating from the renting or."

Further amend by striking out the words "State Legislature or Legislature" wherever they occur in said bill, and insert in lieu thereof the words "Legislative Assembly."

Amend Section 11 of printed bill by striking out of line 1 the word "president" and inserting in lieu thereof the word "principal."

Amend Section 12 by striking out of line 2, printed bill, the first word "and," and insert in lieu thereof the word "who."

Amend Section 17, printed bill, in line 1, by adding after the word "the" the following: "Interest and income derived from the renting and."

And when so amended recommend that said bill do pass.

E. A. WILLIAMS,
Chairman.

Mr. Strom moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The Committee on Apportionment made the following report:

MR. SPEAKER:

Your Committee on Apportionment to whom was referred

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative district,

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

Strike out the preamble as far as the enacting clause. Then insert as Section 1 the following: "That townships 155, 156, 157 and 158, of Range 59, of Walsh county, North Dakota, are hereby attached to and made a part of the Third Legislative District.

And when so amended recommend that said bill do pass.

L. A. UELAND,
Chairman.

Mr. McCullough moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the Committee on Apportionment was adopted.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the penitentiary in certain cases.

Also,

House Bill No. 112,

A bill for an act regulating the practice in the Supreme Court.
 Also,
 House Bill No. 229,
 A bill for an act to amend Section 38 of Chapter 27 of the Political Code known as Section 1470 of the Compiled Laws of 1887.

Also,
 House Bill No. 167,
 A bill for an act to provide for covering into the State Treasury all fees and profits arising from any of the State offices.

Also,
 House Bill No. 146,
 A bill for an act to amend Chapter 23 of the Session Laws of 1879.

Also,
 House Bill No. 205,
 A bill for an act to provide for the payment of the expenses of the Constitutional Convention in excess of the \$20,000 appropriated therefor, and making an appropriation for the payment thereof.

Also,
 House Bill No. 221,
 A bill for an act to prohibit the blacklisting or publishing of employes when they shall have been discharged, and fixing the punishment of the same.

Also,
 House Bill No. 103,
 A bill for an act to encourage the development of the coal mines of the State and to determine the kind of coal that shall be used as fuel in the various State institutions,

Also,
 House Bill No. 216,
 A bill for an act to exempt pension money from levy and attachment and judicial sale for debt.

And find the same correctly engrossed.

E. W. BOWEN,
 Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Olsgard introduced—
 House Bill No. 257,
 A bill for an act to amend Chapter 34 of the Penal Code of the Territory of Dakota.

Also,
 House Bill No. 258,
 A bill for an act to re-enact and amend Chapter 35 of the Penal Code of the Territory of Dakota.
 Mr. Strom introduced—

House Bill No. 259,

A bill for an act to amend Section 9 of an act, entitled "An Act to prevent the trespass upon school and public lands, and to recover damages therefor," passed by the First Legislative Assembly of the State of North Dakota, and approved January 13, A. D. 1890.

Mr. Milsted introduced—

House Bill No. 260,

A bill for an act amending Section 6 of Chapter 26 of the Laws of 1889, in relation to the foreclosure and sale of property under chattel mortgage.

Mr. Williams introduced—

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary.

Mr. Ink introduced —

House Bill No. 262,

A bill for an act to encourage the culture of sugar beet and the manufacture of sugar from the same.

Mr. Tyler introduced—

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

Also,

House Bill No. 264,

A bill for an act to repeal Sections 2 and 3 of Chapter 55 of the Laws of 1883.

Mr. Bowen introduced—

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain.

Mr. Norton introduced—

House Bill No. 266.

A bill for an act amending the act prescribing fees of abstractors.

Mr. Speaker announced his signature to

Senate Bill No. 7,

A bill for an act to revise and amend an act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota," approved March 9, 1885.

Also,

Senate Bill No. 30,

A bill for an act authorizing and requiring the Commissioner of Insurance of the State of North Dakota to revoke the authority granted any insurance company to do business within the State

of North Dakota on the failure of such company, so authorized to transact business, to satisfy any execution on any judgment against it.

Also,

Senate Bill No. 47,

A bill for an act to promote forest tree culture.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Selby moved

That the rules be suspended, and that all House bills that are printed and all Senate bills on their first reading be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of the business on the Clerk's desk.

Which motion was withdrawn.

House Bill No. 245,

A bill for an act to amend Section 1814 of the Civil Code, being Section 4450 of the Compiled Laws of Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 246,

A bill for an act to provide for the establishment of an industrial school and school of manual training at the city of Ellendale in the county of Dickey, agreeable to the provision made for the same in Article 19 of the Constitution of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Educational Institutions.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 10,

A bill for an act to provide for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 77,

A bill for an act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with the calling of grand jurors, except by order of the district court judges.

Also,

House Bill No. 94,

A bill for an act fixing the penalty for wilfull neglect of officers to make reports required by law,

Were delivered to his Excellency, the Governor, for his approval at the hour of 2:30 o'clock p. m., February 4, 1890.

GEO. H. WALSH,
Chairman.

The committee to revise and correct the Journal of February 3d made the following report:

MR. SPEAKER:

Your committee appointed to correct the Journal of February 3d, have had the same under consideration and find that on page 7, line 1, after the word "the" should read as follows: "Adoption of the substitute section as amended. The substitute section as amended was adopted." And with this correction find the Journal to be correct.

JAMES E. REED,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 4, 1890. {

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to

Senate Bill No. 52,

A bill for an act to authorize and empower the State Auditor and State Treasurer to act as a commission on the part of this State to meet with a commission hereafter to be appointed from the State of South Dakota, to audit and pay the outstanding indebtedness of the late Territory of Dakota,

And have refused to concur in House amendments to

Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at railroad crossings, and the maintenance of depots at the same,

And that the Senate has adopted a motion that the President of the Senate appoint a conference committee to confer with a like committee of the House upon said amendments, and the President has appointed as such committee on the part of the Senate Messrs. Smith, Robinson and McBride.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved

That the Speaker appoint a conference committee of three to confer with a similar committee from the Senate on Senate Bill No. 43,

Which motion prevailed, and

Mr. Speaker appointed as such committee on the part of the House, Messrs. Bowen, Haugen and Belden.

Mr. Speaker called Mr. Buchanan to the Chair.

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code, relating to the renewal of chattel mortgages,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 248,

A bill for an act to prevent fraudulent transactions on the part of commission merchants and other consignees of goods,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 250,

A bill for an act to provide that the mortgagor of a stock of goods or stock in trade shall be required to file an inventory of sale and additions to his stock every sixty days,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 251,

A bill for an act to amend Section 2, of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws,

Was read the first and second times, and referred to the Committee on Public Printing.

House Bill No. 254,

A bill for an act to license express companies,

Was read the first and second times, and

Mr. Zimmer moved

That the bill be referred to the Committee on State Affairs,

Which motion prevailed, and

The bill was so referred.

House Bill No. 255,

A bill for an act to amend Section 112 of the Justice Code of the State of North Dakota, providing for a change of venue in criminal proceedings,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise, for parks and public grounds and protection of such real estate,

Was read the first and second times, and referred to the Committee on Municipal Corporations.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 173,

A bill for an act to secure to laborers in and about coal mines and manufactories the payment of their wages at regular intervals and in lawful money of the United States.

Also,

House Bill No. 127,

A bill for an act providing standing annual appropriations for the salaries of State officials.

Also,

House Bill No. 217,

A bill for an act to facilitate the collection of wages.

Also,

House Bill No. 126,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code of Civil Procedure of Dakota Territory, as published in Livisee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory for the year 1887; also, Sections 5213 to 5239, both inclusive of the Compiled Laws of the Territory of Dakota of the year 1887.

Also,

House Bill No. 211,

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage.

Also,

House Bill No. 214,

A bill for an act to provide for the support of married women.

Also,

House Bill No. 227,

A bill for an act to establish a legal holiday,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Speaker announced an informal recess.

House reassembled.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Stevens moved

That the House do now proceed to the first and second reading of Senate bills,

Which motion prevailed, and

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges, within the county limits wherein the cost of construction of the same exceeds the sum of \$100,

Was read the first and second times, and referred to the Committee on Counties.

Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines and separators for repairing the same,

Was read the first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 144,

A bill for an act to provide for the issuing of warrants to pay the expenses of the Constitutional Convention, and to provide for the payment of the same,

Was read the first and second times, and referred to the Committee on Appropriations,

Senate Bill No. 125,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized,

Was read the first and second times, and referred to the Committee on Municipal Corporations.

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session Laws of 1887,

Was read the first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 95,

A bill for an act to amend Section 5128 of the Compiled Laws of 1887,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,

Was read the first and second times, and referred to the Committee on Woman Suffrage.

Senate Bill No. 108,

A bill for an act authorizing the Governor and Secretary of State to provide furniture and supplies for the various State officers, and making appropriations therefor,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 137,

A bill for an act to amend Section 77 of the Civil Code of 1877, entitled "Husband and Wife,"

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner,

Was read the first and second times, and referred to the Committee on Counties.

Senate Bill No. 132,

A bill for an act providing for an appropriation to pay the necessary expenses of the Commissioner of Agriculture and Labor incurred in looking after the reception and distribution of supplies for needy sufferers in North Dakota, and in furnishing aid when deemed necessary,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 153,

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

Was read the first and second times, and referred to the Committee on Counties.

Mr. Speaker called Mr. Richardson to the Chair.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the consideration of the business on the Clerk's desk,

Which motion was withdrawn.

The Joint Committee to confer and settle the differences on Senate Bill No. 43 made the following report:

MR. SPEAKER:

The committee of conference as to Senate Bill No. 43 make the following report:

In Section 2, line 2 of the original bill, strike out the words "the limits" and insert in lieu thereof the following words: "Ten miles."

And as so amended recommended that said bill do pass.

J. O. SMITH,
J. M. McBRIDE,
W. H. ROBINSON,
Conferees on part of Senate.
E. W. BOWEN,
W. L. BELDEN,
A. P. HAUGEN,
Conferees on part of House.

Mr. Bowen moved

To adopt the report,

Which motion prevailed, and

The question being shall

Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,

Pass, as amended by the adoption of the report of the conference committee,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,

Messrs—

Hoyt,
Ingebretson,
Jahr,

Messrs—

Reed,
Renaud,
Richardson,

Messrs—	Messrs—	Messrs—
Bowen,	Johnson,	Roney,
Brittin,	Lilly,	Selby,
Buchanan,	Lutz,	Stadleman,
Bye,	McCormick,	Stevens,
Christianson,	McDonald,	Strom,
Cole,	McIntyre,	Thomas,
Court,	Milsted,	Thompson of Cass,
Currier,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy,	Walsh,
Green,	Nedrud,	Walton,
Gronli,	Norton,	Watt,
Hankinson,	Olsgard,	Wickham,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Zimmer.
Heglie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McCullough,	Tyler,
Foss,	Moore,	Ueland,
Ink,	Tandberg,	Mr. Speaker.
Langer,		

Messrs. Foss and Tandberg being excused.

And so the bill as amended by the conference committee passed,
And the title of the bill was agreed to.

Mr. Stevens (by unanimous consent) made the following report
of the Committee on Railroads:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
Senate Bill No. 62,

A bill for an act to require all railroad corporations doing business in the State of North Dakota to file with the county clerk in which any railroad or part thereof may be located, a map showing all railroad right of way owned by said corporation,

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

Amend the title to said bill by inserting after the word "clerk" in line 5, original bill, the words "of any county."

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

Mr. Stevens moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Selby moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

SEVENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 5, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Foss, Moore and Walton, excused.

Mr. Bowen moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Bowen, Ink and Murphy.

Mr. Bowen was excused from attendance on Thursday and Friday's sessions.

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. 18,

A bill for an act to amend an act entitled "An Act providing for the levy and collection of taxes upon property of railroad companies in this territory and approved March 7, 1889,"

Have had the same under consideration and recommend that said bill be amended by striking out Sections 2 and 3 of said bill,

And when so amended recommend that said bill be recommitted to the Committee on Ways and Means.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass moved

That the report be adopted so far as it relates to the recommitment of the bill,

Which motion prevailed, and
The bill was recommitted.

The Committee on Judiciary made the following majority report on House Bill No. 98:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senator,

Have had the same under consideration and a majority of the the committee present recommend that said bill do pass, and instructed the Chairman to so report.

F. J. THOMPSON,
Chairman.

And the following minority report:

The Committee on Judiciary made the following minority report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 98,

A bill for an act entitled, "An act to allow the electors of the State of North Dakota to express their preference for United States Senator,"

Have had the same under consideration and a minority of the committee present recommend that said bill do not pass for the following reasons:

The statutes of the United States prescribe how United States Senators shall be elected, viz: By the members of the State Legislature.

Were this bill to become a law it would have no legal, and but little moral binding, upon the members of the State Legislative Assembly.

The duty of a member of this body to his constituents extends so far only as his best judgment dictates. To go beyond this is to become a tool, a machine without will or manhood.

If the people by a popular vote have expressed their preference for a United States Senator, it would, perhaps, be the duty of every member to his State to ascertain the qualification and fitness of the person so preferred. Yet, if in a member's best judgment, he became convinced that there are other aspirants better fitted and more worthy, his highest duty would be to his conscience; yet in the very performance of that duty obliquy and reproach would be upon him, and dissatisfaction and distrust would arise to impugn the motive, however pure and honest. In short, his judgment would be envired, and the free exercise of his functions as a legislator hampered and restrained.

The result of all elections is a positive one. This is the object and design of the elective franchise.

The fewer distracting issues in any election, the better can the judgment of the people be obtained.

Were this bill to become a law, the result obtained would be at best a negative one, while the means by which it was gotten would be equally as disturbing as those the result of which is positive and binding; hence, real and positive issues would suffer, and the judgment be diluted by the distracting influence of an issue impotent and negative.

The laws of the federal government grant certain appointing powers to the

President of the United States. The laws of the several states confer upon the Governor the power to fill certain offices by appointment. Would it not be, at least, questionable policy to submit to a vote of the people their preference for the persons to fill these appointive offices? Would it not be *quasi* taking away from the person having appointive powers, the right granted by law, as well as a reflection upon their judgment and understanding? The same rule must apply in the case at hand: Congress has granted the State Legislatures the right and power to elect United States Senators, and it seems to us as absurd to enact a law submitting the judgment and discretion granted us by Congress to a popular vote as it would be to submit in the same manner the judgment and discretion given the President or the Governor of the State. For these reasons we believe that the provisions of this bill are not only bad policy, but a reflection upon the wisdom of Congress to say nothing of those who shall hereafter occupy our places in this Assembly.

Respectfully submitted,

F. J. THOMPSON,
R. N. STEVENS,
E. A. WILLIAMS,
W. B. ALLEN,
GEO. H. WALSH.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 199,

A bill for an act to encourage the propagation and cultivation of, and to secure the protection of fishes in all the waters of the State,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

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 an act to fix the number of officers and employes of the Legislative Assembly of the State of North Dakota, and to provide for the compensation and payment of the same,

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

Under the Constitution of the State, each House is sole judge of the election and qualifications of its own members, and it follows therefrom that each House should be the sole judge of the number of its officers and employes necessary to properly transact its business, and should be empowered to fix the compensation of such officers and employes, to be graded according to the work each House exacts. The House has by resolutions, therefore, adopted as well as by electing its officers, determined the number of its employes, defined their duties and fixed their compensation, hence, your committee have decided that the action of the Senate, so far as it relates to Senate employes, should stand and that Section 3 relating to the House of Representatives be amended as follows:

In Subdivision 1 strike out the word "two" before "dollars" and insert the word "three."

In Subdivision 2 strike out the word "seven" before "dollars" and insert the word "eight."

In Subdivision 5 strike out the word "five" before "dollars" and insert the word "six."

In Subdivision 9 strike out the word "three" before the word "dollars" and insert the word "five."

Also, strike out the word "four" and insert the word "five."

In Subdivision 10 strike out the word "four" before the word "dollars" and insert the word "five."

In Subdivision 14 strike out the word "three" before the word "dollars" and insert the word "five."

In Subdivision 15 strike out the word "three" before the word "dollars" and insert the word "five."

In Subdivision 17 strike out all after the words "per day" and insert the following in lieu thereof:

SEC. 13. It shall be the duty of the Secretary of the Senate and the Chief Clerk of the House, at the close of each session to prepare for the press and superintend the publication of the journals of the proceedings of their respective houses, and to affix an index thereto, and to transcribe into a book kept for that purpose the documents accompanying the message of the Governor, or by him sent to either House, other than those entered on the Journal or the documents reported to either branch of the Legislative Assembly by any public officer of the State in pursuance of law, for which service they shall be allowed such compensation as the Legislature shall from time to time determine, but in no event to be less than their regular *per diem*, for the time actually employed in performing said labor. And the State Auditor is hereby instructed on presentation of a verified account for not to exceed sixty days, and of proof that the records have been completed as herein required, to draw his warrant on the State Treasurer for the amount of such account.

Insert the following as Section 7:

SEC. 7. *Provided*, That no judge or clerk of any court, Secretary of State, Attorney General, register of deeds, sheriff or person holding any office of profit under this State, except in the militia or office of attorney at law, notary public or justice of the peace, and no person holding any office of profit or honor under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of \$300, shall be entitled to any of the benefits of this act. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$50 nor more than \$200, and forfeit any and every office to which they have been elected or appointed.

Renumber Section 7 as 8 and Section 8 as 9.

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

Mr. Currier moved

That the reading of the report of the Committee on State Affairs on Senate Bill No. 133 be dispensed with until it shall be printed,

Which motion prevailed.

Mr. McCormick moved

That the rules be suspended, and that the House proceed to the consideration of Senate Bill No. 115,

Which motion prevailed.

Mr. McCormick moved

That Senate Bill No. 115 be now placed upon its third reading and final passage,

Which motion prevailed.

Mr. Stevens moved

That the rules be suspended and that the presentation and consideration of amendments to Senate Bill No. 115 on its third reading be permitted,

Which motion prevailed, and

Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein,

Was read the third time, and considered section by section.

Mr. Stevens moved

To amend the bill by striking out the words "or partial" in line 2 of Section 1, and add after the word "failure" the words "at least one-fourth of the county in bushels,"

Which motion was lost, and

The amendment was lost.

Mr. Ueland moved

That the following amendments proposed by the Committee on Agriculture be adopted:

In Section 6, printed bill, strike out the word "national" and insert in lieu thereof the word "any," and insert after the word "bank," same section, the following: "Furnishing satisfactory security."

In Section 7, line 2, printed bill, strike out the word "wheat" and insert the word "grain"; in line 4, after the word "wheat" add the following: "Or its equivalent in any grain."

In Section 16, line 6, printed bill, after the word "March" add the following: "Provided, That no distribution of seed grain under the provisions of this act shall take place prior to the 10th day of March." And also add the following section.

SEC. 20. In case a sufficient fund has been paid into the county treasury in any one year, as provided in Section 11 of this act, on or before November 1st, to meet the interest and sinking fund provided for in this act, then there shall be no tax assessed for such purposes in that year, and in no year shall there be a greater sum assessed than will, together with the balance at that date in the treasury belonging to the seed grain fund, be sufficient to meet said interest and sinking fund promptly for that year.

Also, make the emergency clause Section 21.

Which motion prevailed, and

The bill was so amended.

Mr. Ueland moved

That the bill be further amended by striking out the following amendment to Section 7 of the printed bill, and add it at the close of Section 6 of the written bill:

The board of county commissioners may issue warrants instead of bonds, if in their judgment the best interests of the county are thereby served; *Provided*, That such warrants shall not be issued in any amount to exceed \$3,000.

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

That the bill and amendments be recommitted to the Committee on Agriculture.

Mr. Bowen moved

That the bill be referred to the Committee on Engrossment,

and that it be made a special order for to-morrow at 3 o'clock p. m.,

Which motion prevailed.

Mr. Thompson of Cass, made a verbal report of the Judiciary Committee, reporting House Bill No. 48 back to the House without recommendation, and

Moved that the rules be suspended and that the bill be placed upon its final passage,

Which motion prevailed, and

The question being shall

House Bill No. 48,

A bill for an act to amend Chapter 3, Article 1, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws 1889, relating to publication of insurance statements,

Pass as amended by the Senate,

The roll being called there were ayes 56, nays, none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingerbretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Moore,

Messrs—

Murphy,
Tyler,

Messrs—

Walton,
Zimmer.

Messrs. Foss, Moore and Walton being excused.

So the bill passed as amended by the Senate, and the title of the bill was agreed to.

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 48 of the Civil Code, and to repeal Sections 50 and 53 of the Civil Code,

Have had the same under consideration and recommend that said bill be reported back without recommendation.

F. J. THOMPSON,
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 79,

A bill for an act to suppress the selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.

Also,

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture.

Have had the same under consideration and return it without recommendation.

Also,

House Bill No. 241,

A bill for an act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota,

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

C. A. CURRIER,
Chairman.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred

House Bill No. 198,

A bill for an act to provide for an uniform system of free public schools throughout the State,

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

In Article 1, Section 1, add at end of section "He shall also execute a bond

to the State of North Dakota in the penal sum of \$5,000 with at least two sureties to be approved by the Governor and Attorney General."

In line 1, Section 9, same article, strike out the word "fair" and insert the words "complete" in lieu thereof.

In Section 15, same article, and line 3 strike out the word "ten" and insert the word "five," and in line 5 after the word "State," insert the words "one to the president of each school board in the State."

In Article 2, line 5, Section 1, strike out the words "*Provided, That,*" and insert the word "except," and in line 7 after the figures "1888" insert the words "in which" after "1891;" in line 8 insert the words "at which time the newly elected superintendent shall qualify and enter upon the duties of his office."

In Article 4 add at the end of Section 1 the following: "At the first election for the organization of a new school district there shall be elected at large for such school district three directors, one to serve until the first annual election; one to serve until the second annual election, and one to serve until the third annual election thereafter, and a school treasurer to serve until the annual election in the next even numbered year, and until their successors are elected and qualified."

In Article 5, Section 5, line 1 strike out the words "a true and fair" and insert the words "an accurate," also; in line 5 after the word "not" strike out the words "to exceed twenty-five dollars a year," and insert the words "less than fifteen nor more than forty dollars for each year."

In Section 9 after the word "warrant" in line 17 strike out the word "twenty" and insert the word "ten."

In Section 11 after the word "collected" at the end of line 7 insert the words "for the district shall be paid to the district treasurer, and any money collected for fines."

In Article 6, in Section 11, line 20, strike out the words "a majority of three-fifths" and insert the words "a vote of three-fifths of the voters of the district."

In Section 16 strike out all after the word "the," in line 23, down to and including the word "but," in line 24, and insert the word "districts so uniting; and."

Also, in line 26, same section, strike out the words "average attendance of the pupils from each," and insert the words "assessed valuation of the property in each."

In Section 17, line 3, strike out the word "residing" and insert the words "having their legal residence."

In Article 7, in Section 3, line 7, after the word "counties" insert the words "and the State Treasurer shall forward to the county treasurer of each county to which a balance is due the amount due such county, and take his receipt therefor, and make demand upon the county treasurer of each county from which a balance is due, and such county treasurer shall forward such balance immediately to the State Treasurer, taking his receipt therefor."

In Section 9, line 4, strike out the word "annual."

In Article 11, Section 2, line 12, after the word "examination" insert the words "*Provided, That* any person who is a graduate of the four years' normal course in the State University of North Dakota, and who has had three years' successful experience as a teacher may be granted such professional certificate without further examination," and insert after the word "*Provided,*" in line 13 the word "*further.*"

In Section 3 after the word "State" in line 11 insert the words "*Provided, That* any person who is a graduate of the four years' normal course in the State University of North Dakota, and who has had one year's successful experience as a teacher, may be granted such normal certificate without further examination." After the word "*Provided*" in line 11, same section, insert the word "*further.*"

In Article 11, Section 7, line 8, after the word "renewed" insert the word "once."

In Section 9, line 6, after the word "duty" insert the word "or."

In Article 14, Section 1, line 3, before the word "universities" insert the word "private."

That Article 16 be stricken out of the bill, and the remaining articles renumbered so as to be in consecutive order.

In Article 18, Section 2, line 14, after the word "thereafter" insert the words "except for a different amount."

In Article 19, Section 1, line 1, after the word "cities" insert the word "and incorporated."

In Section 13, Subdivision 8, line 27, strike out the words "at its pleasure" and insert after the word "teacher", the words "for cause," and in line 28 strike out the words "in its opinion"; also, at the end of line 35 add: "except by unanimous consent of the board."

In Section 19 strike out all after the word "thereof" in line 2.

In Section 20, line 3, strike out the word "monthly" and insert the words "quarterly."

In Section 23 add at the end of line 12: "Towns and villages not incorporated, but heretofore organized under the general school laws and provided with a board of education, shall become a part of the school district comprised of the township in which they are severally located and the determination and division of the property, debts and assets, shall be made by arbitration as aforesaid."

In Section 24, after the word "years" in line 14, insert the words "beginning with the second Tuesday in July following his election."

In Section 33, at the end of line 19, add: "Except for a different amount, and then only upon the written petition of a majority of the school voters of the special district."

And when so amended recommend that said bill do pass.

GEO. W. LILLY,
Chairman.

The committee to revise and correct the Journal of the seventy-eighth day made the following report:

MR. SPEAKER:

Your committee appointed to correct the House Journal of the seventy-eighth day have examined the same and find it correct.

E. W. BOWEN,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements.

Also,

House Bill No. 79,

A bill for an act to suppress selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.

COMMITTEE OF THE WHOLE.

Mr. Currier moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 39,

Which motion prevailed, and

Mr. Speaker called Mr. Zimmer to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same,

And recommend that the following amendments proposed in the majority report of the Committee on Judiciary be adopted:

In Section 1 and second line of printed bill strike out the words "dollars upon one hundred dollars for one year" and insert in lieu thereof the words "*per centum per annum.*"

In lines 6 and 7 of same section, strike out the words "dollars upon one hundred dollars for a year" and insert in lieu thereof the words "*per centum per annum.*"

In Section 3, line 2, of printed bill, strike out the word "conveyances."

In line 7 of same section strike out the words "or property of any kind," and in line 10 of same section strike out the word "conveyance."

Your committee recommend that the following be added as Section 4 of this bill, and that the following sections be numbered consecutively:

SEC. 4. In all written contracts for the loan of money, the exact amount agreed upon to be received for the use by the borrower, shall be stated in the contract, and separately therefrom the rate per cent. thereon of interest contracted to be charged, and if in any contract, either verbal or written, for the loan of money, the borrower receives a less sum than the principal sum so agreed upon and contracted to be loaned to and received by the borrower, the said contract shall be deemed to be usurious, except as otherwise herein provided.

In Section 7, or Section 6 in printed bill, and in line 8, strike out the word "conveyance."

In line 10 of the same section strike out the figures and words "12 per cent." and insert in lieu thereof the words "twelve *per centum*," and in line 16 of same section strike out the word "conveyance."

In Section 10, or Section 9 of the printed bill, and in line 2, strike out the word "conveyance."

And when so amended recommend that said bill do pass.

L. J. ZIMMER,
Chairman.

Mr. Stevens moved

To adopt the report of the Committee of the Whole,
Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Stevens moved

That the rules be suspended and that Senate Bill No. 64 be taken from General Orders and placed upon its third reading and final passage.

Mr. Bowen moved

As a substitute that the House do now take a recess of five minutes,

Which motion prevailed, and

The House took an informal recess.

House reassembled.

Mr. Speaker announced his signature to
Senate Bill No. 33,

A bill for an act to provide the University of the State of North Dakota with the General and Special laws and the reports of the decisions of the Supreme Court for library purposes.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
House Bill No. 79,

A bill for an act to suppress the selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.

Also,

House Bill No. 171,

A bill for an act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:10 o'clock p. m., February 5, 1890.

GEO. H. WALSH,
Chairman.

The Committee on Appropriation made the following report:

MR. SPEAKER:

Your Committee on Appropriation to whom was referred
Senate Bill No. 144,

A bill for an act to provide for the issuing of warrants to pay the expenses of the Constitutional Convention, and to provide for the payment of the same,

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

R. N. INK,
Chairman.

Mr. Williams moved

That the rules be suspended and that the House do now proceed to the first reading of House bills.

Mr. Stevens moved

As a substitute that the House do now proceed to the consideration of Senate Bill No 144 and the report of the Committee on Appropriations thereon,

Which substitute motion prevailed.

Mr. Stevens moved

That the rules be suspended and that Senate Bill No. 144 be now placed on its third reading and final passage,

Which motion prevailed.

Mr. Walsh moved

That the report of the committee on Senate Bill No. 144 be adopted,

Which motion prevailed, and
Senate Bill No. 144,

A bill for an act to provide for the issuing of warrants for the payment of the expenses of the Constitutional Convention in excess of the amount appropriated by Congress therefor, and to provide for the redemption of said warrants,

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Ingebretson,
Ink,
Johnson,
Langer
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh.
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Foss,
Hoyt,
Jahr,

Messrs—

McCullough,
Moore,
Richardson,

Messrs—

Selby,
Thomson of Walsh,
Walton.

Messrs. Foss, Hoyt, Moore, Richardson, Selby and Walton being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

MOTIONS AND RESOLUTIONS.

Mr. Ueland offered the following resolution:

Be it Resolved by the House of Representatives: That the Chief Clerk be instructed to recall from the Auditor and members the vouchers issued for the time between December 20th and January 10th, and cancel the same, and reissue in place thereof separate vouchers for the time between January 7th and January 10th, and the time between December 20th and January 6th, to those entitled thereto.

Mr. Williams moved

To refer the resolution to the Judiciary Committee,

Which motion prevailed, and

The resolution was so referred.

The Conference Committee on Senate Bill No. 34 made the following report:

MR. SPEAKER:

The Committee of Conference on Senate Bill No. 34 have had the same under consideration, and find that when the House Committee of the Whole had said bill under consideration they amended said bill by striking out the word "shall" and inserting in lieu thereof the word "may," which amendment should have been made in line 2 of Section 1, but by mistake was made to read: "Strike out the word 'shall' in line 9 of Section 1 and insert in lieu thereof the word 'may.'" We recommend that said mistake be rectified so as to read: "Strike out the word 'shall' in line 2 and insert in lieu thereof the word 'may,'" and that the bill be passed as amended.

GEO. W. HARMON,
F. G. BARLOW,
J. H. WORST,
On the part of Senate.
JAS. E. REED,
D. P. THOMAS,
A. W. HOYT,
On the part of House.

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

Mr. Currier moved
That the rules be suspended, and that

House Bill No. 39,
Be now placed upon its third reading and final passage,
Which motion prevailed.

Mr. Stevens moved
That the rules be suspended, and that Senate Bill No. 64 be
now read the third time and placed upon its final passage with
privilege of amendment,

Which motion prevailed, and
Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a
State Normal School at Mayville, Traill county, North Dakota,
Was read the third time, and

Mr. Stevens moved

That the following amendments proposed by the Committee on
Public Buildings be adopted:

Amend Section 2, in line 3 and 4 as follows:

Strike out the words "all proceeds from sales thereof" and insert in lieu thereof the following: "All proceeds accumulating in the interest and income fund arising from the sale or renting thereof."

Amend Section 4, printed bill, line 3, by striking out the words "be appointed."

Also, amend Section 4, in line 4, by striking out the word "Legislature" and inserting in lieu thereof "Legislature Assembly," and in line 5 strike out the word "Legislature" and insert in lieu thereof the words "Legislature Assembly."

Also, amend Section 7 by inserting in line 13, after the word "the" in printed bill, the following: "Interest and income derived from the fund accumulating from the renting or."

Further amend by striking out the words "State Legislature or Legislature" whenever they occur in said bill, and insert in lieu thereof the words "Legislative Assembly."

Amend Section 11 of printed bill by striking out of line 1 the word "president" and inserting in lieu thereof the word "principal."

Amend Section 12 by striking out of line 2, printed bill, the first word "and" and insert in lieu thereof the word "who."

Amend Section 17, printed bill, in line 1, by adding after the word "the" the following: "Interest and income derived from the renting and."

Which motion prevailed, and
The bill was so amended.

Mr. Ink moved

To amend the bill by striking out the words "all proceeds from sales thereof" in lines 3 and 4 of Section 2, and inserting in lieu thereof the following: "All interest accumulating from the proceeds arising from the sale thereof, or any moneys accumulating from rental thereof,"

Which amendment was withdrawn, and

- The question being on the passage of the bill as amended,
The roll being called there were ayes 45, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Selby,
Balkan,	Johnson,	Stevens,
Beard,	Lutz,	Strom,
Belden,	McCormick,	Tandberg,
Brittin,	McDonald,	Thomas,
Bye,	McIntyre,	Thompson of Cass,
Cole,	Milsted,	Thompson of Walsh,
Court,	Montgomery,	Tyler,
Currier,	Murphy,	Ueland,
Estabrook,	Nedrud,	Walsh,
Green,	Pinkham,	Watt,
Gronli,	Rawlings,	Wickham,
Hankinson,	Reed,	Williams,
Hoyt,	Renaud,	Zimmer,
Ingebretson,	Roney,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bowen.	Haugerud,	Olsgard,
Buchanan,	Langer,	Richardson,
Christianson,	McCullough,	Stadleman.
Haugen,	Norton,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Jahr,	Moore,
Heglie,	Lilly,	Walton.

Messrs. Foss, Moore and Walton being excused.

So the bill passed, and the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 5, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 117,

A bill for an act to amend Article 3 of Chapter 2 of the Civil Code, entitled "Mortgages on Personal Property."

Also,

Senate Bill No. 105,

A bill for an act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock.

Also,

Senate Bill No. 88,

A bill for an act amending Chapter 16 of the Acts of the Seventeenth Session of the Legislative Assembly.

Also,

Senate Bill No. 93,

A bill for an act making it the duty of the township clerk in every organized township to report to the register of deeds all births, deaths and marriages in his township.

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

Also,

House Bill No. 186,

A bill for an act to promote medical science.

Also,

House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same.

Also,

House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public State institutions,

Which the Senate has passed unchanged.

Also,

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

With the following amendments:

Amend Section 4 by striking out the word "persons" and inserting the word "taxpayers" in lieu thereof.

Also, add at end of same section: "*Provided*, Said Railroad Commissioners shall, upon examination, deem such platform or platforms necessary."

Also, in Section 5, after the word "is" insert the words "in their judgment."

Also,

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887

of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses, and requiring additional duties,

With the following amendment: In Section 1, line 8, strike out the word "grade" and insert in lieu thereof the word "grades."

Also,

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

With the following amendments: Strike out all of Section 3; also, in Section 1, line 3, insert after the word "form" the words "except on the written order of a parent or guardian."

And your concurrence is respectfully requested.

Also,

House Bill No. 189,

A bill for an act to provide for the destruction of gophers and to create a fund out of which bounties may be paid,

Which was indefinitely postponed.

C. C. BOWSFIELD,
Secretary.

Mr. Haugen moved

That the rules be suspended, and that Senate Bill No. 82 be now read the third time and placed upon its final passage with privilege of amendment,

Which motion was lost.

Mr. Haugen moved

That the House do now resolve itself into Committee of the Whole for the purpose of consideration of

Senate Bill No. 82,

Which motion was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Belden introduced—

House Bill No. 267,

A bill for an act to amend an act entitled "An Act to give publicity to chattle mortgage sales,

Also,

House Bill No. 268,

A bill for an act to protect newspaper publishers and the public generally against malicious parties who send false news to the press for publication.

Mr. Estabrook introduced—

House Bill No. 269,

A bill for an act fixing the fees and regulating the salaries of certain county officers therein named.

Mr. Selby introduced—

House Bill No. 270,

A bill for an act to amend Section 1, Chapter 82 of the General

Laws of the year 1887, relating to the change of the place of trial in criminal proceedings had before a justice of the peace, being Section 6153 of the Compiled Laws of 1887.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 5, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 10,

An act to provide for a system of accounts for the State Auditor and State Treasurer.

Also,

House Bill No. 94,

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

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

FIRST AND SECOND READING OF HOUSE BILLS,

House Bill No. 257,

A bill for an act to amend Chapter 34 of the Penal Code of the Territory of Dakota,

Was read the first time.

House Bill No. 258,

A bill for an act to re-enact and amend Chapter 35 of the Penal Code of the Territory of Dakota,

Was read the first time.

Mr. McCullough moved

That the rules be suspended, and that all House bills on their first reading to-day be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 257,

A bill for an act to amend Chapter 34 of the Penal Code of the Territory of Dakota,

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

House Bill No. 258,

A bill for an act to re-enact and amend Chapter 35 of the Penal Code of the Territory of Dakota,

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

House Bill No. 259,

A bill for an act to amend Section 9 of an act entitled "An Act to prevent the trespass upon school and public lands, and to recover damages therefor," passed by the First Legislative Assembly of the State of North Dakota, and approved January 13, A. D. 1890,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 260,

A bill for an act amending Section 6 of Chapter 26 of the Laws of 1889, in relation to the foreclosure and sale of property under chattel mortgage,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 262,

A bill for an act to encourage the culture of sugar beet and the manufacture of sugar from the same,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 264,

A bill for an act to repeal Sections 2 and 3 of Chapter 55 of the Laws of 1883,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 266.

A bill for an act amending the act prescribing fees of abstractors,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Speaker called Mr. Selby to the Chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 126,

A bill for an act regulating appeals from the district courts to the Supreme Court, and to repeal Chapters 2 and 16 of the Code

of Civil Procedure of Dakota Territory, as published in Livisee's Code, and Chapters 20 and 26 of the Session Laws of Dakota Territory for the year 1887; also, Sections 5213 to 5239, both inclusive of the Compiled Laws of the Territory of Dakota of the year 1887,

Was read the third time, and

Mr. Cole asked unanimous consent to amend the bill by striking out the word "territory" in Section 4 and inserting in lieu thereof the word "State,"

Which consent was given, and

The bill was so amended.

By unanimous consent the word "district" was stricken out of Section 11 and the word "direct" substituted therefor.

The question being on the passage of the bill as amended,

Mr. Tandberg moved a call of the House,

Which motion was withdrawn, and

The roll being called on the final passage of the bill as amended there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Green,
Gronli,
Haugen,
Haugerud,
Heglie,
Ingebretson,

Messrs—

Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Reed,
Renaud,
Richardson,

Messrs—

Roney,
Selby,
Stadleman,
Stevens.
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Currier,
Foss,
Hankinson,

Messrs—

Hoyt,
Lutz,
McDonald,
McIntyre,
Moore,

Messrs—

Pinkham,
Rawlings,
Walsh,
Walton,
Mr. Speaker.

Messrs. Foss, Moore and Walton being excused.

So the bill passed, and the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 5, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139, of the General Laws of 1887.

Also,

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

Both of which the Senate has passed and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. McCormick moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

EIGHTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Ink.

Mr. Tandberg moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Tandberg, Roney and McCormick.

Mr. Stevens moved

That the rules be suspended, and that the House do now proceed to the third reading of House bills,

Which motion was lost.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Haugen presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the County of Cass, N. D., hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

Signed by G. H. PHELPS.
And 103 Others.

Also the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Traill hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the pur-

pose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

Signed by ED. BARLOW,
And 78 others.

Mr. Stevens raised the point of order that no bill authorizing the incorporation of lottery companies is before the House for consideration or in the possession of the House, and that therefore the petitions are out of order,

Which point of order Mr. Speaker decided well taken.

Mr. McCormick appealed from the decision of the Chair, and The question being shall the decision of the Chair be sustained, The House voted to sustain the Chair.

Mr. Nedrud presented the following petition:

To the Honorable Members of the Senate and House of Representatives of the State of North Dakota:

The undersigned citizens of North Dakota would beg to represent to the honorable the House of Representatives and the Senate of the State of North Dakota, That, while the State of North Dakota has sufficient coal to supply the whole State for all future time, we are compelled to purchase our fuel from the east, or devastate our forests in order to obtain fuel—all owing to the high and exorbitant freight rates put on our native coal by the railroads that cross the State, and the refusal by the railroad companies to put in sidings to coal mines adjacent to their line of roads;

We, therefore, fervently petition your honorable bodies to pass a law compelling all railroads in the State to put in a siding of not less than 300 feet in the clear at the nearest point to any coal mine adjacent to their line of road; to any coal mine where there has been not less than ten carloads shipped therefrom, and to furnish the parties operating the mine empty cars when applied for on said siding, and to remove all loaded cars, the same as at any other station on their lines; also, to carry coal from any station or siding in the State to any station or siding in the State at the rate of \$1 per ton for the first 100 miles or fraction if shipped a less distance, and one-half cent per mile per ton for all distances over 100 miles. And, further, to cause all railroads in the State to put in Y's and deliver cars of coal to all connecting roads, where the point shipped to is on another road, and compel all roads to receive all cars of coal and carry it to the point shipped to on their line, and to return empty cars to the place received, at the rate of one-half cent per ton per mile.

And for which your petitioners will ever pray, etc.

Signed by G. W. GAGE,
And 3363 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred House Bill No. 22,

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

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

Also,
House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session Laws of 1885, relating to county mutual insurance companies, And recommend that said bill do not pass.

P. B. WICKHAM,
Chairman.

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. 67,

A bill for an act to provide for elections in unorganized counties,

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

In Section 1, line 1, printed bill, add the words "and taxpayers" after the word "voters."

In Section 7, line 3, strike out the words "have authority to" and add the words "for each precinct" after the word "box."

In Section 9, line 6, strike out the word "five" and insert in lieu thereof the word "three."

And when so amended recommend that said bill do pass.

W. W. BEARD,
Chairman.

The Committee on Woman Suffrage made the following report:

MR. SPEAKER:

Your Committee on Woman Suffrage to whom was referred

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,

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

N. B. PINKHAM,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58 of the Session Laws of 1887,

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

In Section 1, line 14, original bill, strike out the word "fifteenth" and insert in lieu thereof the word "first," also, strike out the word "August," same line, and insert in lieu thereof the word "September," also, strike out all of Sections 2 and 3.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same,

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

A. C. NEDRUD,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred House Bill No. 234,

A bill for an act to prescribe the oath of civil officers,

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

That the title be amended to read as follows:

A BILL

For an Act to Amend Sections 3 and 4, of the Political Code, Being Section 1372 of the Compiled Laws, Providing the Oath of Civil Officers.

Strike out all after the enacting clause and insert the following as a substitute therefor:

That Section 3 of the Political Code, being part of Section 1372, Compiled Laws, be amended to read as follows: SEC. 3. Every civil officer in this State before entering upon the duties of his office shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota, and that I will faithfully discharge the duties of the office of _____ (naming the office) according to the best of my ability, so help me God." (If an oath, under pain and penalties of perjury, if an affirmation) such oath shall be endorsed upon the back of or attached to his bond, in case of an officer required to give a bond, and endorsed upon the back of or attached to the commission, appointment or certificate of election, in case of an officer not required to give a bond.

SEC. 2. That Section 4 of the Political Code, being part of Section 1372 of the Compiled Laws, be, and the same is hereby repealed.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 4. There being no law prescribing the form of oath to be taken by civil officers as contemplated by the Constitution of 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 said bill do pass.

F. J. THOMPSON,
Chairman.

Mr. Lilly moved
 That the report of the Judiciary Committee on House Bill No. 234 be adopted,
 Which motion prevailed, and
 The report was adopted.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
 House Bill No. 238,

A bill for an act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota,

Have had the same under consideration and report the following as a substitute, and recommend that it do pass.

A BILL

For an Act Compelling Railroad Companies to Put in Sidetracks Adjacent to Coal Mines in the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Whenever any person, persons or corporation owning or operating any coal mine or mines within the State of North Dakota, from which mines not less than fifty cars of coal have been shipped from any one station over any portion of any railroad within the limits of the State of North Dakota, shall petition any such railroad company to build a sidetrack or spur at least 300 feet in length adjacent to said mine or mines, it shall then be the duty of such railroad company to build, equip and operate such sidetrack or spur; *Provided*, Such spur is not nearer than two miles of any station already in operation; *Provided, further*, That such person, persons or corporation petitioning for such sidetrack or spur shall build the grade for the same at his or their own expense, and the location and general construction of said sidetrack shall be under the supervision of the Board of Railroad Commissioners.

SEC. 2. Any neglect or refusal to comply with any part of the provisions of this act within fifteen days after being requested in writing by the parties or party operating the coal mine, or by any one of the Board of Commissioners of Railroads to put in said side track, shall subject said railroad company to a forfeiture of \$50 per day for each and every day said railroad company shall neglect or refuse to comply with the provisions of this act, to be recovered by the party or parties effected by said neglect or refusal; said forfeiture or penalty may be recovered in any court of competent jurisdiction in this State; *Provided*, No railroad shall be compelled to put in a side track where it cannot be done without grading between the 15th day of November and the 15th day of May of any year.

SEC. 3. The Commissioners of Railroads of this State shall enforce the provisions of this act in the name of the State of North Dakota.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. An emergency existing in that there is no law now in force for the compelling of railroads to put in sidetracks adjacent to coal mines, therefore this act shall take effect and be in force from and after its passage and approval.

R. N. STEVENS,
 Chairman.

Mr. Stevens moved

That the rules be suspended and that the substitute for House Bill No. 238 be now given its first and second readings and referred to General Orders,

Which motion prevailed, and
Substitute for House Bill No. 238,

A bill for an act compelling railroad companies to put in side-tracks adjacent to coal mines in the State of North Dakota,
Was read the first and second times, and referred to General Orders.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Walton (by request) introduced—
House Bill No. 271,

A bill for an act fixing the salary of State's attorneys.

Mr. McCormick introduced—
House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers.

FIRST READING OF HOUSE BILLS.

House Bill No. 267,

A bill for an act to amend an act entitled "An Act to give publicity to chattel mortgage sales,
Was read the first time.

House Bill No. 268,

A bill for an act to protect newspaper publishers and the public generally against malicious parties who send false news to the press for publication,

Was read the first time.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined amendments to

Senate Bill No. 115,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 227,

A bill for an act to establish a legal holiday,
Was read the time, and placed upon its final passage.

The roll being called there were ayes 11, nays 39.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Buchanan,

Messrs—

Milsted,
Nedrud,
Thompson of Cass,
Walsh,

Messrs—

Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Bowen,
Brittin,

Messrs—

Heglie,
Hoyt,
Ingebretson,

Messrs—

Pinkham,
Rawlings,
Reed,

Messrs—

Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud,

Messrs—

Jahr,
Johnson,
Lilly,
McCormick,
McDonald,
McIntyre,
Moore,
Montgomery,
Norton,
Olsgard,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Strom,
Thomas,
Thompson of Walsh,
Ueland,
Walton,
Zimmer.

Absent and not voting:

Messrs—

Court,
Hankinson,
Ink,
Langer,

Messrs—

Lutz,
McCullough,
Murphy,
Renaud,

Messrs—

Stevens,
Tandberg,
Tyler,
Watt.

Mr. Strom explaining his vote.

And so the bill was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 6, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,

Also, in

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate Concurring, That the Commissioner of Agriculture and Labor be and is hereby instructed to secure the services of an expert, or in such other way as may seem in his judgment best, to thoroughly test, or cause to be tested, the qualities of the soil in the various parts of the State of North Dakota, in reference to its adaptability to the culture of the sugar beet, and to report to the Governor at as early a day as possible on the feasibility of the establishment of the beet sugar industry in our State.

C. C. BOWSFIELD,
Secretary.

Mr. Cole moved

That the vote by which House Bill No. 227 was lost be reconsidered.

Mr. Zimmer moved

To lay the motion to reconsider on the table.

Roll call demanded,

The roll being called there were ayes 20, nays 40.

Those who voted in the affirmative were

Messrs—
 Beard,
 Brittin,
 Bye,
 Estabrook,
 Gronli,
 Haugen,
 Hangerud,

Messrs—
 Jahr,
 Langer,
 Lutz,
 Nedrud,
 Norton,
 Pinkham,
 Reed,

Messrs—
 Roney,
 Selby,
 Stadleman,
 Tyler,
 Ueland,
 Zimmer.

Those who voted in the negative were:

Messrs—
 Allen,
 Balkan,
 Belden,
 Bowen,
 Buchanan,
 Christianson,
 Cole,
 Court,
 Currier,
 Foss,
 Green,
 Hankinson,
 Heglie,
 Hoyt,

Messrs—
 Ingebretson,
 Johnson,
 Lilly,
 McCormick,
 McCullough,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Olsgard,
 Rawlings,
 Renaud,

Messrs—
 Richardson,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Walsh,
 Walton.
 Watt,
 Wickham,
 Williams,
 Mr. Speaker.

Messrs. Ink and Murphy being absent and not voting.

Mr. Selby explaining his vote.

So the motion to lay on the table was lost,

And the question recurring on the motion to reconsider.

Roll call demanded.

The roll being called there were ayes 43, nays 17.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Cole,
 Court,
 Currier,
 Green,
 Hankinson,
 Haugen,
 Hangerud,
 Heglie,
 Hoyt,

Messrs—
 Ingebretson,
 Lilly,
 McCormick,
 McCullough,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Olsgard,
 Rawlings,
 Reed,
 Renaud,

Messrs—
 Richardson,
 Selby,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Walsh,
 Walton,
 Watt,
 Wickam,
 Williams,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Beard,
 Bye,
 Christianson,
 Estabrook,
 Foss,
 Gronli,

Messrs—
 Jahr,
 Langer,
 Lutz,
 Nedrud,
 Norton,
 Pinkham,

Messrs—
 Roney,
 Stadleman,
 Tyler,
 Ueland,
 Zimmer.

Messrs. Ink and Johnson being absent and not voting.

And so the motion to reconsider prevailed.

Mr. Hankinson moved

That the rules be suspended so that amendments may be made to the bill,

Which motion prevailed, and

Mr. Hankinson moved

To amend the bill by striking out the word "September and inserting the word "June,"

Which motion prevailed, and

The bill was so amended.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 39,

A bill for an act defining, usury and the penalty for taking the same,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 6, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 167,

A bill for an act authorizing the incorporation of lottery companies and regulating the same, so as to raise revenues to defray the expenses of the State,

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

C. C. BOWSFIELD,
Secretary.

The question being on the passage of House Bill No. 227, as amended,

The roll being called there were ayes 35, nays 25.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Cole,
Court,
Currier,
Green,
Hankinson,

Messrs—

Heglie,
Ingebretson,
Johnson,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Reed,
Renaud,

Messrs—

Richardson,
Stevens.
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Walsh,
Watt,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Langer,	Roney,
Christianson,	Lilly,	Selby,
Estabrook,	McCullough,	Stadleman,
Foss,	Murphy,	Thomson of Walsh.
Gronli,	Nedrud,	Tyler,
Haugen,	Norton,	Ueland,
Haugerud,	Olsgard,	Walton,
Hoyt,	Pinkham,	Zimmer.
Jahr,		

Messrs. Ink and Rawlings being absent and not voting.

And so the bill passed, and
The question being on the title of the bill,

Mr. Selby moved
To amend the title by adding the words "for lawyers."

Mr. Green moved
To further amend by adding the words "and farmers."

Mr. Stevens moved
As a substitute that the title of the bill be amended to read as follows: "A bill for an act to establish a legal holiday for lawyers and farmers who work,"

Which substitute was lost, and

Mr. Stevens moved
That the title of the bill be agreed to,
Which motion prevailed, and
The title of the bill was agreed to.

Mr. Thompson of Cass, asked unanimous consent to present a petition,

Objection being made to the reading of the petition,

Mr. Hankinson moved
That the petition be now read.

Mr. McCormick moved
As an amendment that all petitions now before the House be read,

Which motion prevailed, and

The following petition presented by Mr. Thompson of Cass, was read:

FARGO, N. D., February 5, 1890.

To Senator Haggart and Representatives Tyler and Thompson:

We, the undersigned taxpayers and business men of the city of Fargo, considering the condition of the State's finances, and the paramount importance of Mr. Sandager's Lottery Bill in connection therewith, respectfully, but earnestly and urgently request that you give the measure your most hearty and energetic support.

Signed by J. W. VON NEIDA,
And 633 Others.

Mr. Roney moved that the Chief Clerk be instructed to count and announce the number of names signed on each petition,
Which motion was lost.

The following telegram, presented by Mr. McCormick, was read:

WASHINGTON, D. C., February 6, 1890.

Hon. James McCormick:

It is to be hoped that the new republican State will not go into business on the plan of the Louisiana democracy. Republican national leaders here condemn lottery scheme.

H. C. HANSBROUGH.

The following petition presented by Mr. Ueland was read:

To the Honorable Members of the House of Representatives of the State of North Dakota:

WHEREAS, In most of the northern states, as well as in many other states, lotteries of all grades are prohibited by law, heavy penalties being attached to the violations of such laws; and

WHEREAS, Such a law existed in Dakota when it was a Territory; and

WHEREAS, The Louisiana State Lottery, that gigantic institution of fraud and gambling, is making a desperate effort to become incorporated here to carry on its nefarious work; now,

Therefore, We, the citizens of Edgeley, N. D., do most respectfully petition your honorable body not to enact any law granting privileges to lotteries that the Territory of Dakota opposed; neither to enact any law favoring lotteries that will place us beneath our sister states in the scale of intelligent legislation, pure morals and strict justice, and thereby expose us to the ridicule and contempt of the most wise, respected and favored states of this our glorious republic, and for this, we, your petitioners, do most earnestly and ever pray.

Signed by J. W. YORK,
And 20 others.

The following petitions presented by Mr. Milsted were read:

JAMESTOWN, Feb. 5, 1890.

To B. W. Fuller, John Milsted and Geo. Lutz, Bismarck, N. D.:

We, the undersigned residents of the Twenty third Legislative District of the State of North Dakota, do earnestly request our members of the lower House and Senate to make diligent efforts to secure the passage of Senate Bill No. 167, said bill providing for the incorporation and regulation of lottery companies within the State of North Dakota.

Signed by S. S. ALTSCHUL,
And 23 others.

JAMESTOWN, N. D., February 5, 1890.

To B. W. Fuller, Geo. Lutz and John Milsted, Bismarck, N. D.:

We, the undersigned residents of the Twenty-third Legislative District of the State of North Dakota, do earnestly request our members of the lower House and Senate to make diligent effort to secure the passage of Senate Bill No. 167, said bill providing for the incorporation and regulation of lottery companies within the State of North Dakota.

A. KLAUS.
And 51 Others.

JAMESTOWN, N. D., February 5, 1890.

To Bailey Fuller, Geo. Lutz and John Milsted, Bismarck, N. D.:

We, the undersigned residents of the Twenty-third Legislative District of the State of North Dakota, do earnestly request our members of the lower House and Senate to make diligent effort to secure the passage of Senate Bill No. 167, said bill providing for the incorporation and regulation of lottery companies in the State of North Dakota.

GIESLER BLEWETT & Co.,
And 55 Others.

I can get nine-tenths in the city and county. There are not over twenty in the city who would not sign it for the passage of the bill. Another will come to-morrow.

A. KLAUS.

The following remonstrances, presented by Mr. Haugen, were read:

To the Governor and Legislature of the State of North Dakota:

The undersigned, citizens and voters of the city and county of Grand Forks, North Dakota, do most earnestly protest against the legalizing of any lottery by the State of North Dakota.

Believing that instead of being promoters of wealth, lotteries are the cause of untold misery, ruin and despair to thousands;

That their influence, and particularly the influence of the Louisiana lottery, is to debauch politics;

That, by enticing men with the vain hope of sudden and unearned wealth, they detract from the respect due to honest industry and the just rewards of labor;

That, therefore, they debauch the public conscience and lower the standard of public morals;

That they will effectually retard the growth and prosperity of the State and serve to repel the most desirable class of immigrants;

And that their establishment will be a blot upon the otherwise fair name of this new State that will take generations to efface.

Signed by E. C. ELLWOOD,
And 22 Others.

To the Governor and Legislature of the State of North Dakota:

The undersigned citizens and voters of the city and county of Grand Forks, North Dakota, do most earnestly protest against the legalizing of any lottery by the State of North Dakota.

Believing that instead of being promoters of wealth, lotteries are the cause of untold misery, ruin and despair to thousands;

That their influence, and particularly the influence of the Louisiana lottery, is to debauch politics;

That by enticing men with the vain hope of sudden and unearned wealth, they detract from the respect due to honest industry and the just rewards of labor;

That, therefore, they debauch the public conscience and lower the standard of public morals.

That they will effectually retard the growth and prosperity of the State, and serve to repel the most desirable class of immigrants;

And that their establishment will be a blot upon the otherwise fair name of this new State that will take generations to efface.

Signed by G. F. CARPENTER,
And 47 Others.

To the Governor and Legislature of the State of North Dakota:

The undersigned citizens and voters of the city and county of Grand Forks, North Dakota, do most earnestly protest against the legalizing of any lottery by the State of North Dakota.

Believing that instead of being promoters of wealth, lotteries are the cause of untold misery, ruin, and despair to thousands:

That their influence and particularly the influence of the Louisiana lottery, is to debauch politics;

That by enticing men with the vain hope of sudden and unearned wealth, they detract from the respect due to honest industry and the just rewards of labor;

That, therefore, they debauch the public conscience and lower the standard of public morals;

That they will effectually retard the growth and prosperity of the State, and serve to repel the most desirable class of immigrants;

And that their establishment will be a blot upon the otherwise fair name of this new State, that will take generations to efface.

Signed by W. J. ANDERSON,
And 15 others.

COMMITTEE OF THE WHOLE.

Mr. Lilly moved

That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 115,

Which motion prevailed, and

Mr. Speaker called Mr. Lilly to the chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein,

And recommend that the report of the Engrossing Committee be adopted, and that the bill be immediately placed upon its third reading and final passage.

GEO. W. LILLY,
Chairman.

Mr Selby moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 6, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 79,

An act to suppress the selling, lending, giving away or showing to any minor child any paper or publication principally devoted to illustrating or describing immoral deeds.

Also,

House Bill No. 171,

An act to protect mechanics, laborers and persons furnishing material for the construction of public buildings and making public improvements,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein,

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

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Gronli,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Jahr,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Green,
Hankinson,
Ink,

Messrs—

Johnson,
Langer,
McCullough,
McDonald,

Messrs—

Rawlings,
Stevens,
Walton,
Watt.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The question being on the title of the bill,

Mr. McCormick moved

That the words "poor and" be stricken out,

Which motion prevailed.

Mr. Williams moved

To further amend the title by striking out the word "wheat" and substitute therefor the word "grain,"

Which motion prevailed, and

The title as amended was agreed to.

House Bill No. 214,

A bill for act to provide for the support of married women,
Was read the third time, and placed upon its final passage.

The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,

Messrs—

Ingebretson,
Jahr,
Johnson,
Lilly,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,

Messrs—

Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Gronli,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Reed,

Messrs—

Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Green,
Hankinson,

Messrs—

Ink,
Langer,
Lutz,

Messrs—

Rawlings,
Renaud,
Stevens.

Mr. Zimmer voting in the negative.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,
And the title of the bill was agreed to.

House Bill No. 203,

A bill for act requiring county commissioners to give bonds,
Was read the third time, and

Mr. Williams moved

That the rules be suspended and that Section 2 be stricken out.

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To further amend the bill by striking out the words "judge of probate" and inserting the words "county judge,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 27, nays 27.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Gronli,
Hankinson,
Haugen,

Messrs—

Heglie,
Hoyt,
Jahr,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Norton,

Messrs—

Reed,
Roney.
Stevens,
Tandberg,
Thomas,
Tyler,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Buchanan,
Currier,
Estabrook,
Haugerud,
Ingebretson,
Johnson,
Langer,

Messrs—

Lilly,
McCormick,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Renaud,
Richardson,
Selby,

Messrs—

Stadleman,
Strom,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Zimmer.

Absent and not voting:

Messrs—

Court,
Foss,
Green,

Messrs—

Ink,
Lutz,

Messrs—

Milsted,
Rawlings.

So the bill was lost.

Mr. Bowen raised the point of order that no county commissioner can vote on the bill,

Which point Mr. Speaker decided well taken.

Mr. Roney moved

That the vote just taken be reconsidered.

Roll call demanded.

The roll being called there were ayes 24, nays 34,

Those who voted in the affirmative were:

Messrs—

Bowen,
Brittin,
Cole,
Court,
Gronli,
Hankinson,
Haugen,
Heglie,

Messrs—

Hoyt,
Jahr,
McCullough,
McIntyre,
Milsted,
Moore,
Murphy,
Rawlings,

Messrs—

Reed,
Renaud,
Roney,
Stevens,
Tyler,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Beard,
Belden,
Buchanan,
Bye,
Christianson,
Currier,
Estabrook,
Green,
Haugerud,
Ingebretson,
Johnson,

Messrs—

Langer,
Lilly,
McCormick,
McDonald,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Richardson,
Selby,

Messrs—

Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Foss,

Messrs—

Ink,

Messrs—

Lutz.

Mr. Stevens explaining his vote.

And so the motion to reconsider was lost.

House Bill No. 217,

A bill for an act to facilitate the collection of wages,
Was read the third time, and placed upon its final passage.
The roll being called there were ayes 57, nays, none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingerbretson,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery
Murphy,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Ink,

Messrs—

Lutz,

Messrs—

Nedrud.

And so the bill passed, and the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 6, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No 45,
A bill for an act fixing the salaries of certain State officers,
Which the Senate has passed, and your favorable consideration
is respectfully requested.

Also,

To inform the House that the Senate has concurred in the
House amendment to
Senate Bill No. 129,
A bill for act to allow organized townships to raise a tax for ir-
rigation purposes.

C. C. BOWSFIELD,
Secretary.

House Bill No. 211

A bill for an act prescribing a time for redeeming property sold by virtue of chattel mortgage,

Was read the third time, and placed upon its final passage.
The roll being called there were ayes 42, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Murphy,
Beard,	Haugerud,	Nedrud,
Belden,	Heglie,	Olsgard,
Bowen,	Hoyt,	Renaud,
Buchanan,	Ingrebretson,	Stevens,
Bye,	Jahr,	Strom,
Christianson,	Johnson,	Thompson of Cass,
Cole,	Langer,	Thomson of Walsh,
Court,	McCormick,	Ueland,
Currier,	McDonald,	Walsh,
Estabrook,	McIntyre,	Walton,
Green,	Milsted,	Wickham,
Gronli,	Moore,	Williams,
Hankinson,	Montgomery,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Roney,	Thomas,
Brittin,	Stadleman,	Tyler,
Norton,	Tandberg,	Watt.
Reed,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	McCullough,	Richardson,
Ink,	Pinkham,	Selby,
Lilly,	Rawlings,	Zimmer.
Lutz,		

Mr. Roney explaining his vote.

So the bill passed, and the title of the bill was agreed to.

House Bill No. 127,

A bill for an act providing standing annual appropriations for the salaries of State officials,

Was read the third time, and

Mr. Stevens moved

That further consideration of the bill be postponed until Senate Bill No. 45 shall be considered,

Which motion prevailed.

House Bill No. 173,

A bill for an act to secure to laborers in and about coal mines and manufactories the payment of their wages at regular intervals and in lawful money of the United States,

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

Pending the announcement of the vote

Mr. Stevens moved

That the bill be recommitted,

Which motion was declared out of order.

The roll being called there were ayes 36, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Norton,
Balkan,	Hoyt,	Olsgard,
Belden,	Jahr,	Rawlings,
Brittin,	Johnson,	Renaud,
Buchanan,	Langer,	Roney,
Bye,	Lilly,	Strom,
Christianson,	McCormick,	Tandberg,
Cole,	McCullough,	Thomas,
Court,	McDonald,	Thomson of Walsh,
Green,	Moore,	Ueland,
Haugen,	Montgomery,	Watt,
Haugerud,	Nedrud,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Pinkham,	Thompson of Cass,
Bowen,	Reed,	Tyler,
Estabrook,	Richardson,	Walsh,
Gronli,	Selby,	Walton,
Hankinson,	Stadleman,	Zimmer,
Ingebretson,	Stevens,	Mr. Speaker.
Murphy,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Lutz,	Milsted,
Foss,	McIntyre,	Wickham.
Ink,		

Mr. Walsh explained his vote.

So the bill passed, and the title of the bill was agreed to.

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage license,

Was read the the third time, and

Mr. Thompson moved

That the consideration of the bill be postponed until House Bill No. 232 shall be under consideration,

Which motion prevailed.

Mr. Haugen moved

That the rules be suspended, and that House Bill No. 232 be taken from General Orders, and that the two bills be considered together,

Which motion prevailed, and

House Bill No. 232,

A bill for an act to amend Section 48 of the Civil Code, being Section 2547 of the Compiled Laws, and to repeal Sections 50 and 53 of the Civil Code, being Sections 2549 and 2552 of the Compiled Laws,

Was read the third time, and

Mr. Lilly moved

That House Bill No. 67 be no placed upon its final passage.

Mr. Thompson of Cass, moved
As a substitute that the further consideration of House Bill
No. 67 be indefinitely postponed,
Which motion was lost.

The motion of Mr. Lilly prevailed, and
The question being on the passage of House Bill No. 67,
The roll being called there were ayes 39, nays 17.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Reed,
Beard,	Heglie,	Richardson,
Belden,	Ingebretson,	Stevens,
Bowen,	Johnson,	Strom,
Brittin,	Langer,	Tandberg,
Buchanan,	Lilly,	Thomas,
Bye,	McCormick,	Thomson of Walsh,
Christianson,	Milsted,	Ueland,
Cole,	Montgomery,	Walsh,
Court,	Nedrud,	Watt,
Green,	Olsgard,	Wickham,
Gronli,	Pinkham,	Williams,
Haugen,	Rawlings,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	McIntyre,	Selby,
Estabrook,	Moore,	Stadleman,
Hankinson,	Murphy,	Thompson of Cass,
Hoyt,	Norton,	Walton,
McCullough,	Renaud,	Mr. Speaker.
McDonald,	Roney,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Ink,	Lutz,
Foss,	Jahr,	Tyler.

So the bill passed, and the title of the bill was agreed to.

Mr. Thompson of Cass, moved
That House Bill No. 232 be laid upon the table,
Which motion prevailed.

Mr. Johnson moved
That the House do now adjourn,
Which motion was lost.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 186,
A bill for an act to promote medical science.

Also,
House Bill No. 180,

A bill for an act providing for the displaying of the flag of the
United States on all public State institutions.

Also,

House Bill No. 48,

A bill for an act to amend Chapter 3, Article 1, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws 1889, relating to publication of insurance statements,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 48,

A bill for an act to amend Chapter 3, Article 1, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws 1889, relating to publication of insurance statements.

Also,

House Bill No. 186,

A bill for an act to promote medical science.

Also,

House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public state institutions.

Mr. Bowen moved

That the House take an informal recess of five minutes,

Which motion prevailed, and

The House took an informal recess.

House reassembled.

House Bill No. 103,

A bill for an act to encourage the development of the coal mines of the State and to determine the kind of coal that shall be used as fuel in the various State institutions,

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

The roll being called there were ayes, 44: nays, 6.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Johnson,
Langer,
Lilly,
McCormick,
Moore,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Reed,

Messrs—

Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Green,
McCullough,

Messrs—

Murphy,
Renaud,

Messrs—

Stevens,
Zimmer.

Absent and not voting:

Messrs—
Foss,
Ink,
Jahr,
Lutz,

Messrs—
McDonald,
McIntyre,
Milsted,
Norton,

Messrs—
Rawlings,
Richardson,
Thomas.

So the bill passed, and the title of the bill was agreed to.

Mr. Haugen moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 24, nays 32.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,
Bowen,
Buchanan,
Bye,
Christianson,
Cole,

Messrs—
Court,
Gronli,
Haugen,
Heglie,
Johnson,
Langer,
Lilly,
McCormick,

Messrs—
McCullough,
Montgomery,
Olsgard,
Pinkham,
Roney,
Strom,
Thomson of Walsh,
Ueland.

Those who voted in the negative were

Messrs—
Belden,
Brittin,
Currier,
Estabrook,
Green,
Hankinson,
Hangerud,
Hoyt,
Ingebretson,
McIntyre,
Milsted,

Messrs—
Moore,
Murphy,
Nedrud,
Norton,
Rawlings,
Reed,
Renaud,
Selby,
Stadleman,
Stevens,
Tandberg,

Messrs—
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.
Mr. Speaker.

Absent and not voting:

Messrs—
Foss,
Ink,

Messrs—
Jahr,
Lutz,

Messrs—
McDonald,
Richardson.

And so the motion to adjourn was lost.

The committee to revise and correct the Journal of February 5th made the following report:

MR. SPEAKER:

Your committee appointed to correct the House Journal of the seventy-ninth day have examined the same and find it correct.

NELS TANDBERG,
Chairman.

House Bill No. 205,

A bill for an act to provide for the payment of the expenses of the Constitutional Convention in excess of the \$20,000 appropriated therefor, and making an appropriation for the payment thereof;

Was read the third time by its title, and

Mr. Selby moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. McCormick moved

That the House do now adjourn,

Which motion was lost.

House Bill No. 167,

A bill for an act to provide for covering into the State Treasury all fees and profits arising from any of the State offices,

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

The roll being called there were ayes 55, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
•Belden,
Bowen,
Brittin,
Buchanan,
Eye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Johnson,
Langer,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Ink,

Messrs—

Jahr,
Lutz,

Messrs—

McCullough,
McDonald.

Mr. Tyler voting in the negative.

Mr. Foss being excused.

So the bill passed, more than two-thirds of the members present and voting voting therefor,

And the title of the bill was agreed to.

Mr. Ueland moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 22, nays 35.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,

Messrs—

Heglie,
Jahr,
Johnson,

Messrs—

Pinkham,
Renaud,
Richardson,

Messrs—
Bowen,
Bye,
Christianson,
Gronli,
Haugen,

Messrs—
Langer,
McCormick,
Moore,
Montgomery,

Messrs—
Roney,
Strom,
Tandberg,
Ueland.

Those who voted in the negative were:

Messrs—
Belden,
Brittin,
Buchanan,
Cole,
Court,
Currier,
Estabrook,
Green,
Hankinson,
Haugerud,
Hoyt,
Ingebretson,

Messrs—
McCullough,
McIntyre,
Milsted,
Murphy,
Nedrud,
Norton,
Olgard,
Rawlings,
Reed,
Selby,
Stadleman,
Stevens,

Messrs—
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Foss,
Ink,

Messrs—
Lilly,
Lutz,

Messrs—
McDonald.

Mr. Foss being excused.

And so the motion to adjourn was lost.

House Bill No. 229,

A bill for an act to amend Section 38 of Chapter 27 of the Political Code known as Section 1470 of the Compiled Laws of 1887,

Was read the third time, and

Mr. Ueland asked unanimous consent to amend the bill by striking out in line 6 of Section 1 the words "poll book and ballot box."

Mr. Roney moved

That the bill be recommitted to the Committee on Judiciary,
Which motion prevailed.

Mr. Williams moved

To reconsider the vote just taken,
Which motion prevailed.

Mr. Stevens moved

That the bill be referred to the Judiciary Committee,
Which motion prevailed.

Mr. Estabrook moved

That the House do now adjourn,
Which motion was lost.

Mr. McCormick moved

A call of the House.

Call seconded.

Roll called.

All members present except Messrs. Foss, Ink, Lutz and McDonald.

Mr. Hankinson moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under the call of the House were dispensed with.

House Bill No. 216,

A bill for an act to exempt pension money from levy and attachment and judicial sale for debt,

Was read the third time by its title, and

Mr. McCormick moved

That the House do now adjourn,

Which motion Mr. Speaker ruled out of order, as the bill was being read.

Mr. McCormick appealed from the decision of the Chair, and

The question being shall the decision of the Chair be sustained,

The decision of the Chair was sustained.

Mr. Haugerud moved

That Mr. McCormick be excused from further participation in to-day's session,

Which motion prevailed.

House Bill No. 216,

A bill for an act to exempt pension money from levy and attachment and judicial sale for debt,

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

The roll call being called there were ayes 46, nays 7.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Green,
Hankinson,
Haugerud,
Heglie,
Hoyt,

Messrs—

Langer,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Pinkham,
Rawlings,
Reed,
Renaud,
Roney,
Selby,

Messrs—

Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Belden,
Gronli,
Haugen,

Messrs—

Jahr,
Johnson,

Messrs—

Richardson,
Ueland.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Ink,	McDonald,
Foss,	Lilly,	Norton,
Ingebretson,	Lutz,	Olsgard.

And so the bill passed, and the title of the bill was agreed to.

Mr. Walsh moved

That when the House adjourn is be to meet again at 10 o'clock to-morrow morning for the purpose of continuing the order of business the House is now upon.

Mr. Roney moved

To amend by fixing time at 2 o'clock to-morrow afternoon.

Mr. Stevens raised the point of order that the motion was out of order,

Which point of order was decided well taken.

Mr. McCormick moved

To amend by making the time 1 o'clock to-morrow afternoon,

Which amendment was accepted, and

The original motion as amended prevailed.

Mr. Walsh moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

A D J O U R N E D S E S S I O N .

The House assembled at 1 o'clock p. m., pursuant to adjournment.

The Speaker presiding.

THIRD READING OF HOUSE BILLS.

House Bill No. 221,

A bill for an act to prohibit the blacklisting or publishing of employes when they shall have been discharged, and fixing the punishment of the same.

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Roney,
Balkan,	Johnson,	Selby,
Beard,	Langer,	Stadleman,
Belden,	Lutz,	Stevens.
Bowen,	McCormick,	Strom,
Brittin,	McCullough,	Tandberg,
Bye,	McDonald,	Thomas,
Christianson,	Milsted,	Thompson of Cass,
Cole,	Moore,	Thomson of Walsh,
Court,	Montgomery,	Tyler,
Currier,	Murphy,	Ueland,

Messrs—	Messrs—	Messrs—
Estabrook,	Nedrud,	Walsh,
Gronli,	Norton,	Walton,
Haugen,	Olsgard,	Watt,
Haugerud,	Reed,	Wickham,
Heglie,	Renaud,	Williams,
Hoyt,	Richardson,	Mr. Speaker.
Ingebretson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Ink,	Pinkham,
Foss,	Lilly,	Rawlings,
Green,	McIntyre,	Zimmer.
Hankinson,		

So the bill passed, and the title of the bill was agreed to.

Mr. McCormick moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 18, nays 37.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	McCormick,
Balkan,	Haugen,	Olsgard,
Beard,	Heglie,	Pinkham,
Bye,	Jahr,	Roney,
Christianson,	Johnson,	Strom,
Cole,	Lilly,	Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Milsted,	Tandberg,
Bowen,	Moore,	Thomas,
Brittin,	Montgomery,	Thompson of Cass,
Court,	Murphy,	Thomson of Walsh,
Currier,	Nedrud,	Tyler,
Estabrook,	Norton,	Walsh,
Haugerud,	Rawlings,	Walton.
Hoyt,	Reed,	Watt,
Ingebretson,	Renaud,	Wickham,
Langer,	Selby,	Williams,
Lutz,	Stadleman,	Zimmer.
McCullough,	Stevens,	Mr. Speaker.
McDonald,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Hankinson,	McIntyre,
Foss,	Ink,	Richardson.
Green,		

And so the motion to adjourn was lost.

Mr. McCormick moved

A call of the House.

Call seconded,

Roll called.

All members present except Messrs. Foss, Green, Hankinson, Ink and McIntyre.

Mr. Selby moved
To dispense with further proceedings under the call of the House.

Roll call demanded.

The roll being called there were ayes 39, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Milsted,	Storm,
Bowen,	Moore,	Tandberg,
Britten,	Montgomery,	Thomas,
Buchanan,	Murphy,	Thompson of Cass,
Court,	Nedrud,	Thomson of Walsh,
Currier,	Norton,	Tyler,
Estabrook,	Olgard,	Walsh,
Haugerud,	Rawlings,	Walton,
Hoyt,	Reed,	Watt,
Ingebretson,	Renaud,	Wickham,
Lutz,	Selby,	Williams,
McCullough,	Stadleman,	Zimmer,
McDonald,	Stevens,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	McCormick,
Balkan,	Haugen,	Pinkham,
Beard,	Jahr,	Richardson,
Bye,	Johnson,	Roney,
Christianson,	Langer,	Ueland.
Cole,	Lilly,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Hankinson,	Ink,
Green,	Heglie,	McIntyre.

And so the motion to dispense with further proceedings under call of the House prevailed, and

Further proceedings under call of the House were dispensed with.

FIRST READING OF SENATE BILLS.

Mr. Walsh moved

That the Clerk be instructed to read Senate Bill No. 167.

Mr. McCormick moved

That the House do now adjourn.

Mr. Stevens raised the point of order that no business had been transacted since the last motion to adjourn, and that the motion was out of order,

Which point of order Mr. Speaker decided well taken, and ruled the motion to adjourn out of order.

Mr. McCormick appealed from the decision of the Chair, and The question being shall the decision of the Chair be sustained, The House voted to sustain the Chair.

Mr. Walsh moved the previous question.

Mr. Pinkham raised the point of order that it required a two-thirds vote to take up Senate Bill No. 167 before other bills in the order of the first reading of Senate bills which had been longer in the House.

Mr. McCullough moved

To lay the motion for the previous question on the table.

Mr. Stevens raised the point of order that Mr. McCullough's motion was out of order.

Roll call demanded on Mr. McCullough's motion.

The roll being called there were ayes 20, nays 39.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bye,
Christianson,
Cole,
Gronli,

Messrs—

Haugen,
Heglie,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,

Messrs—

Olsgard,
Pinkham,
Richardson,
Roney,
Strom,
Ueland.

Those who voted in the negative were:

Messrs—

Belden,
Bowen,
Brittin,
Buchanan,
Court,
Currier,
Estabrook,
Hankinson,
Haugerud,
Hovt,
Ingebretson,
Lutz,
McCullough,

Messrs—

McDonald,
McIntyre,
Milsted,
Moore,
Kontgomery,
Murphy
Nedrud,
Norton,
Rawlings,
Reed,
Renaud,
Selby,
Stadleman,

Messrs—

Stevens,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,

Messrs—

Green,

Messrs—

Ink.

And so the motion to lay on the table was lost.

Mr. Pinkham moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 22, nays 36.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Bye,
Christianson,
Cole,
Gronli,

Messrs—

Haugen,
Heglie,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,

Messrs—

McCullough,
Olsgard,
Pinkham,
Richardson,
Roney,
Strom,
Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	McIntyre,	Tandberg,
Brittin,	Milsted,	Thomas,
Buchanan,	Moore,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Currier,	Murphy,	Tyler,
Estabrook,	Norton,	Walsh,
Hankinson,	Rawlings,	Walton,
Haugerud,	Reed,	Watt,
Hoyt,	Renaud,	Wickham,
Ingebretson,	Selby,	Williams,
Lutz,	Stadleman,	Zimmer,
McDonald,	Stevens,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Ink,	Nedrud.
Green,		

And so the motion to adjourn was lost.

Mr. McCullough moved a call of the House,
Which motion Mr. Speaker decided out of order because the question was on the motion for the previous question.

Mr. McCullough took exception to the Speaker's ruling and requested that it be so entered upon the Journal.

The question being shall the main question be now put,
Roll call was demanded.

The roll being called there were ayes 38, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	McDonald,	Tandberg,
Bowen,	McIntyre,	Thomas,
Brittin,	Milsted,	Thompson of Cass,
Buchanan,	Moore,	Thomson of Walsh,
Court,	Murphy,	Tyler,
Currier,	Nedrud,	Walsh,
Estabrook,	Norton,	Walton,
Hankinson,	Rawlings,	Watt,
Haugerud,	Reed,	Wickham,
Hoyt,	Renaud,	Williams,
Ingebretson,	Selby,	Zimmer,
Lutz,	Stadleman,	Mr. Speaker.
McCullough,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Montgomery,
Balkan,	Heglie,	Olsgard,
Beard,	Jahr,	Pinkham,
Bye,	Johnson,	Richardson,
Christianson,	Langer,	Roney,
Cole,	Lilly,	Strom,
Gronli,	McCormick,	Ueland.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Green,	Ink.

And so the previous question was ordered.

Pending announcement of the vote, verification was demanded. After verification Mr. McCormick asked to change his vote.

Mr. Walsh raised the point of order, that on verification a vote can not be changed.

Mr. McCullough demanded the ruling of the Speaker, and Mr. Speaker decided the point of order well taken.

Mr. McCullough appealed from the decision of the Chair, and The question being shall the decision of the Chair be sustained,

Roll call was demanded.

The roll being called there were ayes 37, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bowen,	McDonald,	Stadleman,
Brittin,	McIntyre,	Stevens,
Buchanan,	Milsted,	Tandberg,
Court,	Moore,	Thomas,
Currier,	Montgomery,	Thompson of Cass,
Estabrook,	Murphy,	Thomson of Walsh,
Hankinson,	Nedrud,	Tyler,
Haugen,	Norton,	Walsh,
Haugerud,	Rawlings,	Walton,
Heglie,	Reed,	Watt,
Hoyt,	Renaud,	Wickham,
Ingebretson,	Richardson,	Zimmer.
Lutz,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Olsgard,
Balkan,	Johnson,	Pinkham,
Beard,	Langer,	Roney,
Belden,	Lilly,	Strom,
Bye,	McCormick,	Ueland,
Christianson,	McCullough,	Williams.
Cole,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Ink,	Selby,
Green,	Jahr,	Mr. Speaker.

Mr. Williams explaining his vote.

And so the decision of the Chair was sustained.

The question then recurring on the motion of Mr. Walsh, that the Chief Clerk be instructed to read Senate Bill No. 167,

The motion prevailed.

Mr. McCormick moved

That the House do now take a recess of four minutes,

Which motion Mr. Speaker ruled out of order.

Mr. McCormick appealed from the decision of the Chair.

Mr. Pinkham moved
That the House do now adjourn,
Which motion was ruled out of order.

Roll call demanded on the appeal from the decision of the Chair, and

The question being shall the decision of the Chair be sustained.
The roll being called there were ayes, 37; nays, 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brittin,	McIntyre,	Stadleman,
Buchanan,	Milsted,	Stevens,
Currier,	Moore,	Tandberg,
Estabrook,	Moutgomery,	Thomas,
Hankinson,	Murphy,	Thompson of Cass,
Haugen,	Nedrud,	Thomson of Walsh,
Haugerud,	Norton,	Tyler,
Hoyt,	Pinkham,	Walsh,
Ingebretson,	Rawlings,	Walton,
Jahr,	Reed,	Watt,
Lutz,	Renaud,	Wickham,
McDonald,	Selby,	Zimmer,

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	McCullough,
Balkan,	Helgie,	Olsgard,
Beard,	Johnson,	Richardson,
Bowen,	Lauger,	Roney,
Bye,	Lilly,	Strom,
Christianson,	McCormick,	Ueland,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Foss,	Williams,
Cole,	Green,	Mr. Speaker.
Court,	Ink,	

And so the decision of the Chair was sustained.

The hour of 2 o'clock having been reached, Mr. McCormick asked whether the House had entered upon the eighty-first legislative day of the session.

Mr. McCullough demaded the ruling of the Speaker on the question, and

The Speaker decided that this session was a continuation of the eightieth day, and that the eighty-first day mould commence upon the adjournment of this session.

Mr. McCullough took exception to the ruling of the Chair, appealed therefrom and asked that the exception and appeal be entered upon the Journal.

Mr. Speaker decided the appeal out of order.

The Chief Clerk having, by his direction commenced the reading of Senate Bill No. 167, and the remarks of the gentleman from Walsh being out of order during the reading.

Mr. McCormick moved

That the further reading of the bill be indefinitely postponed.

Mr. Walsh raised the point of order that the motion was out of order during the reading of the bill,

Which point of order Mr. Speaker decided well taken.

Mr. Strom moved

That the House do now adjourn,

Which motion was declared out of order, the reading of the bill being under way, and

Senate Bill No. 167,

A bill for an act authorizing the incorporation of lottery companies and regulating the same, so as to raise revenues to defray the expenses of the State,

Was read the first time, and

Mr. Lilly moved

To amend the bill as follows:

In Section 1 strike all after the word "company" in line 1 down to the word "having" in line 4, and strike out all after the word "act" in line 7 in the same section.

Mr. Stevens moved

That the House do now adjourn until 3 o'clock p. m.

Mr. Ink moved

To amend by fixing the time at 1:59 p. m. to-morrow.

Mr. Thompson of Cass, moved

To amend the amendment by making the time 3:01 p. m. this afternoon,

Which amendment prevailed, and

The question recurring on the motion as amended,

The motion prevailed, and

The House adjourned until 3:01 p. m.

The House reassembled at 3:01 p. m.

Mr. Hankinson moved

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

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

EIGHTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1890.

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

Mr. Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Court.

Mr. Thompson of Cass, moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion was lost.

Mr. Speaker announced his signature to

Senate Bill No. 56,

A bill for an act to subdivide the Sixth Judicial District of the State of North Dakota, and fix the terms of court therein.

Also,

Senate Bill No 129,

A bill for an act to allow organized townships to levy a tax for irrigation purposes.

Also,

Senate Bill No. 144,

A bill for an act to provide for the issuing of warrants for the payment of the expenses of the Constitutional Convention in excess of the amount appropriated by Congress therefor, and to provide for the redemption of said warrants.

Also,

Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota.

The Journal of the eightieth day was read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 8, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Also,

House Bill No. 187,

A bill for an act relating to State, county and city officers to restrain them from speculating in their offices,

Which the senate has passed unchanged.

Also,

Senate Bill No. 141,

A bill for an act to transfer and appropriate the unexpended balances of the appropriation made for the office of Commissioner of Immigration by the Sixteenth and Eighteenth Legislative Assemblies of the Territory of Dakota.

Also,

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota.

Also,

Senate Bill No 156,

A bill for an act providing for the payment of a license of railway sleeping cars.

Also,

Senate Bill No. 135,

A bill for an act establishing an independent school district for the city of Grand Forks, State of North Dakota.

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

Also,

I have the honor to inform the House that the Senate has concurred in the House amendments to

Senate Bill No. 56,

A bill for an act to subdivide the Sixth judicial district of the State of North Dakota, and to fix the terms of court therein.

Also,

Your concurrence is requested in the following

CONCURRENT RESOLUTION.

A Memorial to Congress requesting the passage of the two Pension bills proposed by the G. A. R. National Pension Committee:

Be it Resolved by the Senate, the House of Representatives Concurring:
That a copy of the following Memorial signed by the President of the Senate

and the Speaker of the House of Representatives and attested by the Secretary of the Senate and by the Chief Clerk of the House of Representatives, be sent to the Honorables Gilbert A. Pierce, Lyman R. Casey and to the Honorable H. C. Hansbrough.

That the Honorables Lyman R. Casey and Gilbert A. Pierce, representing this State in the Senate of the United States, and Honorable H. C. Hansbrough representing this State in the House of Representatives of the United States, be, and they are hereby respectfully requested to present the following Memorial in their respective Houses, and to urge the passage of an Act of Congress in accordance with this Memorial, to-wit:

To the Honorable, the Congress of the United States:

The people of the State of North Dakota, in Legislative Assembly convened, respectfully represent: That the people of the State of North Dakota earnestly desire that all honorably discharged soldiers who served in the army of the United States during the late war of the rebellion should receive a pension from the United States for their services.

They also desire that those suffering from disability incurred in consequence of such service should be especially remembered without consideration of rank in the service.

That many G. A. R. members now reside within this State and that the provisions of the bills now proposed by the G. A. R. National Pension Committee embody the resolutions concerning pensions as adopted unanimously by two consecutive National Encampments of the Grand Army of the Republic.

They, therefore, respectfully request that your honorable body give said bills your favorable consideration.

Which the Senate has passed.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 7, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 77,

An act to provide for the prosecution and trial of crimes and offenses on information, and to dispense with the calling of grand jurors, except by order of the district court judges,

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

Respectfully,
JOHN MILLER,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 8, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insur-

ance to be made and issued in this State by all insurance companies taking fire risks on property within this State.

Also,

House Bill No. 163,

A bill for an act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain.

Which the Senate has passed unchanged.

Also,

House Bill No. 78,

A bill for an act to permit the assignment, satisfaction or foreclosure of mortgages and other liens by foreign executors and administrators.

Which was lost.

Also,

Senate Bill No. 165,

A bill for an act authorizing transcripts of judgments and decrees of the United States courts in the State of North Dakota to be filed with the clerks of the several counties and to be docketed therein,

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

C. C. BOWSFIELD,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Currier moved,

That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 39,

Which motion prevailed, and

Mr. Speaker called Mr. Selby to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 39,

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

And recommend that the bill be amended as follows:

That in Section 1, line 2, after the figures "60", that all be stricken out down to the figures "61" in line 4, and the word "and" be inserted in lieu thereof.

After the word "Ramsey" in line 5, that the following be added: "*Provided*, That it shall be submitted to a vote of all the people concerned therein."

And when so amended recommend that said bill do pass.

J. F. SELBY,
Chairman.

Mr. Bowen moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 48,

A bill for an act to amend Chapter 3, Article 1, Section 3053 of the Civil Code, and Chapter 69, Section 10, Laws 1889, relating to publication of insurance statements.

Also,

House Bill No. 186,

A bill for an act to promote medical science.

Also,

House Bill No. 180,

A bill for an act providing for the displaying of the flag of the United States on all public State institutions.

Were delivered to his Excellency, the Governor, for his approval at the hour of 2:30 o'clock p. m., February 7, 1890.

GEO. H. WALSH,
Chairman.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Montgomery presented the following remonstrance.

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Walsh hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

F. C. THOMSON and 130 others.

Mr. Richardson presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Pembina hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

H. N. JOY and 49 others.

Mr. Walsh presented the following petition:

To Senators M. L. McCormack, Geo. B. Winship, J. E. Stevens, and to Assemblyman, Geo. H. Walsh, Bismarck, North Dakota:

We, the undersigned citizens and tax payers of the city of Grand Forks, North Dakota, respectfully request you to put forth your best efforts to establish the "North Dakota State Lottery," believing it to be to the best interests of our new State.

W. H. BROWN and 44 others.

Mr. Buchanan presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Sargent hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

D. L. CONEY and 33 others.

Mr. Olsgard presented the following remonstrances:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Ramsey hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

J. P. HOWSER and 10 others.

Also,

A similar petition from Nelson County

Signed by U. Osborn and 30 others.

Mr. Langer presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Cass hereby respectfully but emphatically request the passage by the Legislative Assembly of Council Bill No. 167, being a law authorizing the organization or legislation of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would prove beneficial to the State and to its future success.

J. H. RODENBERG and 24 others.

Mr. Hoyt presented the following petition:

To the Members of the Legislature of the Thirtieth District, North Dakota:

We, the undersigned, have made inquiry among your constituents regarding the proposition to charter a lottery of North Dakota and find that with scarcely any exception the disposition is very strong in favor of it. Your heartiest efforts in its behalf will receive endorsement from this district.

LYMAN N. CARY and 350 others.

Mr. Pinkham presented the following remonstrances:

FARGO, N. D., February 6, 1890.

To the Honorable Members of the House of Representatives of the State of North Dakota:

We, the general officers of the Womans Christian Temperance Union of the State of North Dakota, in behalf of our 800 sisters, loyal to temperance; sobriety and honest dealing, do earnestly petition your honorable body not to pass a bill legalizing the business of lottery companies in our State. We feel that such a law would be a foul stain upon the fair name of our grand new State and would be indirect opposition to the uplifting of humanity, which is ever the aim of our organization.

ADELAIDE M. KINNEAR, Pres. N. D. W. C. T. U.

MRS. IDA G. FOX, Cor. Secy. N. D. W. C. T. U.

MRS. M. D. BILL, Rec. Secy. N. D. W. C. T. U.

MRS. LIZZIE J. BOYLE, Treas. N. D. W. C. T. U.

Also the following:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the counties of Barnes and Stutsman hereby respectfully but emphatically protest against the passage by the Legislative

Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

V. L. CRAIG and 26 others.

Also,

A similar remonstrance from the citizens of Cass county signed by E. H. Stickney and 99 others.

Mr. Foss presented the following remonstrance:

To Representatives J. H. McCullough and A. N. Foss:

GENTLEMEN: We, the undersigned residents, business men and voters in the Third Legislative district, respectfully urge upon you that you cast your vote in the House of Representatives against any bill now before the House, or which may at any time during the present session come before it, for licensing, or approving or permitting any lottery association, or company or individual to do business in the State of North Dakota, and for the following reasons:

The lottery is synonymous with gambling, and gambling is essentially dishonest and immoral. These two positions are admitted, and the lottery is prohibited in consequence by all the enlightened states and nations of the world at the present time.

The lottery was prohibited by the Territory of Dakota, it being regarded by even the crude society of the early Territory as a disreputable and dangerous foe to the commonwealth, and the State should not be behind the Territory in policy or morals. It is also prohibited by nearly every state in the union.

The lottery is demoralizing to society, inasmuch as it leads to the determination to become rich, suddenly, without labor and without giving any equivalent therefor.

The lottery paralyzes honest industry, business energy and honorable ambition, and, if licensed here, will prove to be an unmitigated curse.

The lottery offers special temptations to the poor man to make expenditures which he cannot afford, and makes the poor man always and only poorer, and leads inevitably to misery and want.

The lottery has thousands of blanks and losses to a single possible winner, and no one investing in it can possibly win anything except from the losses and sufferings of his fellow men.

The sudden and universal development of the gambling spirit throughout the State consequent upon licensing the lottery would be a more terrible and costly calamity than could be offset by any revenue derived therefrom.

It would deter immigration of the best class, as no desirable immigrant would permit his family to grow up in the atmosphere of the lottery if he could prevent it.

We declare our belief that it would be bad policy and worse morals to tolerate it for any pecuniary consideration whatever.

We ask that you vote against such bill yourselves, and that you urge all other legislators whom you can influence to support you in this action.

WILL FARRELL and 119 others.

Mr Walsh presented the following petition:

To Senators M. L. McCormack, Geo. B. Winship, and J E. Stevens and Assemblymen Geo. H. Walsh, F. Estabrook, Nels Tanbderg, L. J. Zimmer, A. P. Haugen and Ole T. Gronli, Bismarck, N. D.:

We, the undersigned citizens and tax payers of the city of Grand Forks, North Dakota, respectfully request you to put forth your best efforts to establish "The North State Dakota Lottery," believing it to be to the best interests of our new State.

JAMES K. SWAN and 74*others.

Mr. Langer presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county Cass hereby respectfully but emphatically request the passage by the Legislative Assembly of Council Bill No. 167, being a law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would prove beneficial to the State and to its future success.

H. GORDON FISH and 33 others.

Mr. Walsh presented the following petition:

GRAND FORKS, N. D., February 8, 1890.

To Hon. Geo. H. Walsh:

Duplicate telegram to Messrs. Haugen and Gronli on the 5th. We believe it will be for the financial interests of Grand Forks county and city if you favor the Sandager bill.

GEO. B. CLIFFORD and 223 others.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 8, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation and arbitration,

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

Also,

That the Senate has concurred in the House amendments to Senate Bill No. 43.

C. C. BOWSFIELD,
Secretary.

Mr. Haugen presented the following remonstrance:

GRAND FORKS, N. D., February 7, 1890.

To Hon. Arne P. Haugen, Bismarck, N. D.

The city lyceum considered the lottery bill to-night, none being found to favor it even in debate, and unanimously adopted: WHEREAS, North Dakota's Legislative Assembly has favorably considered in Senate bill to legalize lotteries; therefore,

Resolved, That we look at any measure of this nature with alarm, as contrary to the best interests of our State finances and otherwise, and we condemn the measure and urge our representatives to use every endeavor to prevent its passage.

M. A. SHIRLEY, President.

Mr. Wellman presented the following petitions:

VALLEY CITY, N. D., February 8, 1890.

To Mr. Speaker:

Most every tax payer in this section hopes for the passage of Senate Bill No. 167.

C. O. Hovosq.

VALLEY CITY, N. D., February 7, 1890.

To Mr. Speaker:

As real estate dealers representing the owners of tens of thousands of acres

of land in this and adjoining counties, we believe the passage of the lottery bill will prove a wise and beneficial measure for our new State.

CLARK & BARCLAY.

Mr. Haugen presented the following remonstrance:

To the Governor and Legislature of the State of North Dakota:

The undersigned citizens and voters of the city and county of Grand Forks, North Dakota, do most earnestly protest against the legalizing of any lottery by the State of North Dakota.

Believing that instead of being promoters of wealth, lotteries are the cause of untold misery, ruin and despair to thousands;

That their influence, and particularly the influence of the lottery, is to debauch politics;

That by enticing men with the vain hope of sudden and unearned wealth, they detract from the respect due to honest industry and the just rewards of labor;

That, therefore, they debauch the public conscience and lower the standard of public morals;

That they will effectually retard the growth and prosperity of the State, and serve to repel the most desirable class of immigrants;

And that their establishment will be a blot upon the otherwise fair name of this new State that will take generations to efface.

WILLIAM PATTEN and 8 others.

Mr. McIntyre presented the following petition:

To the Hon. H. R. Hartman, Bismarck, N. D.:

DEAR SIR: We, the undersigned citizens of the township of Buffalo, Cass County, North Dakota, are heartily in favor of Senator Sandager's Bill for the incorporation of lottery companies, and wish you as our representative from this district to do all in your power to make this bill a law, and place this, our petition where our wants may become known. And your petitioners ever pray.

JAMES A. WINSLOE and 39 others.

Mr. Beard presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Cass hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

G. W. OSBORNE and 41 others.

Mr. Stron presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Traill hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

L. THOMSON and 40 others.

Also,

A similar petition from the citizens of Traill, Steele and Grand Forks counties, signed by C. A. Dequess and 32 others.

Also,

The following petition from the citizens of Hillsboro:

HILLSBORO, N. D., February 5, 1890.

To J. F. Selby, Roderick Johnson, H. H. Strom and O. T. Jahr, Representatives from Traill County, N. D.:

HONORABLE SIRS: We most earnestly protest against chartering any lottery company, believing the same would be immoral, impolitic, a curse, a lasting shame and disgrace, and that it would expose North Dakota to the ridicule of the world.

P. L. BERVIG and 44 others.

Mr. McDonald presented the following petitions and telegrams:

DAZEY, N. D., February 7, 1890.

To the Hon D. McDonald:

We, the undersigned, legal voters of Dazezy, Barnes county, N. D., do favor the lottery bill.

R. CLENDING and 16 others.

To the Honorables S. A. Fisher, C. J. Christianson and Duncan McDonald, and Members of the Senate and House, North Dakota State Legislature, Greeting:

We, the undersigned residents of Barnes county, N. D., believe that the passage of the bill to license a State lottery would be beneficial for the State of North Dakota and Barnes county, therefore we request and urge that you support the measure to the end that it may become a law.

E. M. HANSON and 19 others.

To Honorables S. A. Fisher, Duncan McDonald and C. J. Christianson:

GENTLEMEN: In the bill introduced in the Senate of North Dakota, licensing lottery companies, we see beneficial results, financially, for both State and county, and we hope, as your constituents, the measure will receive your cooperation and support.

A. H. GRAY and 76 others.

SANBORN, N. D., February 4, 1890.

To the Honorables S. A. Fisher, C. J. Christianson and Duncan McDonald:

GENTLEMEN: We, the undersigned residents of Barnes county respectfully request that you give the measure known as the Lottery bill your favorable consideration.

A. BEECHER COX and 34 others.

Mr. Uleland presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of LaMoure hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

F. M. KINTEN and 33 others.

Mr. Ueland presented the following petition:

EDGELEY, N. D., February 6, 1890.

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned, voters and taxpayers of Edgeley and vicinity, do petition that in our opinion it is for the best interests of the State and people at large that you pass a certain bill now before your honorable body of a nature that will grant a charter to lottery companies to do business in this State, and request our Representative and Senator to use their utmost efforts to secure the passage of the same measure.

T. D. HANLON and 32 others.

Mr. Wellman presented the following communication and resolutions:

FARGO, N. D., February 5, 1890.

To Hon. D. B. Wellman, Speaker of the House of Representatives, Bismarck, N. D.:

DEAR SIR: We are instructed by mass meeting of the citizens of Fargo, held at the opera house last evening, to transmit to you the inclosed resolutions, with the request that they be presented to the body over which you preside. Very truly yours,

D. H. SMITH, Secretary.

S. NEWMAN, Chairman.

At a mass meeting of the citizens of Fargo, held at the Opera house on the evening of February 5, 1890, the following resolutions were unanimously adopted:

WHEREAS, A bill has been introduced in the Senate of North Dakota, which, if it becomes a law, will permit the organization of lottery corporations in this state,

Therefore, We the citizens of Fargo, in mass meeting assembled, do hereby resolve

1. That we desire to interpose our solemn protest against any attempt to make North Dakota the headquarters of any institution whose only claim for merit is that it robs the innocent and unwary to fill the coffers of the State.

2. That no immediate pressure for want of funds should permit this State, just entering the union, to say to her sister states, that she is willing to lay aside honor and integrity, become the ally of the gambler, the robber and the dweller in the lowest dregs of society, to the end that a few paltry dollars may come into the public treasury.

3. That we earnestly oppose the foisting upon this community of a corporation, whose "unscrupulous audacity is only equaled by the secrecy of its councils, and which not only possesses no soul, but is equally destitute of all pity, all mercy, all remorse."

4. That we consider the licensing of lottery companies in North Dakota equally demoralizing in its effects upon the morals of her people, and especially upon her young men, as would be the licensing of faro banks, gambling hells, liquor saloons and houses of ill fame.

5. That we respectfully petition and urge, not only the representatives and senators from Fargo and Cass county, but from the State at large as well, to use all honorable means for the defeat of the Sandager bill, now under consideration by the legislature.

6. That the president and secretary of this meeting be directed to transmit a copy of these resolutions to the President of the Senate and the Speaker of the House, with the request that they present the same to the bodies over which they respectively preside.

E. H. SMITH, Secretary.

S. NEWMAN,
Chairman.

Mr. Stevens moved

That a committee be appointed to investigate whether the system of licensing houses of prostitution is not practically tolerated in the city of Fargo,

Which motion prevailed.

Mr. Reed presented the following telegram:

WILLOW CITY, N. D., February 7, 1890.

To James A. Reed, Bismarck, N. D.:

We protest against the passage of the Lottery bill. Use your influence to defeat it.

W. H. THOMAS and 11 others.

Mr. Allin presented the following remonstrance:

OAKES, N. D., February 8, 1890.

To Hon. W. B. Allen:

Public sentiment here is strongly opposed to the Lottery bill. Republicans desire its defeat; fight it to the bitter end.

W. F. CANFIELD and 8 others.

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Dickey hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

REN. R. H. HOOK and 73 others.

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Dickey hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

C. E. SMITH and 66 others.

Mr. Christianson presented the following telegram:

SANBORN, N. D., February 6, 1890.

To Hon. S. A. Fisher:

The petition sent you last night bears one-half of this township's voters. Many known opposers not yet seen. It is safe to say that the best citizens of Barnes county oppose the lottery scheme by a large majority,

WM. HOLLIDAY.

And the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Barnes hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

M. G. CUSHING, Deputy Clerk.

JOHN D. BLACK, Register of Deeds.

O. Hde. S. JOGENS, County Treasurer.

C. S. WALKER, County Auditor.

After mature deliberation, we, whose names appear above, respectfully request that our names may be stricken off the petition favoring the passage of the Lottery bill, and most emphatically protest against the bill becoming a law.

Mr. Foss presented the following remonstrance:

To Senator Roger Allin, McCullough and Foss:

SIRS: We, the undersigned residents, business men and voters in the Third Legislative District respectfully urge upon you that you cast your vote in the House of Representatives against any bill now before the Senate or which may at any time during the present session come before it, for licensing or approving or permitting any lottery association or company or individual to do business in the State of North Dakota, and for the following reasons:

The lottery is synonymous with gambling, and gambling is essentially dishonest and immoral. These two positions are admitted, and the lottery is prohibited in consequence, by all the enlightened states and nations of the world at the present time.

The lottery was prohibited by the Territory of Dakota, it being regarded by even the crude society of the early Territory as a disreputable and dangerous foe to the commonwealth, and the State should not be behind the Territory in policy or morals. It is also prohibited by nearly every State in the Union.

The lottery is demoralizing to society, inasmuch as it leads to the determination to become rich, suddenly, without labor, and without giving any equivalent therefor.

The lottery paralyzes honest industry, business energy, and honorable ambition, and if licensed here, will prove to be an unmitigated curse.

The lottery offers special temptations to the poor man to make expenditures which he cannot afford, and makes the poor man always and only poorer, and leads inevitably to misery and want.

The lottery has thousands of blanks and losses to a single possible winner, and no one investing in it can possibly win anything except from the losses and sufferings of his fellow men.

The sudden and universal development of the gambling spirit throughout the State consequent upon licensing the lottery, would be a more terrible and costly calamity than could be offset by any revenue derived therefrom. It would deter immigration of the best class, as no desirable immigrant would permit his family to grow up in the atmosphere of the lottery if he could prevent it. We declare our belief that it would be bad policy and worse morals to tolerate the lottery for any pecuniary consideration whatever.

We ask that you vote against such bill yourselves and that you urge all other legislators whom you can influence to support you in this action.

WILLIAM WIDDES and 99 others.

Mr. McCormick presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Grand Forks hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

V. E. CALDERWOOD and 20 others.

Also,

A similar petition from the citizens of Ramsey county signed by O. J. Stirk and 98 others.

Mr. McIntyre presented the following petition:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Cass hereby respectfully but emphatically request the passage by the Legislative Assembly of Senate Bill No. 167, being a law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would prove beneficial to the State and to its future success.

JULIUS STREKLOW and 97 others.

Also,

The following petition:

To the Hon. E. D. McIntyre, John E. Haggart and others:

The undersigned citizens of Cass county, North Dakota, most humbly petition that you use your influence to have enacted a law providing for the chartering of lotteries, *Provided*, Said chartered companies shall agree to pay for such privileges a sufficient sum to pay a considerable portion of the running expenses of the State government, and thereby lessen the burdens of taxation.

S. A. MATSON and 145 others.

Mr. Stevens presented the following petition:

To the Ransom County Members of the Legislature of the State of North Dakota:

In the depleted condition of the State Treasury, and in view of the urgent necessity for some immediate action on the part of our Representative to devise means to replenish the same, you have our hearty co-operation in your efforts to locate and license the Louisiana State Lottery in our State. We believe it to be a wise and politic policy under the straightened conditions of our State finances, the croakings of theoretical moralists to the contrary notwithstanding.

H. S. OLIVER and 99 others.

Mr. Haugen presented the following remonstrances:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Ransom hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

L. C. HILL and 63 others.

Also the following:

To the Legislative Assembly of the State of North Dakota:

The undersigned mothers and women of the county of Ransom, hereby earnestly plead with the Legislative Assembly not to fasten on our State by law any lottery with which to corrupt our husbands, fathers, brothers and sons.

MRS. M. H. CALL and 69 others.

Mr. Norton presented the following telegram:

HAMILTON, N. D., February 6, 1890.

To Hon. H. L. Norton, Bismarck:

In one hour to-day I received forty names in favor of the Lottery bill.

W. H. RANDALL.

Mr. Strom presented the following telegram:

HILLSBORO, N. D. February 7, 1890.

To Hon. H. H. Strom:

Use all honorable means in your power to defeat the lottery swindle. You will be backed by all honest citizens.

JOHN E. PAULSON.

Mr. Richardson presented the following remonstrance:

DRAYTON, N. D., February 5, 1890.

To Our Representatives:

We earnestly protest against the chartering of any lotteries in North Dakota.

J. K. FAIRCHILD and 40 others.

Mr. Gronli presented the following petition:

GRAND FORKS, N. D., February 5, 1890.

To Arne P. Haugen and Ole Gronli:

I believe that it will be for the financial interest of Grand Forks county and city if you favor the Sandager bill.

GEO. B. CLIFFORD and 207 others.

Mr. Selby presented the following petition.

HILLSBORO, N. D., February 6, 1890.

To Hons. J. F. Selby, R. J. Johnson and H. H. Strom:

In view of the present financial condition of our new State we consider the passage of the Lottery bill desirable.

J. DEMROAT and 107 others.

Mr. Stadleman presented the following endorsements:

PEMBINA, N. D., February 6, 1890.

To Hon. Judson LaMoure and Pembina Delegation:

We, the undersigned citizens of Pembina, believe the Sandager bill, regulating lotteries, to be a good one and should become a law.

M. RYAN and 27 others.

NECHE, N. D., February 6, 1890.

To Hon. Judson LaMoure:

We, the undersigned citizens of North Dakota hereby endorse the action of the Senate in passing the Lottery bill.

TIM O'BRIEN and 98 others.

DRADEN, N. D., February 7, 1890.

To Hon. Jud LaMoure:

We the undersigned heartily endorse the bill to charter lotteries in North Dakota.

W. WALTON and 61 others.

Mr. Heglie presented the following remonstrances:

To the Honorable House of Representatives in the State of North Dakota:

We the undersigned citizens and voters of Richland county and State of North Dakota earnestly oppose and protest against the passage of the Senate Lottery Bill No, 167, as a measure which in its nature is vice, and dangerous in its present and future moral influence, ridicule the people of North Dakota and injurious to the credit and good name of the State; therefore, we will forever pray that the above mentioned bill never pass.

J. O. MANGER and 23 others.

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Richland hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State and prove disastrous to its future success.

C. N. WOOD and 100 others.

Mr. McCullough presented the following telegrams:

PARK RIVER, N. D., February 8, 1890.

To Hon. J. H. McCullough:

Lottery scheme thoroughly discussed. The sentiment of the Third district is emphatically against it. A protest will reach you Saturday.

HUNTER & VANVLIT.

PARK RIVER, N. D., February 8, 1890.

To Hon. J. H. McCullough:

The sentiment here is strong against the lottery scheme. Use all honorable means to defeat it.

J. OFSTEDAHL.

Mr. Estabrook presented the following petitions:

INKSTER, N. D., February 6, 1890.

To the Hon. Franklin Estabrook, Bismarck, N. D.:

DEAR SIR: We, the undersigned citizens and voters of Inkster and vicinity, believing that the establishment of a State lottery in North Dakota would be detrimental to the moral welfare of the people, do most earnestly request you to use your vote and influence against all measures tending to the legalization of such an institution.

W. N. LOVELL and 46 others.

LARIMORE N. D., February 7, 1890.

To Franklin Estabrook, Bismarck:

We, the undersigned citizens and tax payers of the city of Larimore and vicinity do petition and instruct our representatives in your body to support and vote for the bill known as the Sandager bill, which is a bill for an act authorizing the incorporation of lottery companies and regulating the same so as to raise revenues to defray the expenses of the State.

M. M. MILLER and 52 others.

Mr. Olsgard presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Nelson hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

M. N. JOHNSON and 5 others.

Mr. Moore presented the following:

DICKINSON, N. D., February 8, 1890.

To Hon. C. C. Moore:

A majority of the citizens of Dickinson and Stark county will approve of your course on the lottery question.

C. WILSON.

Mr. Pinkham presented the following remonstrance:

CASSELTON, N. D., February 6, 1890.

To Hons. N. B. Pinkham, Court, Bye, Beard, Langer, Hartman, Rowe and McIntyre:

At the request of many of your constituency I wire you urging you to do everything possible to defeat that black, scandalous, demoralizing lottery conspiracy. It is a business insult, aside from the moral feature to sell the state to robbers for such a trifle. They have offered other states a million a year and have been refused. They sized us North Dakota fellows up as cheap chumps; it looks as if they got us down right.

FRANK LYNCH.

Mr. Langer presented the following petition:

CASSELTON, N. D., February 8, 1890.

To Representatives Langer, McIntyre, Beard, Court, Bye and Pinkham and Senators Rowe, Smith and Hartman:

A majority of the business men of this city and a large majority of the better element of society earnestly urge you to defeat this infamous Lottery bill.

KILBOURNE LEVELL and 9 others.

Mr. Beard presented the following telegram:

HUNTER, N. D., February 8, 1890.

To Hon. W. W. Beard:

Vote against and defeat the Lottery bill if possible.

E. H. PAINE and 5 others.

Mr. Strom presented the following telegrams:

HILLSBORO, N. D., February 8, 1890.

To Messrs. Strom, Selby, Johnson and Fahr:

Defeat the lottery swindle at all hazards. Nine-tenths of Eldorado township is against it. Will forward remonstrance by mail.

A. STEENSON.

HILLSBORO, N. D., February 8, 1890.

To Messrs. Strom, Selby, Johnson and Fahr:

We protest against the lottery scheme. We deny that it will be a pecuniary benefit to the State. Save North Dakota such humiliation.

JOSEPH KENNEDY and 35 others.

Mr. Wellman presented the following telegram:

VALLEY CITY, N. D., February 8, 1890.

To Hon. David Wellman, Speaker House of Representatives:

Just returned from St. Paul. The expression there of many capitalists interested in the welfare of North Dakota are in favor of the passage of the Lottery bill.

I. PARKHOUSE.

Mr. Roney presented the following telegram:

PORTLAND, N. D., February 8, 1890.

To Hon. H. H. Roney:

I believe you will best represent Steele county by voting against the Lottery bill.

L. S. PAUL.

Mr. Buchanan presented the following:

MILTON, N. D., February 4, 1890.

Hon. W. S. Buchanan, Bismarck, N. D.:

DEAR SIR: I must take this manner of apprising you of my horror at hearing of the lottery scheme. I hope; I feel you cannot countenance such legislation. Your honor, your family, your State, your God demand of you your entire mind and strength and your vote for the repression and rejection of such legislation. God grant it. Your humble servant,

WALTER L. WILLIAMSON.

Mr. Speaker announced his signature to

Senate Bill No. 8,

A bill for an act to provide for the interchanging of district judges and for holding court when the judge thereof is for any reason unable to act.

Also,

Senate Bill No. 43,

A bill for an act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same.

Mr. McCormack presented the following communication:

CHURCHES FERRY, February 7, 1890.

To Hon. Jas. McCormick:

At an indignation meeting held at this place this evening we were instructed to ask you to enter the earnest protest of the members of this meeting against the passage of any bill favoring lotteries. Our letter will follow.

H. D. ORVIS,

H. A. NOLTEMER,

R. F. POWELL,

Committee.

Mr. Selby presented the following communication:

To the Honorable Members of the Senate and House of Representatives of North Dakota:

We, the undersigned citizens, voters and tax payers of Traill county, North Dakota, desire to express our approval of the bill introduced by Senator Sandager, licensing lottery companies, and hope the same may pass and become a law.

This strikes us as a move in the right direction. We believe it will enrich the treasury, without any increase of detriment to public morals. We believe this will meet with general approval.

D. D. MURRAY and 55 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 241,

A bill for an act to locate and provide for the government of a State Normal School at Valley City, Barnes County, North Dakota.

Also,

House Bill No. 181,

A bill for an act entitled "An Act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889."

Also,

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds, etc.

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

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 to to relieve certain persons whose horses had to be killed to check the progress of an infectious disease,

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

Also,

Senate Bill No. 108,

A bill for an act authorizing the Governor and Secretary of State to provide furniture and supplies for the various State officers, and making appropriations therefor,

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

R. B. RICHARDSON,
Chairman *pro tem*.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties.

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

In Section 1, line 1, amend by inserting after the word "funds" the following: "In the hands of the respective county treasurers of any of the counties of this State in excess of \$2,000." Also, add to Section 1 the following: "Provided, That not more than \$15,000 can be deposited in any one bank." In line 3, same section, amend by striking out the word "county" and inserting the word "State." In Section 1, line 19, strike out the word "twice," also the words "real and personal." In Section 2 strike out all of the latter part of the section beginning with the words "it is hereby made the duty," etc. In Section 5, lines 1 and 2, amend by striking out the following clause: "All payments made by treasurers of counties having designated depositories shall be made by check on the depositories."

In lines 8 and 9, same section, amend by adding the words, "Provided, That all interest accruing on any sinking fund shall be credited to said fund."

In Section 7, line 6, amend by striking out the word "three" and inserting the word "five."

In Section 9, line 4, amend by striking out the word "such" and inserting the word "each."

Amend by adding to Section 8 the following: "And the board of county commissioners shall in all cases take into consideration, in designating said banks, the convenience of the county and safety of the funds, and shall use their best judgment and discretion in the matter, and shall at any time, should the interest of the county or safety of the funds in their judgment require it, name any other bank or banker in place of one designated and order and compel the treasurer to withdraw all money from such bank and deposit it in such other bank as may be designated by them."

And when so amended recommend that said bill do pass.

W. S. BUCHANAN,
Chairman *pro tem.*

Mr. Storm moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Cole moved

That Senate Bill 167 be returned to the Senate with the information that this House cannot further consider the same for the reason that it is unconstitutional.

Mr. Walsh raised the point of order that the motion is out of order until the Senate recalls the bill,

Which point Mr. Speaker decided well taken, and ruled the motion out of order.

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

Resolved, That William Head, Janitor, be allowed the same *per diem* as other janitors of the House are allowed.

Which motion prevailed, and

The resolution was adopted.

Mr. Selby (by unanimous consent) made the following report of the Conference Committee on House Bill No. 15:

MR. SPEAKER:

Your Conference Committee to whom was referred the differences existing in reference to House Bill No. 15 have had the same under consideration and respectfully report and recommend.

1. That the Senate amendment to Section 1 be concurred in.
2. That the Senate amendment to Section 2 be not concurred in.
3. That the Senate amendment to Section 4 be not concurred in.
4. That the Senate amendments to Section 5 be not concurred in.
5. That the Senate amendment to Section 6, first mentioned be not concurred in and that Section 6 be amended as follows: By inserting after the word "containing" in line 2 of the written bill the words "five hundred inhabitants or less, with a less capital than \$5,000; in towns of over 500 and not over 1,000 inhabitants with a less capital than \$10,000, and following thereafter the balance of Section 6 from the word "dollars" in line 7, Section 6 written bill.

6. That the Senate amendment to Section 13 be concurred in.

7. That the Senate amendment to Section 21 be concurred in.

8. That the proposed new section to be known as Section 25 be amended as follows: Strike out all after the word "no" in the first line of Section 25 down to and including the word "business" in line 2, and insert in lieu thereof the words, "banking association." Strike out all after the word "such" in last line of said section and insert in lieu thereof the words "banking association is insolvent."

9. Amend proposed new Section 26 as follows: Strike out in first line of said section after the word "such" the words "bank corporation, firm or individual" and insert in lieu thereof the words "banking association."

10. That the Senate amendment to Section 8 be concurred in.

11. That the second amendment to Section 6 be not concurred in.

12. Your committee also propose the following as an additional section to the bill to be known as Section 27, namely:

It shall be unlawful for any individual, firm or corporation to continue to transact a banking business or to receive deposits for a period longer than six months immediately after the passage and approval of this act without first having complied with, and organized under the provisions of this act. Any person violating the provisions of this section, either individually or as an interested party in any association or corporation, shall be guilty of a misdemeanor, and on conviction thereof be fined not less than \$500 nor more than \$1,000, or imprisoned in the county jail not less than ninety days, or either or both, at the discretion of the court.

13. That the sections be properly numbered in conformance with the amendments proposed herein.

And your committee respectfully recommend that the bill as so amended do pass.

J. F. SELBY,
E. S. TYLER,
A. P. HAUGEN,
Com. on part of House.
GEO. B. WINSHIP
C. B. LITTLE,
W. H. ROBINSON,
Com. on part of Senate.

Mr. Selby moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Watt moved

That the House concur in the following Senate amendments to House Bill No. 109:

Strike out all of Section 3, also, in Section 1, line 3, insert after the word "form" the words "except on the written order of a parent or guardian,"

Which motion prevailed, and
The Senate amendments were concurred in.

Mr. Williams moved

That the House take an informal recess of five minutes,
Which motion prevailed, and
The House took an informal recess.

House reassembled.

Mr. Speaker appointed as the special committee, called for by the motion of Mr. Stevens, Messrs. Stevens, Moore and Thomas.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The House having concurred in the Senate amendments to House Bill No. 109, and

The question being shall

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

Pass, as amended by the Senate,

The roll being called there were ayes 55, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Roney,
Stadleman,
Stevens.
Strom,
Tanberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Court,	Lilly,	Selby,
Hoyt,	Richardson,	Thomson of Walsh.

Mr. Moore voting in the negative,

So the bill as amended by the Senate passed and the title of the bill was agreed to.

The House having adopted the report of the Conference Committee on House Bill No. 15, and

The question being shall

House Bill No. 15,

A bill for an act for the organization and government of State banks,

Pass as amended by the adoption of the report of the Conference Committee,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Renaud,
Balkan,	Jahr,	Roney,
Beard,	Johnson,	Selby,
Belden,	Langer,	Stadleman,
Bowen,	Lilly,	Stevens,
Brittin,	Lutz,	Strom,
Buchanan,	McCormick,	Tandberg,
Bye,	McCullough,	Thomas,
Currier,	McDonald.	Thompson of Cass,
Estabrook,	McIntyre,	Tyler
Foss,	Milsted,	Ueland,
Green,	Moore,	Walsh,
Gronli,	Montgomery,	Walton,
Hankinson,	Murphy,	Watt,
Haugen,	Nedrud,	Wickham,
Haugerud,	Norton,	Williams,
Heglie,	Olsgard,	Zimmer,
Hoyt,	Rawlings,	Mr. Speaker.
Ingebretson,	Reed,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Court,	Richardson,
Cole,	Pinkham,	Thomson of Walsh.

So the bill, as amended, passed, and the title of the bill was agreed to.

Mr. Estabrook moved

That the House do not concur in the Senate amendment to House Bill No. 54, and that a Conference Committee be appointed,

Which motion prevailed.

Mr. Estabrook moved

That the House concur in the following* Senate amendment to House Bill No. 136:

In Section 1, line 8, strike out the word "grade" and insert in lieu thereof the word "grades,"

Which motion prevailed, and
The question being shall
House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887 of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses, and requiring additional duties,

Pass, as amended by the Senate,

The roll call being called there were ayes 52, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Reed,
Balkan,	Johnson,	Roney,
Bowen,	Langer,	Selby,
Brittin,	Lilly,	Stadleman,
Buchanan,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McCullough,	Thomas,
Currier,	McDonald,	Thompson of Cass,
Estabrook,	McIntyre,	Tyler,
Foss,	Milsted,	Ueland,
Green,	Moore,	Walsh,
Gronli,	Montgomery,	Walton,
Hankinson,	Nedrud,	Watt,
Haugen,	Norton,	Wickham,
Haugerud,	Olsgard,	Williams,
Heglie,	Pinkham,	Zimmer,
Hoyt,	Rawlings,	Mr. Speaker.
Ingebretson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Ink,	Renaud,
Belden,	Murphy,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Richardson,	Thomson of Walsh,
Court,		

And so the bill passed, and the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 187,

A bill for an act relating to State, county and city officers to restrain them from speculating in their offices.

Also,

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Also,

House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, com-

panies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same,

And find the same correctly enrolled.

GEO. H. WALSH.
Chairman.

Mr. Speaker announced his signature to
House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations, from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violations of the same.

Also,

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Also,

House Bill No. 187,

A bill for an act relating to State, county and city officers to restrain them from speculating in their offices.

UNFINISHED BUSINESS.

Mr. Ueland moved

To adopt the following amendment to Senate Bill No. 167:

In Section 1 strike all after the word "company" in line 1 down to the word "having" in line 4, and strike out all after the word "act" in line 7 in the same section

Mr. Stevens moved

As a substitute that the amendment be referred to the Committee to which the bill shall be referred.

Roll call demanded.

The roll being called there were ayes 37, nays 24.

Those who voted in the affirmative were:

Messrs—

Belden,
Bowen,
Brittin,
Buchanan,
Currier,
Estabrook,
Green,
Hankinson,
Haugerud,
Hoyt,
Ingebretson,
Lutz,
McDonald,

Messrs—

McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Norton,
Rawlings,
Reed,
Renaud,
Selby,
Stadleman,
Stevens,

Messrs—

Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickam,
Williams,
Zimmer.
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	McCullough,
Balkan,	Heglie,	Montgomery,
Beard,	Ink,	Olsgard,
Bye,	Jahr,	Pinkham,
Christianson,	Johnson,	Richardson,
Cole,	Langer,	Roney,
Foss,	Lilly,	Strom,
Gronli,	McCormick,	Ueland,

Mr. Court being absent and not voting.

So the substitute motion prevailed.

Mr. Roney (by request, by unanimous consent) offered the following resolution and moved its adoption:

WHEREAS, It is currently rumored that members of this Assembly are being influenced to vote for Senate Bill No. 167 by means of bribery and other unlawful means; therefore,

Resolved, That the Speaker of this House be and is hereby requested to appoint a committee of five to investigate said reports and report the result of such investigations to this House at their earliest possible convenience.

Which motion prevailed, and
The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hankinson introduced—
House Bill No. 273.

A bill for an act to authorize the State Auditor to assess, by estimate, specific taxes upon corporations which neglect or refuse to make the report as required by law upon which specific taxes are computed and to provide for the collection of the same.

The Committee on Railroads introduced—
House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the state of North Dakota.

Mr. Roney (by request) introduced—
House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the eighth Subdivision of the sixth judicial district to the proper counties.

FIRST READING OF HOUSE BILLS.

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

Was read the first time.

Mr. Haugerud was excused until next Wednesday.

Mr. Thompson of Cass introduced the following resolution and moved its adoption:

Resolved, That the committee to be appointed to investigate the matter as to the improper solicitation of members to support Senate Bill No. 167 be further instructed, and it shall be their duty to ascertain who are circulating stories as to the improper solicitation in support of said bill, and to report the names of such persons to this House.

Which motion prevailed, and
The resolution was adopted.

Mr. Speaker appointed as the committee to investigate the charges of bribery, called for by the resolution of Mr. Roney, Messrs. Roney, Thompson of Cass, Selby, Walton and Zimmer.

Mr. Selby moved
That the house do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1890.

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

Mr. Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Haugerud, Johnson, Lutz and McDonald.

Messrs. Haugerud and Lutz being excused.

Mr. Bowen moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House.

Roll call demanded.

The roll being called there were ayes 37, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Pinkham,
Balkan,	Haugen,	Rawlings,
Beard,	Heglie,	Reed,
Belden,	Ink,	Richardson,
Bowen,	Jahr,	Selby,
Brittin,	Langer,	Strom,
Buchanan,	Lilly,	Tandberg,
Bye,	McCormick,	Ueland,
Christianson,	McCullough,	Walsh,
Cole,	Montgomery,	Williams,
Foss,	Nedrud,	Zimmer,
Green,	Olsgard,	Mr. Speaker.
Gronli,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Court,	Murphy	Thomas,
Currier,	Norton,	Thompson of Cass,
Estabrook,	Renaud,	Tyler,

Messrs—
Hoyt,
Ingebretson,
Milsted,
Moore,

Messrs—
Roney,
Stadleman,
Stevens,

Messrs—
Walton,
Watt,
Wickham.

Absent and not voting:

Messrs—
Haugerud,
Johnson,

Messrs—
Lutz,
McDonald.

Messrs—
McIntyre,
Thomson of Walsh.

Messrs. Haugerud and Lutz being excused.

So the motion to dispense with the reading of the Journal was lost.

The Journal of the preceding day was read, and

Mr. Pinkham moved

That the reading of the petitions, communications, etc. be dispensed with,

Which motion prevailed, and

The Journal was corrected and approved.

Mr. Speaker announced his signature to

Senate Bill No. 52,

A bill for an act to provide for a commission to act with a like commission from the State of South Dakota, to effect the final adjustment between the respective States of North and South Dakota and defining its duties and powers.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 10, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has adopted the report of the Conference Committee amending House Bill No. 15, and has passed the bill as amended.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced as the Conference Committee on the part of the House on House Bill No. 54, Messrs. Estabrook, Bowen and Murphy.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Buchanan moved

That the reading of all petitions be dispensed with until the same shall be printed in the Journal,

Which motion prevailed.

Mr. McCullough presented the following telegram.

EDINBURG, February 10, 1890.

To the Hon. J. H. McCullough:

I forward by mail a remonstrance signed by all the business men here against the nefarious Lottery bill. Work for your life to save the fair name of North Dakota.

J. E. WHITE.

Mr. Thomson of Walsh, presented the following telegrams:

MINTO, N. D., February 10, 1890.

To the Hon. Alex. Thomson:

We want the Sandager bill passed. Farmers are in favor of it two to one.
HUGH KENNEDY.

MINTO, N. D., February 10, 1890.

To the Hon. Alex. Thomson:

We want the lottery. Money is wanted badly.
T. J. HANNAH, City Marshal.

MINTO, N. D., February 10, 1890.

To the Hon. Alex. Thomson:

The lottery we must have. Do what you can.
FRED. CARPENTER.

MINTO, N. D., February 10, 1890.

To the Hon. Alex. Thomson.

We must have the lottery. Do what you can for it. All liberal minded citizens here demand it.

R. W. WALKER.

MINTO, N. D., February 10, 1890.

To the Hon. A. Thomson:

Support the Sandager bill by all means. It is a good thing.
A. MCKAY.

MINTO, N. D., February 9, 1890.

To the Hon. Alex. Thomson:

At indignation meeting last night not one-tenth of the citizens were present. They did not get a signer at the meeting. Five to one in favor of the bill.

E. E. DAILY, City Justice.

MINTO, N. D., February 9, 1890.

To the Hon. Alex. Thomson:

Majority of business men in favor of the Sandager bill.
GEO. WIMMER, City Clerk.

MINTO, N. D., February 9, 1890.

To the Hon. Alex. Thomson:

Support Sandager bill; we need their money.
CITY COUNCIL.

ARDOCK, N. D., February 9, 1890.

To the Hon. Alex Thomson:

Lottery bill O K with two hundred thousand per year.
W. A. FOX.

GRAFTON, N. D., February 10, 1890.

To the Hons. Haugerud, Montgomery and Thomson:

The tax payers, irrespective of party, desire you to support the Lottery bill. A petition goes in by mail in favor of it. All the opponents of the bill in Walsh county combined do not pay \$100 taxes.

T. F. McHUGH and 352 others.

Mr. Pinkham presented the following protest:

FARGO, N. D., February 7, 1890.

To the Hon. N. B. Pinkham:

DEAR SIR: I desire to protest against the passage of any lottery bill, and desire that you have the enclosed telegrams read before the House of which you are a member.

Very truly,

S. S. LYON,
Cashier First Nat'l Bank, Fargo.

Also, the following telegrams:

FARGO, N. D., February 9, 1890.

To *Geo. F. Goodwin*:

A large meeting is being held in the rink here to-night to protest against the lottery

R. S. ADAMS.

WASHINGTON, D. C., February 8, 1890.

To *W. P. Moffatt*:

Have telegraphed repeatedly to members that sentiment was everywhere against the scheme, and advising them to keep out of it.

GILBERT A. PIERCE.

TOWER CITY, N. D., February 8, 1890.

To *S. S. Lyon*:

To charter Louisiana Lottery would disgrace North Dakota now and curse her for years to come, and as a matter of political and revenue would be disastrous.

R. P. SHERMAN.

CHICAGO, Ill, February 8, 1890.

To *S. S. Lyon*:

We earnestly hope that the people of North Dakota will not inflict upon themselves an institution so poisonous to every healthy development, so corrupting to the moral tone of a people as a public lottery.

UNION NATIONAL BANK.

NEW YORK, February 8, 1890.

To *S. S. Lyon*:

Louisiana State Lottery has been considered a moral blot on the State. We do not see how its transfer to North Dakota can be of benefit to your people.

CHASE NATIONAL BANK.

ST. PAUL, MINN., February 7, 1890.

To *R. S. Adams*:

In our opinion the establishment of the Louisiana Lottery in North Dakota would be detrimental to the best interests of the State.

JOSEPH LOCKEY,

President National German-American Bank.

ST. PAUL, MINN., February 8, 1890.

To *S. S. Lyon*:

A curse to the country. It will absorb the savings of the people. It is demoralizing the same as all other gambling.

HERMAN SCHEFFER,

Cashier Commercial National Bank.

ST. PAUL, MINN., February 8, 1890.

To *S. S. Lyon*:

For Dakota the Louisiana Lottery will be worse than drouth, hail and famine combined.

HENRY P. UPHAM.

President First National Bank, St. Paul.

MINNEAPOLIS, MINN., February 8, 1890.

To *R. S. Adams*:

Have seen the principal bankers and business men and they unanimously condemn the lottery scheme. They think it would throw disgrace on the State from which it would take generations to recover.

S. A. HRRIS,

President Northwestern Nattonal Bank.

CHICAGO, ILL., February 8, 1890.

To *S. S. Lyon*:

We believe lotteries are a curse to any country.

COMMERCIAL NATIONAL BANK.

CHICAGO, Ill., February 8, 1890.

To R. S. Adams:

In my opinion a direct subsidy of at least twenty millions of dollars would be no more than sufficient to make good to the State of North Dakota the evil financial influences of the proposed Lottery act for the next ten years alone. If the young State enters its name on the roll of dishonor it should be paid a fair price. Thirty pieces of silver is too little, and the proposed price to each inhabitant per annum is even less than that.

L. J. GAGE,
Vice President First National Bank.
CASSELTON, N. D., February 7, 1890.

To R. M. Pollock:

I disapprove the Lottery bill.

E. H. PAINE,
President Cass County Bank.
LAKE CITY, MINN., February 8, 1890

To Senator H. J. Rowe:

We disapprove and hope you can defeat the Lottery bill.

W. F. HOLMES.
CASSELTON, N. D., February 8, 1890.

To the Senate and House of Representatives:

The Cass county Teachers Association here assembled to-day unanimously resolve against the Lottery bill. We have 150 teachers. Resolutions forwarded to-night.

W. J. CLAPP, Supt. of Schools, Cass Co.

Also, the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned Sunday schools of the county of Cass, city of Fargo, hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

T. B. NASH, JR.,
For Gethsemane Episcopal S. S.
V. W. YERGIN,
Supt. First Congregational S. S.
A. L. WALL,
Supt. Baptist S. S.
T. F. McMILLAN,
Supt. First Presbyterian S. S.

W. P. McKinstry, Superintendent of the M. E. Church, was authorized to sign this, but not being present at this writing, the above superintendents sign for him.

Also, a similar remonstrance signed by E. Q. Poulison and 25 other others of Wheatland, Cass county.

Also, a similar remonstrance signed by Bert Grass and 31 "young men" of Cass county.

Also, a similar remonstrance signed by W. W. Harvey and 26 citizens of Cass county.

Also the following remonstrance:

To the Honorable, the House of Representatives, State of North Dakota:

We, the undersigned ladies of Fargo, do most earnestly protest against the passage of the bill legalizing lotteries in our State. Will you not save our State from such a disgrace?

MRS. M. V. WOOD and 210 others.

Mr. Milsted presented the following petition:

JAMESTOWN, N. D., February 10, 1890.

To the Honorable Members of the House of Representatives of the State of North Dakota:

We, the undersigned citizens and taxpayers of the city of Jamestown and county of Stutsman, State of North Dakota, do hereby request your honorable members of the House of Representatives of the State of North Dakota to use every endeavor in your power to consummate the passage of Senate Bill No. 167 which is now before the House of Representatives for consideration.

FRANK PURCHASE and 33 others.

Also, similar petitions signed by George H. Purchase and 25 others.

Mr. Estabrook presented the following communication:

INKSTER, N. D., February 9, 1890.

To the Hon. John F. Estabrook:

WHEREAS, The Legislature of North Dakota at its present session is determined to establish a Louisiana State Lottery in our State;

and, WHEREAS, The Legislature has entered into a conspiracy to disgrace our new State by adopting and legalizing that infamy of national crime;

Resolved, That it is with shame to the manhood of our Legislature that we hear of their action;

Resolved, That in behalf of an outraged constituency; in behalf of public honor; in the name of religion and morality, we hereby condemn the action of the Legislature, and we protest against the sale of North Dakota by a lot of scheming politicians for the sake of political influence or money to a fraternity of gamblers.

W. J. BROWN,
WM. MATTHIE,
P. E. HAWKINS,
Committee.

Mr. Christianson presented the following:

To the Legislative Assembly of the State of North Dakota:

We, the people of Valley City, Barnes county, N. D., in mass convention assembled, hereby adopt and ratify the following as expressive of our condemnation of the proposed Lottery bill, being Senate Bill No. 167:

Resolved, That we look upon all state lotteries as a great public evil—a species of gambling that ruins the young and deludes the ignorant for the enrichment of a few unscrupulous stockholders; that we believe that the establishment of the proposed lottery would be hostile to the general welfare and prosperity of the State, and would condemn us as unworthy of the respect and fellowship of our sister states in the Union.

Therefore, We respectfully yet emphatically protest against the passage of such a law, and hereby enthusiastically express our approval of the honorable and firm position taken by our Representatives, the Hons S. S. Fisher and C. J. Christianson, in opposing the said Lottery bill.

That the president and secretary of this meeting are requested to append their signatures hereto, and after requesting others to sign the same, forward a duplicate to the President of the Senate and the original to the House of Representatives of the State of North Dakota.

J. C. GIPSON, Chairman.
JOHN D. BLACK, Secretary.

And 129 others.

Also the following petitions:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of Valley City, North Dakota, having heretofore unadvisedly and improvidentially signed a petition in favor of the proposed

Lottery bill, hereby withdraw our support from said bill, and emphatically and earnestly implore your honorable body to prevent said bill from becoming a law, in the interest of the general welfare and prosperity of the State, and in order that we may not be disowned and dishonored in the sisterhood of States.

GEO. A. FRIDD,
J. E. FEATHERSTONE.

The Womans Christian Temperance Union of Valley City, North Dakota, by our president and secretary duly authorized, hereby respectfully but emphatically protest against the passage by the Legislative Assembly of the proposed Lottery bill—Senate Bill No. 167. In the name of the homes and children of the present generation; in the name of morality and Christianity we implore the Legislature to redeem the honor of our State by defeating this iniquitous bill.

MRS. J. C. GIPSON, President,
MRS. R. A. ALLIN, Secretary.

VALLEY CITY, N. D., February 4, 1890.

To the Legislature of North Dakota, Bismarck:

The undersigned citizens of Barnes county are opposed to the proposed immoral and iniquitous gambling lottery scheme. We do not want a Monaco in North Dakota.

HERBERT ROOT, and 13 others.

Mr. Lilly presented the following resolutions:

A lottery mass meeting was called at the rink Saturday evening, at which was a large number of the leading citizens of Dickinson.

The meeting was called to order by L. E. Brown. Hon. O. L. Ray was elected permanent chairman and L. E. Brown secretary.

A motion was made to endorse the action of our Representatives in the Legislature as to their action in regard to the State Lottery. The question was called amid much excitement, but it was decided to listen to the minds of the people in a few speeches. After a dozen speeches pro and con the question was put and the chairman was unable to decide. A division of the house was called, those in favor were requested to take one side of the house and those against the opposite. The Speaker declared the motion lost. Lost by more than two-thirds majority. The meeting then adjourned.

O. L. RAY, President.
L. E. BROWN, Secretary.

Also the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Foster hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

WM. FARQUER and 12 others.

Also, a similar remonstrance from the citizens of Eddy county signed by E. E. Tyson and 4 others.

Also, a similar remonstrance from the citizens of Ward county signed by C. Gurland and 33 others.

Also, a similar remonstrance from the citizens of Stark county signed by Z. James and 48 others.

Also, a similar remonstrance from the citizens of Kidder county signed by J. D. Deets and 39 others.

Mr. Richardson presented the following communication:

DRAYTON, N. D., February 6, 1890.

To our Representatives:

In a short time yesterday, and without going out of the town, I secured these names, not meeting with any refusals to sign. The indignation against the lottery scheme is general in the county. It will be a severe blow to the christian people and to the Republican party of this State if the bill is passed and signed by Governor Miller. In that event many good citizens will leave the State as soon as practicable. No greater advertisement of the failure of our finances could be published to the world than the passage of this infamous bill.

Yours respectfully,

H. P. COOPER and 19 others.

Also, the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Pembina hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

JESSE CARR and 31 others.

Mr. Hankinson presented the following telegrams:

WAHPETON, N. D., February 7, 1890.

To the Hons. Ink and Hankinson:

Think the lottery scheme is a good thing for the State.

D. BELL.

WAHPETON, N. D., February 8, 1890.

To the Hon. R. Hankinson:

Fear the corporation will develop into a political octopus and a menace to furter clean politics.

P. J. McCUMBER.

HANKINSON, N. D., February 8, 1890.

To the Hon. R. H. Hankinson:

Nine-tenths of the people here are in favor of the Lottery bill. Either that, or prohibit gambling in church fairs.

H. A. ALM.

SEWALL, N. D., February 8, 1890.

To the Hon. R. H. Hankinson:

A large majority of Fairmount people do not want the lottery at any price. Go against it.

N. DAVIS,

B. W. SCHONWEILER.

Also the following communication:

To the Hon. R. H. Hankinson:

DEAR SIR: I enclose a copy of a special sent by me to the Chicago Tribune, which I believe gives the true situation in this locality.

Very respectfully,

M. H. MORRELL.

To the Tribune, Chicago, Ill.:

When your correspondent came to Dakota in 1879, he was informed that Senator Spencer had just advanced money for the establishment of a paper called the Argus, at Fargo, and it was believed the ultimate purpose of the investment was to get a branch of the Louisiana State Lottery into Dakota. Thus the lottery idea in Dakota is more than ten years old. Fred Falley, editor of the Globe at this place, who served as Sergeant-at-Arms in the Constitu-

tional Convention, says that an article was proposed there prohibiting lotteries, and he still has a copy of the article among his papers. But he does not know what became of it in the convention. It was simply allowed to drop and be forgotten. This is strong evidence that the lottery plot was in full operation last summer during the Constitutional Convention. Mr. Falley thinks nothing but a prompt and vigorous protest from the United States Senate and House can prevent the bill from becoming a law. With this opinion your correspondent agrees.

N. Davis, of Fairmount, a prominent politician, says that Major Edwards, of Fargo, broached the subject to him last fall. Mr. Davis saw Senator Spencer in Bismarck at the opening of the Legislature, but did not know what he was there for. Mr. Davis strongly opposes the lottery.

Hon. J. H. Miller, ex member of the Territorial Assembly, is doing all in his power against the passage of the bill, which he considers the worst measure ever proposed in a legislature within his knowledge.

Hon. P. J. McCumber, ex-member of the Territorial Council, opposes the bill because he believes it will develop into a political monstrosity.

Hon. W. S. Lauder, judge of this district, denounces the measure and the men who could descend to the level of supporting it.

Frank Gray, city justice, says he does not want North Dakota looked upon as we look upon Louisiana, simply as the home of the greatest evil of our time.

Hon. W. E. Purcell, a democrat, ex-attorney of the United States for Dakota, says his purposes are best served by saying nothing at the present time.

Four-fifths of the people in this city openly denounce the bill. In the country they are generally favorable to it at first sight, but when they look beneath the surface and see its political tendency, they become unanimous against it.

One hundred and twenty-two citizens met at the court house here last evening, and unanimously passed resolutions containing the strongest denunciations that our language could afford, both of the measure and of the men who voted for it. An attempt was made to amend these resolutions so as not to denounce the legislators, but rather to appeal to them as honorable men to work against the measure. This amendment was voted down by the united action of the Democrats present, who afterward said that they wanted the resolutions to be ineffective, as they were trying to get the Republican party in the hole. This is the position taken by the Democratic leaders. They do not say whether they expect to form a political coalition with Gens. Beauregard and Early, or whether they intend to take advantage of the popular indignation against the measure. At any rate, their cause will not stand a moral test, for the Constitutional Convention contained one-third Democrats, and they must have known and consented to the plot to leave the lottery prohibition out of the Constitution.

Quite a number of people in this city have signed and sent in a petition for the Legislature to pass the Lottery bill. These petitioners say they believe the bill is a bad one and ought not to pass. But they feel sure that it will pass, and so as a matter of policy they want to keep the good will of the Lottery Company.

It is believed that every member from this district will vote against the bill.

M. H. MORRELL.

Mr. Belden presented the following letter:

STEELE, N. D., February 9, 1890.

To the Hon. W. L. Belden:

DEAR SIR; Enclosed find petition in favor of the location of the Louisiana lottery at Bismarck. This petition was circulated only about one-half of one day. We could secure more names but consider this enough to satisfy you of the feeling in regard to it. We will forward some names from Logan county to-morrow. People here are generally in favor of it but think the amount which the lottery people are to pay for the franchise should be doubled. Hoping the bill may pass, I am respectfully yours,

WM. DWYER.

And the following accompanying petition:

We, the undersigned citizens and tax payers of Kidder county, North Dakota, do hereby earnestly request the passage of the Lottery bill now pending in the Legislature of North Dakota and consider its passage necessary to replenish our impoverished treasury.

WM. J. DWYER and 53 others.

Mr. Nedrud presented the following petition:

To the Honorable the House of Representatives and the Senate of the State of North Dakota:

The undersigned citizens of North Dakota would beg to represent to the Honorable, the House of Representatives and the Senate of the State of North Dakota; That, while the State of North Dakota has sufficient coal to supply the whole State for all future time, we are compelled to purchase our fuel from the East, or devastate our forests in order to obtain fuel—all owing to the high and exorbitant freight rates put on our native coal by the railroads that cross the State, and the refusal by the railroad companies to put in sidings to coal mines adjacent to their line of roads.

We, therefore, fervently petition your honorable bodies to pass a law compelling all railroads in the State to put in a siding of not less than three hundred feet, in the clear, at the nearest point to any coal mine adjacent to their line of road, and to any coal mine where there has been not less than ten carloads shipped therefrom, and to furnish the parties operating the mine empty cars when applied for on said siding, and to remove all loaded cars, the same as at any other station on their lines. Also, to carry coal from any station or siding in the State to any station or siding in the State at the rate of \$1 per ton for the first 100 miles or fraction if shipped a less distance, and one-half cent per mile per ton for all distances over 100 miles. And further, to cause all railroads in the State to put in "Y's" and deliver cars of coal to all connecting roads, where the point shipped to is on another road, and compel all roads to receive all cars of coal and carry it to the point shipped to on their line, and to return empty cars to the place received, at the rate of one-half cent per ton per mile. And for which your petitioners ever pray, etc.

GEO. L. ROBINSON and 184 others.

Mr. Wickham presented the following communication:

HEBRON, N. D., February 8, 1890.

An indignation meeting was held at the store of Krauth & Lentz to protest against the infamous attempt to foist lotteries upon the State of North Dakota. On motion of E. O. Murray Carl Krauth was elected chairman of the meeting. On motion of E. H. Chase E. O. Murray was elected secretary of the meeting. Speeches were made by C. Krauth, E. H. Chase, H. Geweke and others, denouncing legislation legalizing lotteries. On motion,

Resolved, That it is the sense of this meeting that it would be a shame and disgrace to the fair name of North Dakota to legalize lotteries; that it would not be productive of any good from a merely pecuniary point of view; that our Legislators should be instructed to do all they can to defeat such legislation of lotteries; that a copy of the minutes of this meeting be sent to the Hon. P. B. Wickham.

Resolution carried by unanimous vote. Adjourned.

E. O. MURRAY, Secretary.

Mr. Haugen presented the following petition:

To the Hons. Arne P. Haugen and Ole T. Gronli:

GENTLEMEN: The undersigned citizens and tax payers of your district believing that Senate Bill No. 167, introduced by Senator Andrew Sandager, will, if passed, result in assisting the new State on the road to prosperity, financially, and would earnestly request your assistance and support in furthering the same to the end that it may become a law.

C. R. LAVELLY and 31 others.

Also the following telegrams:

GRAND FORKS, N. D., February 9, 1890.

To the Hon. A. P. Haugen:

Members of Hanges Scandinavian Church, Grand Forks, assembled in regular service, say unanimously in the name of Christianity, humanity and morality and in the name of God and home to our Legislature, save our new Grand State from the Louisiana Lottery bandits. We believe that should these infamous gamblers be foisted upon our State by our law makers, our best citizens, the moral backbone of North Dakota, would move out and in the future they would be ashamed of looking back to her as their former home.

G. C. GJORSTAD, Pastor.

K. A. HAFLI, Secretary.

GRAND FORKS, N. D., February 9, 1890.

To the Hon. A. P. Haugen:

The Scandinavian Methodists of Grand Forks and the whole congregation assembled at our church to-night, most earnestly protest against the Lottery bill passed by the Senate of North Dakota, and urge our Representatives to use all their power to prevent its passage in the House.

H. P. BERGH, Pastor.

Mr. Thomson of Walsh presented the following:

To the Hon. Alex. Thomson:

DEAR SIR: At a meeting of the citizens of Minto held at the town hall on Saturday evening, February 8, 1890, for the purpose of expressing our opinions in relation to the Louisiana State Lottery Bill now pending before the Legislature of North Dakota, Walter Kidder was chosen Chairman and J. R. Foss, clerk of the Meeting. Upon motion of James Twamly that the Chair appoint a Committee of three on Resolutions, the following gentlemen were appointed: James Twamly, S. S. Marsh and James Dodds. The Committee on Resolutions reported the following, which were unanimously adopted.

WHEREAS, We are informed that the Legislature of North Dakota at its present session is considering the question of the transfer of the Louisiana State Lottery to our own State;

Resolved, That language fails to express our surprise and indignation at this horrible conspiracy to bring upon us the terrible disgrace of providing a home and legal cloak for the most infamous organization of modern times.

Resolved, That with deep shame and humiliation we look upon our Legislature being shorn of its manhood by allowing such a scheme to command their serious consideration even for a moment;

Resolved, That in behalf of our outraged citizens, abused public sentiment and honor, in the name of morality and religion, we hereby enter our strong protest against this diabolical scheme, and call upon all loyal citizens to add their names to ours in protesting against the sale of our State to this gambling association;

Resolved, That we firmly believe that the success of this scheme would be detrimental to our business interests, and would tend to drive away many of our very best citizens and keep away many of those who would be most helpful in building up our beloved State, at the same time bring in many more of an undesirable class; that it will tend to increase our pauper population, cripple us financially, and weaken us morally and religiously;

Resolved, That we hereby express our entire confidence in his Honor, John Miller, governor of North Dakota, and believe that he will not only veto this, but all other bills tending in any manner to legalize crime, and that he will do all in his power to save this State from the disgrace and infamy of such legislation. Your petitioners will ever pray that all members from our district will cast their vote and influence against the "Sandager bill."

Resolved, That the Rev. James Dodds be the messenger to convey these resolutions to the Governor and members of the Legislature from this county.

WALTER KIDDER,
Chairman.

Mr. Wellman presented the following:

MINNEAPOLIS, MINN., February 10, 1890.

To the Speaker of the House of Representatives:

The Methodist ministers of Minneapolis earnestly protest against North Dakota establishing gambling houses after banishing saloons. Do not disgrace yourselves and your neighbors by such an infamous law, we beg you.

W. K. MARSHALL, Committee.

Mr. Montgomery presented the following remonstrance:

MINTO, N. D., February 6, 1890.

To the Governor and Legislature of the State of North Dakota:

The undersigned citizens and voters of Minto and the county of Walsh, North Dakota, do most earnestly protest against the legalizing of the Louisiana or any other lottery by the State of North Dakota.

Believing that instead of being promoters of wealth, lotteries are the cause of untold misery, ruin and despair to thousands;

That their influence, and particularly the influence of the Louisiana lottery, is to debauch politics:

That, by enticing men with the vain hope of sudden and unearned wealth, they detract from the respect due to honest industry and the just rewards of labor;

That, therefore, they debauch the public conscience and lower the standard of public morals;

That they will effectually retard the growth and prosperity of the State and serve to repel the most desirable class of immigrants;

And that their establishment will be a blot upon the otherwise fair name of this new State, that will take generations to efface.

R. M. EVANS and 35 others.

Mr. Christianson presented the following:

VALLEY CITY, N. D., February 7, 1890.

To the Legislative Assembly of the State of North Dakota:

The Scandinavian Temperance Society of Valley City, North Dakota, with a membership of seventy-five citizens, at their meeting last evening adopted the following resolution:

As citizens of the county of Barnes, North Dakota, we respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

Respectfully,

P. J. PEDERSON,
JENS JENSON,
Committee.

Mr. Ink presented the following resolutions:

At a large meeting of citizens held at the court house in Wahpeton, February 8, 1890, the following resolutions were adopted:

WHEREAS, After having thoroughly discussed the measure now on passage through the State Legislature for the licensing of lottery companies in North Dakota, and having examined the subject from every point of view, it is our candid and settled belief that the said measure will be detrimental to every legitimate, financial, social and moral interest of our State; and

WHEREAS, We believe that the iniquity of this measure will be more fully seen as time passes, and that it will entail everlasting shame and disgrace, political corruption, business disaster and public dissatisfaction; therefore, be it

Resolved, That we find it difficult to properly express our amazement at the effrontery of this conspiracy to saddle upon our new State the scandal and disgrace of adopting and legalizing that infamy of national notoriety, the Louisiana State Lottery.

Resolved, That it is with shame and confusion of face that we hear of this degradation to the manhood of our Legislature, that such a scheme could receive serious consideration by them or any self-respecting body;

Resolved, That in our best judgment this scheme, if successful, would tend to endanger business interests, and to drive away from us capital and the very elements of population the most desirable, and in the end seriously cripple the growth of the State.

C. N. WOOD and 42 others.

Mr. Ink presented the following telegrams:

WAHPETON, N. D., February 6, 1890.

To the Hon. R. N. Ink:

The passing of the Lottery bill will be the death blow to the Republican party in North Dakota.

E. N. CARTER.

WAHPETON, N. D., February 8, 1890.

To the Hon. R. N. Ink:

We strongly favor the lottery scheme.

A. STOM and 56 others.

WALCOTT, N. D., February 8, 1890.

To the Hon. R. N. Ink:

Citizens here are against the lottery for any price. A petition signed by fifty forwarded to-night.

A. G. STEELHAMMER.

Mr. Wellman presented the following:

WHEATLAND, N. D., February 8, 1890.

To the Hon. D. B. Wellman, Speaker of the House of Representatives:

DEAR SIR:—The Cass County Teacher's Association passed the following resolutions to-day which you will please present to the House:

WHEREAS, It is a matter of common knowledge that the Legislature of this State is considering the proposition of enacting a law paving the way to the licensing of the so-called Louisiana Lottery, and

WHEREAS, We believe the licensing of the same to be a serious wrong and detrimental to the moral interest of the youth of our State; be it unanimously

Resolved, By this Cass County Teachers' Association at Casselton assembled, that we express our condemnation of this proposed law and earnestly petition our Representatives at Bismarck to vote against the same. That a copy of these resolutions be forwarded to the Legislature at Bismarck.

W. J. CLAPP, County Supt.

MRS. DAVIS,

MR. MILLER, Committee,

D. F. REMINGTON, Secretary.

Mr. Strom presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Traill hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

T. C. SATRA and 30 others.

Mr. Lilly presented a similar remonstrance signed by James Chambers, and 27 others of Grand Forks County.

Mr. McCormick presented a similar remonstrance signed by F. J. Tassell and 36 others from Ramsey County.

Also, a similar remonstrance from the citizens of Benson county signed by H. A. Smith and 13 others.

Mr. Pinkham presented a similar remonstrance signed by N. Stanford and 15 others of Cass county.

Mr. Heglie presented a similar petition signed by Hans Galchutt and 26 others of Richland county.

Mr. Wickham presented a similar remonstrance from citizens of Morton county signed by E. O. Murray and 16 others.

Mr. Walton presented a similar remonstrance from the citizens of Eddy county signed by John K. Thompson and 20 others.

Also, a similar remonstrance from the citizens of Foster county signed by A. D. Parker and 31 others.

Mr. Christianson presented a similar remonstrance from the citizens of Barnes county, signed by J. M. DeRhodes and 62 others.

Mr. Ink presented a similar remonstrance from the citizens of Richland county, signed by John H. McMillan and 34 others.

Mr. Milsted presented a similar remonstrance from the citizens of Stutsman county, signed by H. E. White and 29 others.

Also, a similar remonstrance from the same county, signed by Mrs. Jonnson Nickeus and 49 other ladies and 20 men.

Also, the following communication:

To Senator Fuller and Representatives Milsted and Lutz:

GENTLEMEN: We, the undersigned citizens and voters of the Eldridge precinct, Stutzman county, N. D., respectfully request that you all use every honorable means to secure the passage of Senate Bill No. 167, introduced by Mr. Sandager, for an act authorizing the incorporation of lottery companies and regulating the same, so as to raise revenue to defray the expenses of the State.

J. E. MCGILLVAY and 18 others.

NOTE.—Many others would sign this petition, could I see them, but country roads are so heavy since the last storm that I was unable to get over much territory. Only two out of this lot refused signatures. These were opposed on moral grounds. H. C.

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

WHEREAS, The reporting to the House for consideration of Senate Bill No. 167, being an act authorizing the incorporation of lottery companies and regulating the same so as to raise revenue to defray the expenses of the State, has given a minority of this House an excuse of indefinitely prolonging the session at a cost approximating \$1,000 per day, by delaying the consideration of any business before this House through the means of filibustering tactics, therefore in order that the business before us may be properly and expeditiously considered, so that the Legislative Assembly may adjourn at an early day, be it

Resolved, That Senate Bill No. 167 be taken up or considered in order, and that the further consideration thereof be indefinitely postponed, and that the Chief Clerk be, and is hereby instructed to notify the Senate of the action of the House thereon.

Mr. Stevens moved

As an amendment to the resolution that the bill be laid upon the table,

Which motion was lost, and

Mr. Williams moved

To amend the resolution by striking out all of the preamble of the resolution,

Which amendment was accepted, and

The resolution as amended was adopted.

Mr. McCormick moved

That the vote by which Senate Bill No. 167 was indefinitely postponed be reconsidered, and that the motion to reconsider be laid upon the table.

Mr. Stevens raised the point of order that such a motion could not be made on a motion to indefinitely postpone,

Which point of order Mr. Speaker decided well taken, and ruled the motion out of order.

Mr. Speaker announced an informal recess.

House reassembled.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
February 10, 1890. }

To the Speaker of the House of Representatives:

I herewith respectfully submit a copy of telegram received by me to-day from representative men of Chicago, and also copy of resolutions adopted by the Jobbers' Union of St. Paul.

Respectfully,

JOHN MILLER,
Governor.

ST. PAUL JOBBERS UNION.

Hon. John Miller, Bismarck, N. D.:

DEAR SIR:—The following was adopted by this Union to-day:

WHEREAS, In a special telegram from Bismarck to the Pioneer Press dated February 5th, referring to the bill there pending before the Legislature of North Dakota, known as the Sandager Revenue Lottery Bill, the following statement is made: "It is claimed the wholesale men in both Minneapolis and St Paul are advising its adoption for the sake of revenue to the State;" now therefore be it

Resolved, By the Jobbers Union that the foregoing statement is unauthorized and untrue so far as it relates to the wholesale merchants of St. Paul.

Resolved, That our Secretary be requested to furnish a copy of these resolutions to the daily papers of this city and Bismarck for publication.

Yours truly,

A. S. TALMAGE, Secretary.

CHICAGO, Ill., February 10, 1890.

To the Hon. John Miller, Governor:

The undersigned beg to express to you and through you to your Legislature our deep solicitude in view of your impending peril in the astonishing consid-

eration given the so called "lottery revenue bill." We believe that instead of temporary and future relief its adoption will irrevocably fetter your State in all its financial credit and conditions and in all material prosperity. In our judgment you cannot afford to assume the stigma of transferring to your virgin State and legalizing a practice so pernicious in its effects and so held in abhorrence by all good citizens throughout the country, and that is so soon to expire in the last state that perforce gives it tolerance.

Marshall Field,	Carson, Pierie, Scott & Co.,
John V. Farwell & Co.,	Henry W. King,
James H. Walker & Co.,	Chas. P. Kellog & Co.,
Phelps, Dodge & Palmer,	Reid, Murdock & Co.,
M. D. Welbanks & Co.,	Sprague, Warner & Co.,
Franklin, McVeagh & Co.,	Cyrus H. McCormack,
Hibbard, Spencer, Bartlett & Co.,	Philip D. Armour,
W. Q. Gresham,	Joseph E. Gary,
Wm. T. Baker,	L. J. Gage,
E. G. Keith,	John R. Walsh,
C. J. Blair,	Byron Smith,
	Joseph Medill, Chicago Tribune,
	Wm. Penn Nixon, Chicago Inter-Ocean,
	Joseph R. Dunlap, Chicago Times,
	James W. Scott, Chicago Herald.

Mr. Walsh moved

That the Committee on appropriations be instructed to draft a bill appropriating moneys to defray the expenses of the Legislative Assembly,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 165,

A bill for an act to prohibit grain dealers, partnerships, companies, corporations or associations from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violation of the same.

Also,

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Also,

House Bill No. 187,

A bill for an act relating to State, county and city officers to restrain them from speculating in their offices,

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:30 o'clock p. m., February 10, 1890.

GEO. H. WALSH.

Chairman.

Mr. Walsh moved

That when the House adjourn to-day it be to meet again at 2 o'clock Wednesday afternoon.

Mr. Williams moved

H—47

As an amendment that when the House adjourn it be to meet again at 9 o'clock to-morrow morning,

Which amendment was accepted, and

Mr. Stevens moved

As a substitute that when the House adjourn it be to meet again at 2 o'clock p. m. Wednesday.

Mr. Allen moved

To lay the substitute on the table,

Which motion was lost, and

The question recurring on the substitute motion of Mr. Stevens, The substitute motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Hankinson moved

To adopt the following Senate Concurrent Resolution:

CONCURRENT RESOLUTION.

A Memorial to Congress Requesting the Passage of the Two Pension Bills Proposed by the G. A. R. National Pension Committee.

Be it Resolved by the Senate, the House of Representatives Concurring: That a copy of the following memorial signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the Secretary of the Senate and by the Chief Clerk of the House of Representatives, be sent to the Honorables Gilbert A. Pierce, Lyman R. Casey and to the Honorable H. C. Hansbrough.

That the Honorables Lyman R. Casey and Gilbert A. Pierce, representing this State in the Senate of the United States, and Honorable H. C. Hansbrough representing this State in the House of Representatives of the United States, be and they are hereby respectfully requested to present the following Memorial in their respective Houses, and to urge the passage of an Act of Congress in accordance with this Memorial, to-wit:

To the Honorable, the Congress of the United States:

The people of the State of North Dakota, in Legislative Assembly convened, respectfully represent: That the people of the State of North Dakota earnestly desire that all honorably discharged soldiers who served in the army of the United States during the late war of the rebellion should receive a pension from the United States for their services.

They also desire that those suffering from disability incurred in consequence of such service should be especially remembered without consideration of rank in the service.

That many G. A. R. members now reside within this State, and that the provisions of the bills now proposed by the G. A. R. National Pension Committee embody the resolutions concerning pensions as adopted unanimously by two consecutive national encampments of the Grand Army of the Republic.

They, therefore, respectfully request that your honorable body give said bills your favorable consideration.

Which motion prevailed, and

The Senate Concurrent Resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Wickham introduced—

House Bill No. 276,

A bill for an act concerning the payment of rewards.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 270.

A bill for an act to amend Section 1, Chapter 82 of the General Laws of the year 1887, relating to the change of the place of trial in criminal proceedings had before a justice of the peace, being Section 6153 of the Compiled Laws of 1887,

Was read the first time.

House Bill No. 271,

A bill for an act fixing the salary of State's attorneys,

Was read the first time.

Mr. Selby moved

That the rules be suspended and that all House bills that have been printed be also read the second time and referred to their appropriate committees.

Which motion prevailed, and

House Bill No. 270,

A bill for an act to amend Section 1, Chapter 82, of the General Laws of the year 1887, relating to the change of the place of trial in criminal proceedings had before a justice of the peace, being Section 6153 of the Compiled Laws of 1887,

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

House Bill No. 271,

A bill for an act fixing the salary of State's attorneys,

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

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 269,

A bill for an act fixing the fees and regulating the salaries of certain county officers therein named,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Speaker called Mr. Wickham to the Chair.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 10, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota.

Amend Section 1, line 5, by striking out the figure "4" and inserting in lieu thereof the figure "4½."

Amend Section 3, line 5, by inserting after the word "time" the words "not to exceed five years."

Also,

Substitute for House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885, supplement, in relation to noxious weeds.

Amend the bill by inserting after the words "wild oats" the words "French weed."

Also,

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council.

Amend Section 1, line 5, by inserting after the word "liable" the words "or if elected fail to levy taxes."

Amend by striking out the word "assess" and inserting the word "levy" in lieu thereof.

Also,

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law he shall be *ex-officio* State Dairy Commissioner.

Amend line 47, Subdivision 12, page 3 of the bill, by striking out the word "statute" and inserting in lieu thereof the word "act."

All of which the Senate has passed as amended.

Also,

House Bill No. 140,

A bill for an act to repeal Chapter 109 of the Session Laws of 1889,

Which the Senate has indefinitely postponed.

Also,

That the Senate has concurred in House amendments to Senate Bill No. 115.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That the House concur in the Senate amendment to House Bill No. 206,

Which motion prevailed, and

The Senate amendment was concurred in.

SECOND READING OF HOUSE BILLS.

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

Was read the second time, and

Mr. Bowen moved

That the bill be referred to the Committee on State Affairs,

Which motion prevailed, and

The bill was so referred.

House Bill No. 267,

A bill for an act to amend an act entitled "An act to give publicity to chattel mortgage sales,"

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

House Bill No. 268,

A bill for an act to protect newspaper publishers and the public generally against malicious parties who send false news to the press for publication,

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

COMMITTEE OF THE WHOLE.

Mr. Bowen moved

That the House do now resolve itself into Committee of the Whole for the consideration of Senate No. 133,

Which motion prevailed, and

Mr. Speaker called Mr. Williams to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of the Legislative Assembly of the State of North Dakota, and to provide for the compensation and payment of the same,

And recommend that as much of the report of the Committee on State Affairs as is below quoted be adopted:

That Section 3 relating to the House of Representatives be amended as follows:

In Subdivision 1 strike out the word "two" before "dollars" and insert the word "three."

In Subdivision 2 strike out the word "seven" before "dollars" and insert the word "eight."

In Subdivision 5 strike out the word "five" before "dollars" and insert the word "six."

In Subdivision 9 strike out the word "three" before the word "dollars" and insert the word "five."

Also, strike out the word "four" and insert the word "five."

In Subdivision 10 strike out the word "four" before the word "dollars" and insert the word "five."

In Subdivision 14 strike out the word "three" before the word "dollars" and insert the word "five."

In Subdivision 15 strike out the word "three" before the word "dollars" and insert the word "five."

In Subdivision 17 strike out all after the words "per day" and insert the following in lieu thereof:

SEC. 13. It shall be the duty of the Secretary of the Senate and the Chief Clerk of the House, at the close of each session to prepare for the press and superintend the publication of the journals of the proceedings of their respective houses, and to affix an index thereto, and to transcribe into a book kept for that purpose the documents accompanying the message of the Governor, or by him sent to either House, other than those entered on the Journal or the documents reported to either branch of the Legislative Assembly by any public officer of the State in pursuance of law, for which service they shall be allowed such compensation as the Legislature shall from time to time determine, but in no event to be less than their regular *per diem*, for the time actually employed in performing said labor. And the State Auditor is hereby instructed on presentation of a verified account for not to exceed sixty days, and of proof that the records have been completed as herein required, to draw his warrant on the State Treasurer for the amount of such account.

Insert the following as Section 7:

SEC. 7. *Provided*, That no judge or clerk of any court, Secretary of State, Attorney General, register of deeds, sheriff or person holding any office of profit under this State, except in the militia or office of attorney at law, notary public or justice of the peace, and no person holding any office of profit or honor under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of \$300, shall be entitled to any of the benefits of this act.

Renumber Section 7 as 8 and Section 8 as 9.

Also, recommend that the word "such" in line 2 of Section 4 be stricken out,

And when so amended recommend that the bill do pass.

E. A. WILLIAMS,
Chairman.

Mr. Bowen moved
To adopt the report.

Mr. McCormick moved

As an amendment that the report be adopted with the exception of the recommendation as to Section 7, and that the penalty clause stricken out by the Committee of the Whole be reinstated.

Roll call demanded.

The roll being called there were ayes 24, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	McCormick,
Balkan,	Hankinson,	McCullough,
Bowen,	Haugen,	Milsted,
Buchanan,	Heglie,	Nedrud,
Bye,	Ingebretson,	Pinkham,
Christianson,	Ink,	Richardson,
Cole,	Jahr,	Roney,
Foss,	Lilly,	Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Murphy,	Thompson of Cass,
Britten,	Norton,	Thomson of Walsh,
Court,	Olsgard,	Tyler,
Currier,	Reed,	Walsh,
Estabrook,	Renaud,	Walton,
Green,	Selby,	Watt,
Hoyt,	Stadleman,	Wickham,

Messrs—
 Langer,
 McIntyre,
 Moore,
 Montgomery,

Messrs—
 Stevens,
 Storm,
 Tandberg,
 Thomas,

Messrs—
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Beard,
 Haugerud,

Messrs—
 Johnson,
 Lutz,

Messrs—
 McDonald,
 Rawlings.

Messrs. Haugerud and Lutz being excused.

So the amendment was lost.

And the question recurring on the adoption of the report,
 The motion prevailed, and
 The report of the Committee of the Whole was adopted.

Mr. Hankinson moved

That the rules be suspended and that Senate Bill No. 133 be
 now placed upon its third reading and final passage,

Which motion prevailed, and
 Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of
 the Legislative Assembly of the State of North Dakota, and to
 provide for the compensation and payment of the same,

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

The roll call being called there were ayes 38, nays 18.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Hoyt,

Messrs—
 Ingebretson,
 Jahr,
 Lilly,
 McIntyre,
 Moore,
 Murphy,
 Norton,
 Rawlings,
 Reed,
 Richardson,
 Roney,
 Selby,
 Stadleman,

Messrs—
 Stevens,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Tyler,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Bye,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Heglie,

Messrs—
 Ink,
 Langer,
 McCormick,
 McCullough,
 Montgomery,
 Nedrud,

Messrs—
 Olsgard,
 Pinkham,
 Renaud,
 Strom,
 Thomson of Walsh,
 Ueland.

Absent and not voting:

Messrs—
 Beard,
 Haugerud,

Messrs—
 Johnson,
 Lutz,

Messrs—
 McDonald,
 Milsted.

Messrs. Haugerud and Lutz being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 10, 1890. }

MR. SPEAKER:

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

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of North Dakota,

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

C. C. BOWSFIELD,
Secretary.

Mr. Speaker called Mr. Stevens to the Chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 39,

A bill for an act defining usury, and the penalty for taking the same,

Was read the third time, and

Mr. Ingebretson asked unanimous consent to amend the bill as follows:

Amend by striking out wherever it occurs in this bill the words "twelve dollars" and inserting in lieu thereof the word "ten dollars."

Also, strike out in line 17 of Section 3 the words "twelve per cent." and insert in lieu thereof the words "ten per cent."

Objection being made,

Mr. Ingebretson moved

To suspend the rules to permit the presentation and consideration of amendments.

Roll call demanded.

The roll being called there were ayes 30, nays 21.

Those who voted in the affirmative were:

Messrs—

Balkan,
Bye,
Christianson,
Cole,
Foss,
Green,
Gronli,
Hankinson,
Heglie,
Ingebretson,

Messrs—

Ink,
Jahr,
Langer,
McCormick,
Nedrud,
Norton,
Olsgard,
Pinkham,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Thomas,
Ueland,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Thompson of Cass,
Belden,	Hoyt,	Thomson of Walsh,
Bowen,	Moore,	Tyler,
Brittin,	Montgomery,	Walsh,
Buchanan,	Murphy,	Walton,
Currier,	Rawlings,	Watt,
Estabrook,	Tandberg,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Lilly,	McIntyre,
Court,	Lutz,	Milsted,
Haugerud,	McCullough,	Mr. Speaker.
Johnson,	McDonald,	

Messrs. Haugerud and Lutz being excused.

And so the motion to suspend the rules was lost.

The question being on the passage of the bill,

The roll being called there were ayes 46, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Selby,
Balkan,	Ink,	Stadleman,
Belden,	Jahr,	Stevens,
Brittin,	Langer,	Strom,
Buchanan,	McCormick,	Tandberg,
Bye,	Moore,	Thomas,
Christianson,	Murphy,	Thomson of Walsh
Cole,	Nedrud,	Ueland,
Currier,	Norton,	Walsh,
Estabrook,	Olsgard,	Walton,
Foss,	Rawlings,	Watt,
Green,	Reed,	Wickham,
Gronli,	Renaud,	Williams,
Hankinson,	Richardson,	Zimmer,
Haugen,	Roney,	Mr. Speaker.
Helgie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bowen,	Montgomery,	Tyler.
Hoyt,	Thompson of Cass,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Lilly,	McIntyre,
Court,	Lutz,	Milsted,
Haugerud,	McCullough,	Pinkham.
Johnson,	McDonald,	

Mr. Bowen explaining his vote.

Messrs. Haugerud and Lutz being excused.

So the bill passed, and the title of the bill was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 10, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 48,

An act to amend Section 16, Chapter 69 of the General Laws of 1889, and Section 10 of Chapter 69 of General Laws of 1889, relative to the publication of insurance statements.

Also,

House Bill No. 180,

An act providing for the displaying of the flag of the United States on all public State institutions.

Also,

House Bill No. 186,

An act to promote medical science.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889,

Was placed upon its final passage.

The roll being called there were ayes 51, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Grouli,
Hankinson,
Haugen,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Langer,
McCormick,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Rawlings,
Reed,
Renaud,
Richardson,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Buchanan,
Haugerud,
Johnson,

Messrs—

Lilly,
Lutz,
McCullough,

Messrs—

McDonald,
McIntyre,
Pinkham.

Mr. Tyler voting in the negative.

Messrs. Haugerud and Lutz being excused.

So the bill passed, and the title of the bill was agreed to.

House Bill No. 199,

A bill for an act to encourage the propogation and cultivation of, and to secure the protection of fishes in all the waters of the State,

Was read the third time, and

Mr. Strom asked unanimous consent to amend the bill as follows: Strike out the words "county superintendent of schools" wherever they occur in the bill and insert in lieu thereof the words "county school fund,"

Which consent the House voted, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 46, nays 5.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Lilly,
McCormick,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Walton,
Wickham,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Belden,
Green,

Messrs.—

Jahr,
Langer,

Messrs—

Ueland.

Absent and not voting:

Messrs—

Beard,
Haugerud,
Johnson,
Lutz,

Messrs—

McCullough,
McDonald,
McIntyre,
Tyler,

Messrs—

Walsh,
Watt,
Mr. Speaker.

Messrs. Haugerud and Lutz being excused.

So the bill passed, and the title of the bill was agreed to.

Mr. Buchanan was excused for three days.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 12, 1890.

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

Mr. Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Allen, Beard, Bye, Buchanan, Gronli, Haugen, Jahr, Selby and Strom.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr, Selby and Strom, excused.

Messrs. Gronli and Haugen were excused until Friday.

Mr. Ueland moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Ueland, Watt and Christianson.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Ueland moved

That the reading of all petitions be dispensed with until the same shall be printed.

Mr. Nedrud presented the following petition:

To the Honorable, the House of Representatives and the Senate of the State of North Dakota:

The undersigned citizens of North Dakota would beg to represent to the Honorable, the House of Representatives and the Senate of the State of North Dakota; That, while the State of North Dakota has sufficient coal to supply the whole State for all future time, we are compelled to purchase our fuel from the East, or devastate our forests in order to obtain fuel—all owing to the high

and exorbitant freight rates put on our native coal by the railroads that cross the State, and the refusal by the railroad companies to put in sidings to coal mines adjacent to their line of roads.

We, therefore, fervently petition your honorable bodies to pass a law compelling all railroads in the State to put in a siding of not less than three hundred feet, in the clear, at the nearest point to any coal mine adjacent to their line of road; to any coal mine where there has been not less than ten car-loads shipped therefrom, and to furnish the parties operating the mine empty cars when applied for on said siding, and to remove all loaded cars, the same as at any other station on their lines. Also, to carry coal from any station or siding in the State to any station or siding in the State at the rate of \$1 per ton for the first 100 miles or fraction if shipped a less distance, and one-half cent per mile per ton for all distances over 100 miles. And further, to cause all railroads in the State to put in "Y's" and deliver cars of coal to all connecting roads, where the point shipped to is on another road, and compel all roads to receive all cars of coal and carry them to the point shipped to on their line, and to return empty cars to the place received, at the rate of one-half cent per ton per mile. And for which your petitioners ever pray, etc.

ALEX. SAUNDERS and 217 others.

Mr. Estabrook moved

That the petition just presented be read,

Which motion was lost.

Mr. Milsted presented the following petition:

JAMESTOWN, February 12th, 1890.

To George Lutz, John Milsted and Bailey W. Fuller, Honorable Members of the Twenty-Third Legislative District of the First Legislative Assembly of the State of North Dakota:

We, the undersigned citizens of the Twenty-third Legislative District, do earnestly petition you to use all honorable and just means within your power to defeat the passage of Senate Bill No. 167, known as the Sandager Bill, or any other bill of like import. For this we do ever pray.

B. GIBSON DUNLAP and 21 others.

Mr. McIntyre presented the following petition:

To the Legislative Assembly of the State of North Dakota:

We, the undersigned citizens of Cass county do respectfully ask your honorable body to favor the passage of the lottery bill.

CRIST GRENEL and 15 others.

Mr. McCormick presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Ramsey hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

T. W. MANN and 59 others.

Mr. Bowen moved

That the rules be suspended and that all petitions relating to Senate Bill No. 167 be neither read nor printed in the Journal.

Mr. McCormick moved

As an amendment that all such petitions be not read, but that they be printed in the Journal,

Which amendment was lost, and

Mr. Thompson of Cass, raised the point of order that the peti-

tions relating to Senate Bill No. 167 are out of order, no such bill being now before the House.

Mr. Williams moved

That all petitions relating to Senate Bill No. 167 be printed in the Journal, but that they be not read,

Mr. Thompson of Cass, withdrew his point of order and the petitions were ordered printed.

Mr. Pinkham presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Traill hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

ALVIN BRIGGS and 59 others.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 12, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate by motion adopted recalls the concurrence message to Senate Bill No. 64.

C. C. BOWSFIELD,
Secretary.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Printing made the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

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

D. P. THOMAS,
Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881, relating to sheep husbandry,

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

In Section 1, line 5, printed bill, strike out the figure "5" and insert in lieu thereof the figure "3."

Also, strike out the figure "2" in same line and insert the figure "1" in lieu thereof.

And when so amended recommend that said bill do pass.

A. C. NEDRUD,
Chairman.

The Committee on Judiciary made the following report:

Mr. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates,

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

F. J. THOMPSON,
Chairman.

The Special House Committee to investigate the charges of bribery made the following report:

MR. SPEAKER:

Your Special Committee appointed to investigate the charges of bribery in the House beg leave to make the following report:

Whereas, your committee are wholly without power to enforce the production of papers or the attendance of witnesses, therefore we respectfully ask that the committee be discharged.

W. H. H. RONEY,
Chairman.

Mr. Stevens moved

That the committee be not discharged, but that they be empowered to send for persons and papers,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Moore introduced—

House Bill No. 277,

A bill for an act authorizing and empowering the organized counties of the State of North Dakota to issue and dispose of bonds to provide funds to pay the outstanding indebtedness, and to provide for the payment of the principal and interest thereof; and to repeal Chapter 13 of the Session Laws of 1887, and all conflicting laws.

Mr. Reed introduced—

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation.

Mr. Zimmer (by request) introduced—

House Bill No. 279,

A bill for an act amending Articles 4, 9 and 16 of Chapter 73

of the General Laws of 1887, entitled "An act to provide for the incorporation of cities."

Mr. Walsh introduced—

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerent, transient and bankrupt stock merchants, and providing for the collection of such tax.

Mr. Pinkham (by request) introduced—

House Bill No. 281,

A bill for an act to provide for the printing and distribution of copies of House Bill No. 14 to the various county auditors in the State of North Dakota.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Thompson of Cass, moved

That the House concur in the following Senate amendments to House Bill No. 19.

Amend Section 1, line 5, by striking out the figure "4" and inserting in lieu thereof the figure "4½."

Amend Section 3, line 5, by inserting after the word "time" the words "not to exceed five years."

Which motion prevailed, and

The question being shall

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota,

Pass as amended by the Senate,

The roll being called there were ayes 42, nays 4.

Those who voted in the affirmative were:

Messrs—

Balkan,
Britten,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Hankinson,
Haugerud,
Heglie,
Hoyt,
Ink,
Johnson,

Messrs—

Langer,
Lilly,
Lutz,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Roney,
Stadleman,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Olsgard,
Stevens,

Messrs—

Tandberg,

Messrs—

Williams.

Absent and not voting:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Buchanan,
Bye,

Messrs—

Christianson,
Gronli,
Haugen,
Ingebretson,
Jahr,

Messrs—

McCormick,
McIntyre,
Richardson,
Selby,
Storm.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and Strom being excused.

So the bill as amended by the Senate passed, and the title of the bill was agreed to.

Mr. Bowen moved

That the House concur in the following Senate amendments to Substitute for House Bill No. 35:

“Amend the bill by inserting after the words ‘wild oats’ the words ‘French weed,’ ”

Which motion prevailed, and

The question being shall

Substitute for House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885, supplement, in relation to noxious weeds,

Pass, as amended by the Senate,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Hankinson,
Haugerud,
Heglie,
Ink,
Johnson,

Messrs—

Langer,
Lilly,
Lutz,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Stadleman,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wata,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,
Bye,
Gronli,

Messrs—

Haugen,
Hoyt,
Ingebretson,
Jahr,
McCormick,

Messrs—

Murphy,
Selby,
Stevens,
Strom,
Thompson of Cass.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and Strom being excused.

So the bill, as amended by the Senate, passed, and the title of the bill was agreed to.

Mr. Thompson of Cass, moved
That the vote by which House Bill No. 199 was passed be re-considered,

Which motion prevailed, and

Mr. Thompson of Cass, moved

That the bill be referred to the Judiciary Committee to pass upon the constitutionality of Section 11, and that they be instructed to report the bill back to-morrow.

Mr. Walsh moved

As an amendment that the bill be laid upon the table until the return of its author,

Which amendment was accepted, and

The original motion as amended prevailed.

Mr. McCullough moved

That the rules be suspended and that House Bill No. 5 be taken from General Orders and placed upon its third reading and final passage

Which motion prevailed.

Mr. Hoyt moved

That the House concur in the following Senate amendments to House Bill No. 183:

Amend Section 1, line 5, by inserting after the word "liable" the words "or if elected fail to levy taxes."

Amend by striking out the word "assess" and inserting the word "levy" in lieu thereof.

Which motion prevailed, and

The question being shall

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council,

Pass, as amended by the Senate,

The roll being called there were ayes 47, nays 3.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Hankinson,
Haugerud,
Heglie,
Hoyt,
Ingrebretson,

Messrs—

Ink,
Johnson,
Langer,
Lilly,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,

Messrs—

Roney,
Stadleman,
Stevens,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Lutz,	McCormick,	Nedrud.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Olsgard,
Beard,	Haugen,	Selby,
Buchanan,	Jahr,	Strom,
Bye,	McIntyre,	Thomas.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and Strom being excused.

So the bill as amended by the Senate passed, and the title of the bill was agreed to.

The House having concurred in the Senate amendments to House Bill No. 206, and

The question being shall
House Bill No. 206,

A bill for an act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law he shall be *ex-officio* State Dairy Commissioner,

Pass, as amended by the Senate,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Richardson,
Belden,	Langer,	Roney,
Brittin,	Lilly,	Stadleman,
Christianson,	Lutz,	Stevens,
Cole,	McCormick,	Tandberg,
Court,	McCullough,	Thompson of Cass,
Currier,	McDonald,	Thomson of Walsh,
Estabrook,	McIntyre,	Tyler,
Foss,	Milsted,	Ueland,
Green,	Moore,	Walsh,
Hankinson,	Montgomery,	Walton,
Haugerud,	Murphy,	Watt,
Heglie,	Nedrud,	Williams,
Hoyt,	Pinkham,	Zimmer,
Ingebretson,	Reed,	Mr. Speaker.
Ink,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Rawlings,
Beard,	Haugen,	Selby,
Bowen,	Jahr,	Strom,
Buchanan,	Norton,	Thomas,
Bye,	Olsgard,	Wickham.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and Strom being excused.

So the bill as amended by the Senate passed, and the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children.

Also,

House Bill No. 163,

A bill for an act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain.

Also,

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887, of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses and requiring additional duties.

Also,

House Bill No. 93.

A bill for an act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887, of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses and requiring additional duties.

Also,

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children.

Also,

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State.

Also,

House Bill No. 163,

A bill for an act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain.

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District,

Was read the third time, and

Mr. Lilly moved

To amend by striking out all after the enacting clause and substituting the following: "That Townships 155, 156, 157 and 158, of Range 59, of Walsh county, North Dakota, are hereby attached to and made a part of the Third Legislative District,"

Which motion prevailed, and

The question being on the passage of the bill as amended.

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

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Brittin,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Hankinson,
Hangerud,
Heglie,
Hoyt,
Ingebretson,
Ink,

Messrs—

Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Nedrud,
Norton,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Stadleman,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Bowen,
Buchanan,
Bye,

Messrs—

Christianson,
Gronli,
Haugen,
Jahr,
Milsted,

Messrs—

Olsgard,
Selby,
Strom,
Watt,
Zimmer.

Messrs. Murphy and Stevens voting in the negative.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and Strom being excused.

So the bill passed and the title of the bill was agreed to.

Mr. Speaker called Mr. Pinkham to the Chair.

FIRST READING OF HOUSE BILLS.

House Bill No. 273.

A bill for an act to authorize the State Auditor to assess, by estimate, specific taxes upon corporations which neglect or refuse to make the report as required by law upon which specific taxes are computed and to provide for the collection of the same,

Was read the first time, and

Mr. Hankinson moved

That the rules be suspended, and that all House bills that have been printed be read also the second time and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 273,

A bill for an act to authorize the State Auditor to assess, by estimate, specific taxes, upon corporations which neglect or refuse to make the report as required by law upon which specific taxes are computed, and to provide for the collection of the same,

Was read the second time, and referred to the Committee on Taxes and Tax Laws.

House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the first time, and

Mr. Estabrook moved

To amend the bill as follows:

Add at close of Section 1:

Provided, That any carload of coal transferred to any other line of railroad, the railroad to whom it is transferred shall carry said carload of coal at the rates charged after the first fifty miles.

Which motion prevailed, and

The bill was so amended.

House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the second time, and

Mr. Steuens moved

That the bill be referred to General Orders and made a special order, together with all other bills on the same subject, for to-morrow afternoon at 3 o'clock,

Which motion prevailed.

House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the eighth Subdivision of the sixth judicial district to the proper counties,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Stevens, of the Special Committee to investigate whether or not the city of Fargo has been a party to practically licensing houses of prostitution, made the following report:

MR. SPEAKER:

Your committee to whom was referred the question of whether or not the mayor of the city of Fargo had been a party to practically licensing houses of prostitution, have had said subject under consideration and beg leave to make the following report:

We find that Section 852 of the Compiled Laws reads as follows:

The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

Section 858 reads as follows:

The mayor shall have power to remove any officer appointed by him whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at its next regular meeting.

Section 861 reads as follows:

He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

Section 864 reads as follows:

He shall have power when necessary to call on every male inhabitant of the city over the age of eighteen years to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the Governor as commander in chief of the militia.

Title 2 of Chapter 4 of the ordinances of the city of Fargo, reads as follows:

SECTION 1. No person shall, in the city of Fargo, keep a "bawdy house," or house of ill-fame, or other house or building for the resort of prostitutes, or of persons for the purpose of prostitution, or to associate with prostitutes; and any person who shall offend against any of the provisions of this section shall, for each offense on conviction thereof, be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the city jail for a period of not exceeding a term of thirty days, or both, in the discretion of the city justice.

SEC. 2. Any person, male or female, who shall resort to any house of ill-fame or other place in said city for the purpose of prostitution or to associate with a prostitute or prostitutes, or who shall procure another to resort to any house of ill-fame or other place in said city for the purpose of prostitution or to associate with prostitutes, shall for each offense, on conviction thereof, be punished by a fine not less than \$5 nor more than \$10, or by imprisonment in the city jail for a term not exceeding thirty days, or both, in the discretion of the city justice.

Your committee further find from the affidavit hereto attached and made a part of this report, that there has been for the past six months a uniform system of fines established, \$25 for keepers and \$5 for inmates of houses of ill-fame per month.

Your committee further recommends that further action on the subject matter of this investigation be indefinitely postponed.

R. N. STEVENS,
Chairman.

STATE OF NORTH DAKOTA, }
COUNTY OF CASS. } ss:

Frank Tritchler, being first duly sworn, says: That he is a resident of the City of Fargo, in said county and State, and has been such resident for a period of over ten years; that for five years of the time named he served on the police force of said city; that on the 10th day of February, 1890, he examined the police record books, Nos. 3 and 4 of the said City of Fargo, kept for the purpose of recording all the arrests and fines in said city; that the following is a true and correct transcript from said police record books of the fines entered therein as paid by the keepers and inmates of houses of ill-fame each month during the last six months of the year 1889:

DATE.	FINED.	TOTAL FINES.	COSTS.
July, 1889, 6 keepers	\$ 25 00	\$ 150 00	\$ 39 00
July, 1889, 13 inmates	5 00	65 00	84 00
August, 1889, 7 keepers	25 00	175 00	45 50
August, 1889, 17 inmates	5 00	85 00	110 50
September, 1889, 10 keepers	25 00	250 00	65 00
September, 1889, 29 inmates	5 00	145 00	188 50
October, 1889, 9 keepers	25 00	225 00	58 50
October, 1889, 25 inmates	5 00	125 00	162 50
November, 1889, 6 keepers	25 00	150 00	39 00

DATE.	FINED.	TOTAL FINES.	COSTS.
November, 1889, 18 inmates.....	5 00	90 00	117 00
December, 1889, 4 keepers.....	25 00	100 00	26 00
December, 1889, 15 inmates.....	5 00	75 00	97 50
Totals.....		\$1,635 00	\$1,033 00
			1,635 00
Grand total of fines and costs.....			\$2,668 00

That Richard Fields is now chief of police for the said City of Fargo, and has been such for a year and over last past; that affiant has asked the said chief of police the manner in which said fines are collected from the said keepers and inmates of houses of ill-fame in said city; that said chief of police stated he went to each house of ill-fame on the last day of each month for the purpose of enumerating the keepers and inmates thereof; that after ascertaining the number in each house he told said keepers and inmates to come to the police court on the following day, or the first day of each month, to pay their fines; that they invariably came and that the fines imposed by the justice upon them has been uniformly \$25 fine and \$6.50 costs for each keeper, and \$5 fine and \$6.50 cost upon each inmate of such houses of ill-fame upon the first day of each month.

FRANK TRITCHLER.

Subscribed and sworn to before me this 10th day of February, A. D. 1890.

J. P. BIRCHALL,

[SEAL.]

Notary Public, Cass County, N. D.

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

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor.

EXECUTIVE OFFICE, }
February 12, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 165,

An act to prohibit grain dealers, partnerships, companies, corporations or associations from combining or entering into any agreement or contract to pool or fix the price to be paid for grain, hogs, cattle or stock of any kind whatever, and to provide punishment for violation of the same.

Also,

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain.

Also,

House Bill No. 187,

A bill for an act relating to State, county and city officers to restrain them from speculating in their offices,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

THIRD READING OF HOUSE BILLS.

House Bill No. 146,

A bill for an act to amend Chapter 23 of the Session Laws of 1879,

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

The roll call being called there were ayes 26, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ingebretson,	Rawlings,
Belden,	Johnson,	Reed,
Bowen,	Langer,	Roney,
Christianson,	Lilly,	Thomas,
Cole,	Lutz,	Tyler,
Court,	McCormick,	Wickham,
Currier,	McIntyre,	Williams,
Estabrook,	Milsted,	Mr. Speaker.
Hoyt,	Murphy,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hankinson,	Moore,	Tandberg,
Haugerud,	Montgomery,	Thomson of Walsh,
Heglie,	Olsgard,	Walsh,
Ink,	Renaud,	Watt,
McCullough,	Richardson,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Selby,
Beard,	Haugen,	Stadleman,
Brittin,	Jahr,	Stevens,
Buchanan,	McDonald,	Strom,
Bye,	Nedrud,	Thompson of Cass,
Foss,	Norton,	Ueland,
Green,	Pinkham,	Walton.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and Strom being excused.

So the bill was lost, a majority of the members elect not voting therefor.

Mr. Lutz moved

To reconsider the vote just taken,

Which motion was lost.

House Bill No. 87 was read the third time by its title, and

Mr. Cole moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 112,

A bill for an act regulating the practice in the Supreme Court,
Was read the third time by its title, and

Mr. Thompson of Cass, moved

That the consideration of the bill be temporarily postponed,
Which motion prevailed.

House Bill No. 241,

A bill for an act to locate and provide for the government of a
State Normal School at Valley City, Barnes county, North Da-
kota,

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

Mr. Stevens moved a call of the House.

Mr. Bowen raised the point of order that the roll call having
commenced the motion was out of order,

Which point of order Mr. Speaker decided well taken.

Mr. Stevens asked unanimous consent to move a call of the
House, unanimous consent being given, call was seconded.

Roll called.

All members present except Messrs. Allen, Beard, Buchanan,
Bye, Green, Gronli, Haugen; Jahr, Lilly, Pinkham, Selby and
Strom.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr and
Strom being excused.

Mr. Stevens moved

That Mr. Selby be excused,

Which motion prevailed.

Mr. McCullough moved

That further proceedings under the call of the House be dis-
pensd with.

Which motion was lost.

Mr. Stevens moved

That further proceedings under call of the House be dispensed
with,

Which motion prevailed, and

Further proceeding under call of the House were dispensed
with.

The question being on the final passage of House Bill No. 241,

Mr. Hankinson moved

That the bill be referred to General Orders,

Which motion was lost.

Mr. Lilly asked unanimous consent to amend the bill as fol-
lows:

In Section 14 strike out all after the word "facts" in line 6.

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 43, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Roney,
Belden,	McCormick,	Stadleman,
Brittin,	McCullough,	Stevens,
Christianson,	McDonald,	Thomas,
Cole,	McIntyre,	Thompson of Cass,
Court,	Milsted,	Tyler,
Currier,	Moore,	Ueland,
Estabrook,	Murphy,	Walsh,
Green,	Nedrud,	Walton,
Heglie,	Norton,	Watt,
Hoyt,	Pinkham,	Wickham,
Ingebretson,	Rawlings,	Williams,
Ink,	Reed,	Zimmer,
Johnson,	Renaud,	Mr. Speaker.
Lilly,		

Those who voted in the negative were

Messrs—	Messrs—	Messrs—
Bowen,	Langer,	Richardson,
Foss,	Montgomery,	Tandberg,
Hankinson,	Olsgard,	Thomson of Walsh.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Bye,	Jahr,
Beard,	Gronli,	Selby,
Buchanan,	Haugen,	Strom.

Messrs. Allen, Beard, Buchanan, Gronli, Haugen, Jahr, Selby and Strom being excused.

So the bill, as amended, passed, and the title of the bill was agreed to.

The committee to revise and correct the Journal of February 10th made the following report:

MR. SPEAKER:

Your committee to whom was referred the Journal for February 10, 1890, for correction, beg leave to report that they have examined the same and find it correct.

L. A. UELAND,
Chairman.

Mr. Williams moved

That the further consideration of House Bill No. 193 be indefinitely postponed,

Which motion prevailed.

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 12, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

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

C. C. BOWSFIELD,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Bowen moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 11, and for such other business as may be on the Clerk's desk,

Which motion prevailed, and

Mr. Speaker called Mr. Ink to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same,

And recommend that the following amendments proposed by the Judiciary Committee be adopted:

That Section 1 and in line 19, of printed bill, strike out the word "administration" and insert in lieu thereof the word "guardianship."

That in Section 4 and line 11, of printed bill, after the word "say" add the following: "Five dollars when the value of such estate does not exceed the sum of five hundred dollars."

And in same section and in line 27, of printed bill, strike out the word "five" and insert in lieu thereof the word "one."

Also, recommend that the bill be further amended as follows: Section 4, line 25, strike out all after the word "law" down to the word "and" in line 27.

Also, recommend that Section 6 be amended to read as follows:

In any county of less population than those in which provision is made for clerk hire, the judge thereof may, at his option, be *ex-officio* clerk, or he may appoint and have a clerk; *Provided*, That an appointed clerk under this section shall receive no compensation whatever for his services from the county.

And when so amended recommend that the bill do pass.

Also,

House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands and for the purchase and condemnation thereof,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That Section 1 be stricken out and the following inserted in lieu thereof:

SEC. 2. The jurisdiction of the State of North Dakota in and over the land mentioned in the preceding section, when purchased or condemned by the United States, shall be and the same hereby is ceded to the United States; *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said land.

SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of North Dakota shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of North Dakota against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may effect the real and personal property of the United States.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, grant or condemnation, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

And when so amended recommend that the bill do pass.

Also,

Substitute for House Bill No. 238,

A bill for an act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota,

And recommend that Section 1 be stricken out, and the following substituted therefor:

SEC. 1. Whenever any person, persons or corporation owning or operating any coal mine or mines within the State of North Dakota, from which mines not less than fifty cars of coal have been shipped from any one station over any portion of any railroad within the limits of the State of North Dakota shall petition any such railroad company to build a side track or spur at least 300 feet in length adjacent to said mine or mines, it shall then be the duty of such railroad company to build, equip and operate such side track or spur; *Providing*, Such spur is not nearer than two miles from any station already in operation; *Provided, further*, That such person, persons or corporation petitioning for such sidetrack or spur that have not already shipped 100 carloads of coal over some portion of said railroad; the petitioner or petitioners shall execute to the said railroad company a bond in the penal sum of \$1,000 with two good and sufficient sureties to be approved by the judge of the county court of the county wherein such sidetrack or spur is situated or (attached for judicial purposes) conditioned that they, the petitioners, will ship from such sidetrack or spur over some portion of said railroad 100 carloads of coal within one year after the completion of such sidetrack or spur. And the Commissioners of Railroads shall have power to locate said sidetrack or spur and order them properly provided with platforms and other conveniences for loading coal and other commodities thereat.

Also, recommend that where the word "two" occurs before the word "miles" in Section 1, be stricken out and the word "one" inserted in lieu thereof.

And the further consideration of the bill was postponed until the next meeting of the committee.

R. N. INK,
Chairman.

Mr. Bowen moved
To adopt the report,
Which motion prevailed, and
The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 12, 1890. }

MR. SPEAKER:

I have the honor to inform you that the President has appointed on the part of the Senate Messrs. Slotten, LaMoure and Appleton as a conference committee on House Bill No. 54.

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 13, 1890.

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

Mr. Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beard, Bowen, Buchanan, Bye, Gronli, Haugen, Jahr and Stevens.

Messrs. Beard, Bowen, Buchanan, Gronli, Haugen, Jahr and Stevens being excused.

Mr. Ueland moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Pinkham, Tandberg and Estabrook.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children.

Also,

House Bill No. 163,

A bill for an act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain.

Also,

House Bill No. 93,

A bill for an act to provide for an uniform policy of fire insur-

ance to be made and issued in this State by all insurance companies taking fire risks on property within this State.

Also,

House Bill No. 136,

A bill for an act to amend Section 4, Chapter 130, Laws of 1887, of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses and requiring additional duties.

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:20 o'clock p. m., February 12, 1890.

GEO. H. WALSH,
Chairman.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Court presented the following petition:

To the Hon. H. D. Court, Bismarck, N. D.:

DEAR SIR: We, the undersigned citizens of the township of Buffalo, Cass county, North Dakota, are heartily in favor of Senator Sandager's bill for the incorporation of lotteries in this State, and forward this our petition to you as our representative from this district to place same before the proper authorities, and at the same time wish you as our representative to use every endeavor to make this bill a law. And your petitioners ever pray.

P. M. BUCKLY and 34 others.

Also, the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Cass hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

M. H. KEIFF and 38 others.

Mr. McDonald presented the following:

Resolved, That this meeting expresses its strong approval of the revenue measure which seeks to relieve the distress of our people and aid the depleted State Treasury by the effort to secure \$100,000 in cash and \$75,000 per annum by means of Senator Sandager's Senate Bill No. 167.

Resolved, That as taxpayers we are in favor of all good moral measures, but believe in sense as well as sentiment, and therefore urge the representatives of Barnes county to support the measure first, last and all the time.

G. W. EARL, Chairman.

J. J. BARCLAY, Secretary, and 160 others.

Mr. Ueland moved

That the reading of all petitions be dispensed with until the same shall be printed,

Which motion prevailed.

Mr. Heglie presented the following:

To the Honorable, the House of Representatives of the State of North Dakota:

The undersigned citizens of Richland county, N. D., believing that Senate Bill No. 167, authorizing the incorporation of lotteries in this State, would be not only a moral wrong, but to a great extent the financial ruin to many honest, hard-working citizens of our new State, do hereby petition your honorable

body in general, and our own representatives in particular, to do all in their power to defeat said bill.

K. G. HAGEN and 53 others.

Also, the following:

DWIGHT, N. D., February 8, 1890.

To the Hon. A. O. Heglie:

RESPECTED SIR:—I feel it my duty to address you regarding this cloud which now hangs over our new State. Can there be nothing done to prevent the passage of this infamous bill?

Is it possible that our should-be honorable body at Bismarek, as a majority are willing to voluntarily give themselves and their people into the hands of the devil, who as a roaring lion stalketh about seeking whom he may devour; have they no more regard for our Union who has just opened her doors and received us as her daughter, than to turn before we are six months old and bid defiance to her by harboring an evil which she has discountenanced for years and was just on the eve of overcoming; have they no desire to fulfill the wish of their constituents who sent them there to work against monopolies in every form which would tend to oppress the people, and then to crush and blacken this bright new State by pulling over her this Louisiana pall, demoralizing and damning in its influence; the workingman's robber; the asylum feeder; the suicide instigator; the infamous bait of Satan, and then for them to throw out as a pretext that it will replenish our Treasury? No, sir; the people know and understand to a man that the money which goes into these dishonorable men's pockets has much more influence over them than that which goes into our Treasury. While we are grieved to learn how many of your honorable body are willing to compromise with this evil, we rejoice to know that yourself with a few others are true to the right and stand by our most excellent Governor. Men of principle, and to cheer you, will say I have yet to meet the first man who is not strong in supporting you in fighting this bill. Take courage and be strong in the fight.

Very respectfully,

O. J. WAKEFIELD.

Also, the following:

To the Honorable, the House of Representatives of the State of North Dakota:

We, the undersigned citizens and voters of Richland county, and State of North Dakota, do in the name of religion and true moral, earnestly enter our protest against the passage of the Senate Lottery Bill No. 167, as a measure that in its nature is corrupt and vicious; dangerous by its immoral and political influence; injurious to the credit and good name of the State. Further ridicule the people of North Dakota as hypocrites; therefor we will forever pray that the above mentioned bill shall not pass.

ERIK SKAUGE and 21 others.

Also, the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Richland hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

H. LARSEN and 64 others.

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. 268,

A bill for an act to protect newspaper publishers and the public generally against malicious parties who send false news to the press for publication,

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

F. J. THOMPSON,
Chairman.

Mr. Roney moved
To adopt the report.

Mr. Williams moved
As an amendment that the bill be referred to General Orders,
Which amendment prevailed, and
The original motion as amended prevailed.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 240,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck and for making needed permanent improvements,

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

Strike out "\$1,800" in line 7, printed bill, Section 1, and insert in lieu thereof "\$1,500."

Strike out "\$1,000" in line 8, printed bill, Section 1, and insert in lieu thereof "\$800."

Strike out "\$3,750" in line 11, printed bill, Section 1, and insert in lieu thereof "\$3,200."

Strike out "\$2,000" in line 14, of printed bill, Section 1, and insert in lieu thereof "\$1,000"

Strike out "\$1,500" in line 15, of printed bill, Section 1, and insert in lieu thereof "\$1,000."

Strike out "\$800" in line 16, of printed bill, Section 1, and insert in lieu thereof "\$500."

Strike out "\$700" in line 17, of printed bill, Section 1, and insert in lieu thereof "\$500."

Strike out lines 20, 21, 22, 23, 25 and 26, of Section 1.

And when so amended recommend that said bill do pass.

R. N. INK,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 13, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate refuses to con-

cur in the House amendments to Senate Bill No. 64, and by motion adopted a conference committee consisting of Messrs. Robinson, LaMoure and Winship on the part of the Senate to confer with a like committee from the House upon said bill, was appointed.

C. C. BOWSFIELD,
Secretary.

Mr. Selby moved

That the speaker appointed a conference committee on Senate Bill No. 64,

Which motion prevailed.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred Senate Bill No. 132,

A bill for an act providing for an appropriation to pay the necessary expenses of the Commissioner of Agriculture and Labor incurred in looking after the reception and distribution of supplies for needy sufferers in North Dakota, and in furnishing aid when deemed necessary,

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

Strike out the words "five thousand" in Section 1 and insert in lieu thereof the words "two thousand and five hundred."

And when so amended recommend that said bill do pass.

R. N. INK,
Chairman.

Mr. Hankinson moved

To adopt the report of the Committee on Appropriations on Senate Bill No. 132 and House Bill No. 240,

Which motion prevailed.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

Senate Bill No. 125,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized

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

Strike out the word "in" before the words "such term" in line 14 of the original bill and insert the word "upon" in lieu thereof.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real

estate by gift or devise, for parks and public grounds and protection of such real estate,

And recommend that said bill do pass.

GEORGE LUTZ,
Chairman.

Mr. Lutz moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
House Bill No. 244,

A bill for an act to amend the Insurance Laws of the Territory of Dakota,

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

P. B. WICKHAM,
Chairman.

Mr. Roney moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Conference Committee on House Bill No. 54 made the following report:

MR. SPEAKER:

The Committee of Conference to whom was referred
House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

Have had the same under consideration and recommend that the words "Railroad Commissioners" wherever they occur in the bill and in the amendment be stricken out and the words "Commissioners of Railroads" be inserted in their place, and as so amended, together with the other Senate amendments, recommend that the bill do pass.

F. ESTABROOK,
W. H. MURPHY,
On part of the House.
A. F. APPLETON,
ANDREW SLOTTEN,
JUDSON LAMOURE,
On part of the Senate.

Mr. Roney moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The question being on the passage of the bill as amended by the adoption of the report of the conference committee,

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Roney,
Balkan,	Lilly,	Selby,
Brittin,	Lutz,	Stadleman,
Christianson,	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Court,	McDonald.	Thomas,
Currier,	Milsted,	Thompson of Cass,
Estabrook,	Moore,	Thomson of Walsh
Foss,	Montgomery,	Tyler,
Green,	Nedrud,	Ueland,
Hankinson,	Norton,	Walsh,
Haugerud,	Olsgard,	Walton,
Heglie,	Pinkham,	Watt,
Hoyt,	Rawlings,	Wickham,
Ingebretson,	Reed,	Williams,
Ink,	Renaud,	Zimmer,
Johnson,	Richardson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Bye,	McIntyre,
Belden,	Gronli,	Murphy,
Bowen,	Haugen,	Stevens.
Buchanan,	Jahr,	

Messrs. Beard, Bowen, Buchanan, Gronli, Haugen, Jahr and Stevens being excused.

So the bill as amended by the conference committee passed, and the title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 255,

A bill for an act to amend Section 112 of the Justices' Code of the State of North Dakota, providing for a change of venue in criminal proceedings,

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

That the title be amended by striking out all after the word "Section" down to and including the word "Dakota," and inserting in lieu thereof the following: "Section 1, Chapter 82, General Laws of 1887, being Section 6153 of of Compiled Laws."

Amend Section 1 by striking out the figures and words "112, of Justices' Code of the State of North Dakota," in lines 1 and 2 of printed bill, and inserting in lieu thereof the following: "1, Chapter 82, General Laws of 1887, being Section 6153 of Compiled Laws."

Amend Section 3 by striking out the words and figures "one hundred and twelve (112)" in lines 2 and 3 of printed bill, and the following be inserted in lieu thereof: "1, Chapter 82, General Laws of 1887, being Section 6153 of Compiled Laws."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

Mr. McCullough moved
To adopt the report,
Which motion prevailed, and
The report 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. 254,

A bill for an act to license express companies,
Have had the same under consideration and recommend that
said bill be amended as follows:

In Section 6; line 3, insert after the word "treasury" the words
"general fund;" also, in the same section, strike out after the
word "therefor" the remainder of said section.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 174,

A bill for an act instructing Geo. W. Wetherbee, formerly
school treasurer of Waterloo township, Roberts county, Dakota,
to equally divide between Devillo and Fairmount school town-
ships, Richland county, North Dakota, certain school moneys in
his hands.

And recommend that said bill do pass.

Also,

House Bill No. 261,

A bill for an act to provide for a more economical management
of the State University, the State Insane Asylum and State Peni-
tentiary,

And recommend that said bill be amended as follows:

In Section 1, line 2, after the word "State" strike out the word "and," and
insert the word "State" in lieu thereof, and in line 2 after the word "Treasurer"
insert the following: "And State Superintendent of Public Instruction."

In Section 2 strike out all of line 2 and insert the following in lieu thereof:
"State Treasurer and Superintendent of Public Instruction shall receive five
cents per mile for distances actually traveled in performing." Strike out all
after the word "act" in line 3 of Section 2.

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

The Committee on Counties and County Boundaries made the
following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom
was referred

House Bill No. 41,

A bill for an act to authorize county commissioners of the

several counties in the State of North Dakota to designate depositories for the public funds of their respective counties,

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

Insert after title the enacting clause as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota,"

And when so amended recommend that said bill be considered in connection with House Bill No. 116.

Also,

Senate Bill No. 153,

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

Have had the same under consideration and recommend said bill be considered in connection with House Bill No. 116.

JAMES McCORMICK,
Chairman.

Mr. Haugerud moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 148,

A bill for an act relating to the duties of public examiner,

Have had the same under consideration and recommend that said bill be referred to the Committee on Judiciary.

Also,

House Bill No. 63,

A bill for an act defining the boundaries of the county of Ramsey,

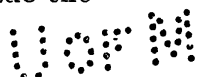
Have had the same under consideration and recommend that said bill be indefinitely postponed.

JAMES McCORMICK,
Chairman.

Mr. Strom moved
To adopt the report of the committee as to Senate Bill No. 148,
Which motion prevailed.

Mr. Strom moved
To adopt the report as to House Bill No. 63,
Which motion prevailed.

The Committee on Counties and County Boundaries made the following report:



Mr. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges within the county limits wherein the cost of the construction of same exceeds the sum of \$100,

Have had the same under consideration and recommend that said bill be considered in connection with House Bill No. 188.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers,

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

JAMES McCORMICK,
Chairman.

Mr. Strom moved

To adopt the report of the committee as to Senate Bill No. 118,

Which motion prevailed, and

The report was adopted.

Mr. Speaker appointed as the conference committee on the part of the House on Senate Bill No. 64, Messrs. Selby, Montgomery and Currier.

Mr. McCormick moved

That the rules be suspended and that Senate Bill No. 41 be now read the first and second times, and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

Was read the first time, and

Mr. Milsted moved

That the bill be read the second time, and referred to General Orders,

Which motion prevailed, and

Senate Bill No. 41 was read the second time, and referred to General Orders.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 13, 1890. }

Mr. SPEAKER:

I have the honor to inform you that the Senate refuses to con-

cur in the House amendments to Senate Bill No. 133, and by motion adopted, the President has appointed, on the part of the Senate, Messrs. Rowe, LaMoure and McCormack as the Senate part of a conference committee to confer with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

Mr. McCullough moved

That a conference committee be appointed on Senate Bill No. 133,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Walsh, Currier and Hankinson.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Montgomery introduced—

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another.

FIRST READING OF HOUSE BILLS.

House Bill No. 277,

A bill for an act authorizing and empowering the organized counties of the State of North Dakota to issue and dispose of bonds to provide funds to pay the outstanding indebtedness, and to provide for the payment of the principal and interest thereof; and to repeal Chapter 13 of the Session Laws of 1887, and all conflicting laws,

Was read the first time.

Mr. Wickham moved

That the House do now resolve itself into Committee of the Whole for the consideration of House Bill No. 274,

Which motion prevailed, and

Mr. Speaker called Mr. Currier to the Chair.

Mr. Olsgard moved

That the rules be suspended and that Substitute for House Bill No. 238 be now read the third time, and placed upon its final passage,

Which motion prevailed, and

Substitute for House Bill No. 238,

A bill for an act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota,

Was read the third time, and

The question being on the adoption of the following proposed substitute for Section 1:

SEC. 1. Whenever any person, persons or corporation owning or operating any coal mine or mines within the State of North Dakota, from which mines not less than fifty cars of coal have been shipped from any one station over any portion of any railroad within the limits of the State of North Dakota shall petition any such railroad company to build a side track or spur at least 300 feet in length adjacent to said mine or mines, it shall then be the duty of such railroad company to build, equip and operate such side track or spur; *Providing*, Such spur is not nearer than two miles from any station already in operation; *Provided, further*, That such person, persons or corporation petitioning for such side track or spur that have not already shipped 100 carloads of coal over some portion of said railroad, the petitioner or petitioners shall execute to the said railroad company a bond in the penal sum of \$1,000, with two good and sufficient sureties to be approved by the judge of the county court of the county wherein such side track or spur is situated (or attached for judicial purposes), conditioned that they, the petitioners, will ship from such side track or spur over some portion of said railroad 100 carloads of coal within one year after the completion of such side track or spur. And the Commissioners of Railroads shall have power to locate said side track or spur and order them properly provided with platforms and other conveniences for loading coal and other commodities thereat.

The substitute was adopted, and

The question then being on the passage of the bill as amended,
The roll being called there were ayes 53, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Roney,
Balkan,	Lilly,	Selby,
Belden,	Lutz,	Stadleman,
Brittin,	McCormick,	Strom,
Christianson,	McCullough,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	McIntyre,	Thompson of Cass,
Currier,	Milsted,	Thomson of Walsh,
Estabrook,	Montgomery,	Tyler,
Foss,	Murphy,	Ueland,
Green,	Nedrud,	Walsh,
Hankinson,	Norton,	Walton,
Haugerud,	Olsgard,	Watt,
Heglie,	Pinkham,	Wickham,
Hoyt,	Rawlings,	Williams,
Ingebretson,	Reed,	Zimmer,
Ink,	Renaud,	Mr. Speaker.
Johnson,	Richardson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Bye,	Jahr,
Bowen,	Gronli,	Stevens.
Buchanan,	Haugen,	

Mr. Moore voting in the negative.

Messrs. Beard, Bowen, Buchanan, Gronli, Haugen, Jahr and Stevens being excused.

So the substitute bill passed, more than two-thirds of the members present and voting, voting therefor, and the title of the bill was agreed to.

The committee to revise and correct the Journal of the eighty-sixth day made the following report:

MR. SPEAKER:

Your committee appointed to correct the Journal have found the same correct with the following exceptions:

Insert the words "all after" between the words "that" and "section" in first line of report of Judiciary Committee on page 18 of Journal, and that Section 1 of said report should read Section 2.

N. B. PINKHAM,
Chairman.

The following report of the Committee of the Whole was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

And recommend that in Section 1, line 5, the words "per mile" be stricken out,

And when so amended that the bill do pass.

C. A. CURRIER,
Chairman.

Mr. Hoyt moved

That the report of the Committee of the Whole be adopted,
Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Speaker announced his signature to Senate Bill No. 115,

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

FIRST READING OF HOUSE BILLS.

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation,

Was read the first time.

House Bill No. 279,

A bill for an act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Was read the first time.

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax,

Was read the first time.

House Bill No. 281,

A bill for an act to provide for the printing and distribution of

copies of House Bill No. 14 to the various county auditors in the State of North Dakota,

Was read the first time.

Mr. Zimmer moved

That the rules be suspended, and that all House bills on their first reading which have been printed, be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation,

Was read the second time, and referred to the Committee on Irrigation.

House Bill No. 279,

A bill for an act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Was read the second time, and referred to the Committee on Municipal Corporations.

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax,

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

House Bill No. 281,

A bill for an act to provide for the printing and distribution of copies of House Bill No. 14 to the various county auditors in the State of North Dakota,

Was read the second time, and referred to the Committee on Public Printing.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota.

Also,

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council.

Also,

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of

Agriculture and Labor, and providing that until otherwise provided by law he shall be *ex-officio* State Dairy Commissioner, And find the same correctly enrolled.

GEO. H. WALSH.
Chairman.

Mr. Speaker announced an informal recess.

House reassembled.

House Bill No. 277,

A bill for an act authorizing and empowering the organized counties of the State of North Dakota to issue and dispose of bonds to provide funds to pay the outstanding indebtedness, and to provide for the payment of the principal and interest thereof; and to repeal Chapter 13 of the Session Laws of 1887, and all conflicting laws,

Was read the second time, and referred to the Committee on Counties.

THIRD READING OF HOUSE BILLS.

House Bill No. 112,

A bill for an act regulating the practice in the Supreme Court, Was read the third time, and placed upon its final passage.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Lutz,	Selby,
Belden,	McCormick,	Strom,
Brittin,	McDonald,	Tandberg,
Christianson,	Milsted,	Thomas,
Cole,	Moore,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh
Currier,	Murphy,	Tyler.
Estabrook,	Nedrud,	Ueland,
Foss,	Olgard,	Walsh,
Haugerud,	Pinkham.	Walton,
Helgie,	Rawlings,	Watt,
Hoyt,	Reed,	Wickham,
Ingebretson,	Renaud,	Williams,
Johnson,	Richardson,	Zimmer,
Langer,	Roney,	Mr. Speaker.
Lilly,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Gronli,	McCullough,
Beard,	Hankinson,	McIntyre,
Bowen,	Haugen,	Norton,
Buchanan,	Ink,	Stadleman,
Bye,	Jahr,	Stevens.
Green,		

Messrs. Beard, Bowen, Buchanan, Gronli, Haugen, Jahr and Stevens being excused.

So the bill passed and the title of the bill was agreed to.

Mr. Wickham moved

That the rules be suspended, and that House Bill No. 244 be recalled from the Engrossing Committee and recommitted to the Committee on Insurance,

Which motion prevailed, and

The bill was so recommitted.

Mr. Currier (by unanimous consent) offered the following resolution:

Resolved, That the following be adopted as one of the standing rules of the House.

Rule No.—. No person shall be appointed to any position in the House who is not a resident of the State and a citizen of the United States;

Resolved, further, That if there are persons employed by the House who were not residents of the State at the time of their appointment, the Speaker be, and is hereby directed to discharge them.

Mr. Reed moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Was read the first time, and

Mr. Selby moved

That all Senate bills on their first reading be also read the second time and referred to their appropriate committees,

Which motion prevailed, and

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Was read the second time, and referred to the Committee on State Affairs.

Senate Bill No. 105,

A bill for an act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock,

Was read the first and second times, and referred to the Committee on Corporations Other Than Municipal.

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

Was read the first and second times, and referred to the Committee on Corporations Other Than Municipal.

Mr. Walsh moved

That the Chief Clerk be instructed to notify the Secretary of the Senate that two Senate Bills numbered 156, received on different days, have been transmitted to the House, and to request that the second bill be recalled,

Which motion prevailed.

Senate Bill No. 141,

A bill for an act to transfer and appropriate the unexpended balances of the appropriations made for the office of Commissioner of Immigration by the Sixteenth and Eighteenth Legislative Assemblies of the Territory of Dakota,

Was read the first and second times, and referred to the Committee on Appropriations, and

Mr. Williams moved

That when the Committee on Appropriations reports this bill back to the House they be instructed to accompany with such report the amounts of such balances,

Which motion prevailed,

Mr. Speaker called Mr. Hankinson to the Chair.

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139, of the General Laws of 1887,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12, of the Constitution of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 93,

A bill for an act making it the duty of the township clerk in every organized township to report to the register of deeds all births, deaths and marriages in his township,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 88,

A bill for an act amending Chapter 16 of the Acts of the Seventeenth Session of the Legislative Assembly,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 165,

A bill for an act authorizing transcripts of judgments and decrees of the United States courts in the State of North Dakota to be filed with the clerks of the several counties and to be docketed therein,

Was read the first and second times, and referred to the Committee on Judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

Was read the third time, and

Mr. Walsh moved

That the bill be made a special order for next Monday at 3 o'clock,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

And find the same correctly engrossed.

A. THOMSON,
Chairman, *pro tem.*

Mr. Milsted moved

That the rules be suspended and that House Bill No. 274 be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota.

Was read the third time, and

Mr. Thompson of Cass, moved

That the bill be made a special order for next Tuesday,

Which motion was lost, and

The question being on the passage of the bill,

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Brittin,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Hankinson,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,

Messrs—

Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,
Richardson,

Messrs—

Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Bowen,
Buchanan,
Bye,

Messrs—

Green,
Gronli,
Haugen,
Jahr,

Messrs—

McIntyre,
Reed,
Selby,
Stevens.

Mr. Moore voting in the negative.

Mr. Thompson of Cass, explaining his vote.

Messrs. Beard, Bowen, Buchanan, Gronli, Haugen, Jahr and Stevens being excused.

So the the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to,

Mr. Milsted moved

That the vote by which House bill No. 274 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Haugerud moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

EIGHTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 14, 1890.

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

Mr. Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bowen, Beard, Buchanan, Haugen and McIntyre, excused,

Mr. Ueland moved

That the reading of the Journal be dispensed with, and that the Speaker appoint a committee of three to revise and correct the same and report to the House,

Mr. Stevens moved

As an amendment that the reading of the Journal of the next ten days be dispensed with, and that the committee appointed to correct the Journal to-day be also empowered to correct the Journal of the next ten days,

Which amendment prevailed, and

The original motion as amended prevailed.

Mr. Speaker appointed as such committee Messrs. Ueland, Christianson and Bye.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Strom presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned citizens of the county of Traill hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

J. CHRISTENSEN and 42 others.

Also, the following protest:

To the Legislative Members from Traill County:

We, the undersigned citizens from Traill county, do hereby enter a protest against the passage of the Lottery Bill.

L. H. LARSON and 20 others.

Mr. Ueland presented the following remonstrance:

To the Legislative Assembly of the State of North Dakota:

The undersigned ladies of the county of LaMoure hereby respectfully but emphatically protest against the passage by the Legislative Assembly of any law authorizing the organization or legalization of any corporation for the purpose of engaging in the business of lotteries or gift enterprises, believing that such a law would entail a lasting disgrace upon the State, and prove disastrous to its future success.

MRS. S. C. CRAWFORD and 37 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands and for the purchase and condemnation thereof.

Also,

House Bill No. 174,

A bill for an act instructing Geo. W. Wetherbee, formerly school township treasurer of Waterloo township, Roberts county, Dakota, to divide certain school moneys in his hands.

Also,

House Bill No. 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates.

Also,

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise, for parks and public grounds and protection of such real estate.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers,

And find the same correctly engrossed.

ALEX. THOMPSON,
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
House Bill No. 206,

A bill for an act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law he shall be *ex-officio* State Dairy Commissioner.

Also,

House Bill No. 183

A bill for an act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council.

Also,

House Bill No. 19,

A bill for an act providing for the refunding of bonds of the State of North Dakota,

Were delivered to his Excellency, the Governor, for his approval at the hour of 4 o'clock p. m., February 13, 1890.

GEO. H. WALSH,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred House Bill No. 170,

A bill for an act to preserve the waters of the Red river, Missouri and James rivers and their tributaries,

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

In Section 1, lines 4 and 5, strike out the words "Red river, Missouri river or the James river or any of their tributaries," and insert the words "into any river flowing through, or in, or on the boundary line of the State of North Dakota or any stream tributary to any such river."

Amend title so as to conform with amendment to Section 1.

Add as Section 3: Chapters 70 of Laws of 1883, 103 of Laws of 1881, 94 of Laws of 1883, 102 of Laws of 1887, are hereby repealed.

And when so amended recommend that said bill do pass.

J. MONTGOMERY,
Chairman.

The Committee on Educational Institutions made the following report:

MR. SPEAKER:

Your Committee on Educational Institutions to whom was referred

House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled University of North Dakota,

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

J. H. McCULLOUGH,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code relating to chattel mortgages,

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

In line 3, Section 1, of printed bill, immediately before the first word therein, viz: "any" insert the following: "The original mortgagee and mortgagor, his heirs or assigns and against."

Add the following as Section 3:

SEC. 3. That there exists a difference of opinion and a doubt as to the meaning and interpretation of the existing law relating to the renewal of chattel mortgages; therefore, this act shall take effect and be in force from and after its passage and approval.

That the preamble be stricken out.

That the title be stricken out and the following inserted in lieu thereof: "An act to amend Section 1, Chapter 25, of the General Laws of 1881, being Section 4383, of the Compiled Laws."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 229,

A bill for an act to amend Section 38 of Chapter 27 of the Political Code, known as Section 1470 of the Compiled Laws,

Have had the same under consideration and report as follows, to-wit:

We find that this bill does not change the provisions of the present law regarding the place in which the ballot box shall be deposited by the person carrying the same, but simply provides a *per diem* of \$2 to the person carrying the ballot box. The manner of the delivery of ballot boxes, poll books and ballots are regulated by Section 29, Chapter 27 of the Political Code, and Section 2, Chapter 74, General Laws of 1881, being Section 1468 of the Compiled Laws.

And recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

Mr. Green moved

To adopt the report of the Committee on Judiciary on House Bill No. 247,

Which motion prevailed, and

The report was adopted.

The Committee on Public Buildings made the following report:

MR. SPEAKER:

Your Committee on Public Buildings to whom was referred Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Agricultural Experiment Station at Fargo,

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

Amend Section 4 by striking out the word "need" in line 6 of printed bill, and inserting in lieu thereof the word "shall."

Amend Section 6 by inserting after the word "Dakota" and before the word "and" in line 6 of printed bill, the following words "subject to all restrictions imposed upon such respective funds, either by the Constitution, or laws of the State of North Dakota, or the terms of such grants from Congress."

Amend Section 9 by striking out one of the words "the" where the same is repeated in line 8 of the written bill.

Amend Section 15 by inserting the word "be" after the word "and" and before the word "known," in line 3 of written bill.

Committee recommend as Sections 18 and 19 of said bill the following, to-wit

SEC. 18. The grants of land accruing to the State of North Dakota, under and by virtue of an act of Congress, donating public lands for the use and support of agricultural colleges in certain proposed states, approved February 22, 1889, is hereby accepted with all the conditions and provisions in said act contained, and said lands are hereby set apart for the use and support of the college herein provided for.

SEC. 19. There shall be no expense incurred or *per diem* and mileage paid to any officer of the board contemplated under the provisions of this act until an appropriation shall have been made for the erection of any building or buildings for the Agricultural College or Experimental Station.

Committee also recommend that Section 18 of original bill be numbered Section 20.

And when so amended recommend that said bill do pass.

E. A. WILLIAMS,
Chairman.

Mr. Thompson of Cass, moved

That the report of the Judiciary Committee on House Bill No. 229 be adopted,

Which motion prevailed, and

The report was adopted.

AN OMISSION.

The following record should have appeared in the Journal of the preceding day:

Mr. Speaker announced his signature to
House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota.

Also,

House Bill No. 183,

A bill for an act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council.

Also,

House Bill No. 206,

A bill for an act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law, he shall be *ex-officio* State Dairy Commissioner.

The Joint Conference Committee on Senate Bill No. 64 made the following report:

MR. SPEAKER:

Your Joint Conference Committee to whom was referred
Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,

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

Omit Section 2 and substitute in lieu thereof the following:

"All proceeds accumulating in the interest and income fund, arising from the sale or renting of all lands granted, or hereafter to be granted by the

State of North Dakota or by the Constitution of said State, for said Normal School at the City of Mayville, are hereby pledged for its establishment and maintenance."

Amend Section 6 as follows:

By omitting the word "Governor" and inserting in lieu thereof the words "Auditor who shall issue his warrant upon the Treasurer for the amount."

Amend Section 8 by omitting the last word in said section, "Governor," and inserting in lieu thereof the word "Auditor."

And when so amended recommend that said bill do pass.

J. F. SELBY,
J. MONTGOMERY,
C. A. CURRIER,
On part of House.
W. H. ROBINSON,
JUDSON LAMOURE,
GEO. B. WINSHIP,
On part of Senate.

Mr. Selby moved
To adopt the report,
Which motion prevailed, and
The question being on the passage of the bill as amended by
the adoption of the report of the Conference Committee,
The roll being called there were ayes 50, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Selby,
Balkan,	Langer,	Stadleman,
Belden,	Lilly,	Stevens,
Brittin,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McDonald,	Thomas,
Cole,	Milsted,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy	Tyler,
Foss,	Nedrud,	Ueland,
Green,	Norton,	Walton,
Gronli,	Pinkham,	Watt,
Haugerud,	Rawlings,	Wickham,
Heglie,	Reed,	Williams,
Hovt,	Renaud,	Zimmer,
Ingebretson,	Richardson,	Mr. Speaker.
Ink,	Roney,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Jahr,	McCullough,	Olsgard.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Currier,	McIntyre,
Bowen,	Hankinson,	Moore,
Buchanan,	Haugen,	Walsh.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill as amended passed, and the title of the bill was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hoyt introduced—

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota.

FIRST READING OF HOUSE BILLS.

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another,

Was read the first time.

THIRD READING OF HOUSE BILLS.

House Bill No. 174,

A bill for an act instructing Geo. W. Wetherbee, formerly school township treasurer of Waterloo township, Roberts county, Dakota, to divide certain school moneys in his possession,

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

The roll being called there were ayes 50, nays, 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Gronli,
Haugerud,
Heglie,
Hoyt,
Ingerbretson,
Ink,

Messrs—

Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Bowen,
Buchanan,
Currier,

Messrs—

Hankinson,
Haugen,
McIntyre,
Walsh,

Messrs—

Wickham,
Williams,
Zimmer.

Mr. Stevens voting in the negative.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to.

House Bill No. 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates,

Was read the third time, and placed upon its final passage.
The roll being called there were ayes 51, nays none.
Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Gronli,
Haugerud,
Hoyt,
Ingebretson,
Ink,
Jahr,

Messrs—
Johnson,
Langer,
Lilly,
Lutz,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,

Messrs—
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Beard,
Bowen,
Buchanan,
Currier,

Messrs—
Hankinson,
Haugen,
Heglie,
McCormick,

Messrs—
McIntyre,
Murphy,
Walsh.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to.
House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise for parks or public grounds, and protection of such real estate,

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,

Messrs—
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Currier,	Olsgard,
Bowen,	Haugen,	Thompson of Cass,
Buchanan,	McIntyre,	Ueland.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to.
House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers,

Was read the third time, and placed upon its final passage,
The roll being called there were ayes 36, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Richardson,
Balkan,	Johnson,	Roney,
Bye,	Langer,	Strom,
Christianson,	Lilly,	Thomas,
Cole,	Lutz,	Thompson of Cass,
Court,	McCormick,	Thomson of Walsh.
Foss,	McCullough,	Tyler,
Gronli,	McDonald,	Ueland,
Hankinson,	Milsted,	Walsh,
Heglie,	Montgomery,	Watt,
Ingebretson,	Nedrud,	Zimmer,
Ink,	Pinkham,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Moore,	Selby,
Brittin,	Murphy,	Stadleman,
Estabrook,	Norton,	Stevens,
Green,	Rawlings,	Walton,
Hangerud,	Reed,	Wickham,
Hoyt,	Renaud,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Currier,	Olsgard,
Bowen,	Haugen,	Tandberg.
Buchanan,	McIntyre,	

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to.
House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof,

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Roney,
Balkan,	Langer,	Selby,
Belden,	Lilly,	Stadleman,

Messrs—
 Britten,
 Bye,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugerud,
 Hoyt,
 Ingebretson,
 Ink,
 Jahr,

Messrs—
 Lutz,
 McCormick,
 McCullough,
 McDonald,
 Milsted,
 Moore,
 Montgomery,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,
 Renaud,
 Richardson,

Messrs—
 Stevens,
 Storm,
 Tandberg,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Beard,
 Bowen,
 Buchanan,

Messrs—
 Currier,
 Haugen,
 Heglie,

Messrs—
 McIntyre,
 Murphy,
 Thomas.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to. The committee to revise and correct the Journal of the preceding day made the following report:

MR. SPEAKER:

Your committee to whom was referred the House Journal for February 13, 1890, recommend the following corrections: On page 11 strike out the sub-head "Committee of the Whole"; on page 17, after the words "which motion prevailed," strike out the word "and"; on page 18, line 18, strike out the words "was lost" and insert the word "prevailed"; in line 23 strike out the word "first" and insert the word "third"; in line 26 strike out the word "prevailed" and insert the words "was lost."

L. A. UELAND,
 Chairman.

Mr. Williams moved

That the rules be suspended, and that Senate Bill No. 102 be taken from General Orders and placed upon its third reading and final passage,

Which motion prevailed.

Senate Bill No. 102,

A bill for an act providing for the election of boards of education in cities not organized under general laws,

Was read the third time, and

Mr. Williams moved

That the following amendments proposed by the Committee on Judiciary be adopted:

In Section 1, line 3 of printed bill, strike out the word "qualified."

Add in Section 1, line 4 of printed bill, after the words "at large," the following: "Qualified to vote at school elections."

Add at the end of Section 1 the following: "*Provided*, That the provisions of this act shall not apply to cities existing under a special enactment incorporating the same, and which are now conducting its schools under the general common school laws."

Strike out the word "April" wherever it occurs and substitute the word "June" therefor.

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 54, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Roney,
Balkan,	Langer,	Selby,
Belden,	Lilly,	Stadleman,
Brittin,	Lutz,	Stevens,
Bye,	McCormick,	Strom,
Christianson,	McCullough,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	Milsted,	Thompson of Cass,
Currier,	Moore,	Thomson of Walsh,
Estabrook,	Montgomery,	Tyler,
Foss,	Nedrud.	Ueland,
Green,	Norton,	Walsh,
Gronli,	Olsgard,	Walton,
Hankinson,	Pinkham,	Watt,
Haugerud,	Rawlings,	Wickham,
Heglie,	Reed,	Williams,
Hoyt,	Renaud,	Zimmer,
Ingrebretson,	Richardson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	McIntyre,
Bowen,	Ink,	Murphy.
Buchanan,		

Mr. Jahr voting in the negative.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Speaker called Mr. Johnson to the Chair.

FIRST READING OF SENATE BILLS.

Senate Bill No. 123:

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

Was read the first time.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 14, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit the destruction of beaver in the Territory of Dakota,"

Which the Senate has passed unchanged.

Also,

Senate Bill No. 161,

A bill for an act authorizing a private corporation to change the place where its principal business is to be transacted.

Also,

Senate Bill No. 150,

A bill for an act to prevent debtors from giving preferences to creditors and to secure the equal distribution of the property of debtors among their creditors, and for the release of debts against debtors,

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

Also,

To inform the House that the Senate has adopted the report of the Conference Committee amending Senate Bill No. 64, and has passed the bill as amended.

C. C. BOWSFIELD,
Secretary.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same.

Also,

House Bill No. 238,

A bill for an act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota,

And find the same correctly engrossed.

ALEX. THOMSON,
Chairman *pro tem*.

Mr. Lilly moved

That all Senate bills on their first reading to-day be also read the second time, and referred to their appropriate committee,

Which motion prevailed, and

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota.

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

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Langer was excused until next Tuesday.

Mr. Rawlings was excused until Monday.

Mr. Thomas was excused until next Wednesday; Mr. Ricardson until next Tuesday.

THIRD READING OF SENATE BILLS.

Senate Bill No. 37,

A bill for an act making it lawful for certain kinds of stock to run at large during a portion of each year, and for prohibiting stallions and vicious animals from running at large, and providing penalties,

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

The roll being called there were ayes 47, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Richardson,
Balkan,	Ingebretson,	Roney,
Belden,	Ink,	Selby,
Brittin,	Jahr,	Stadleman,
Bye,	Johnson,	Stevens,
Christianson,	Lilly,	Strom,
Cole,	Lutz,	Thomas,
Court,	McCormick,	Thompson of Cass,
Currier,	McDonald,	Tyler,
Estabrook,	Milsted,	Walsh,
Foss,	Moore,	Walton,
Green,	Montgomery,	Watt,
Gronli,	Nedrud,	Wickham,
Hankinson,	Olsgard,	Williams,
Haugerud,	Pinkham,	Mr. Speaker.
Heglie,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Langer,	Renaud,	Ueland,
Rawlings,	Tandberg,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	Murphy,
Bowen,	McCullough,	Norton,
Buchanan,	McIntyre,	Thomson of Walsh.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products.

Also,

House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885, supplement, relating to noxious weeds,

And find the same correctly enrolled.

A. O. HEGLIE,
Acting Chairman.

Mr. Speaker announced his signature to

House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885, supplement, relating to noxious weeds.

Also,

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products.

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the acts of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act authorizing and empowering organized counties of Dakota to erect county buildings for court houses and jail purposes, and to issue and dispose of bonds to provide for the payment of principal and interest of such bonds,"

Was read the third time, and

Mr. Lilly asked unanimous consent to amend Section 1, to read as follows:

SECTION. 1. That Section 2 of Chapter 42 of the General Laws of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota be amended to read as follows:

"SEC. 2. No county shall issue its bonds under the provisions of this act in excess of 5 per cent. of its valuation according to the last assessment thereof, and including all the outstanding indebtedness of such county at the time of issuing such bonds."

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill, as amended,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,

Messrs—

Jahr,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,

Messrs—	Messrs—	Messrs—
Estabrook,	Montgomery,	Thomson of Walsh,
Foss,	Murphy,	Tyler,
Green,	Nedrud,	Walsh,
Gronli,	Norton,	Walton,
Hankinson,	Olsgard,	Watt,
Haugerud,	Pinkham,	Wickham,
Hoyt,	Reed,	Williams,
Ingebretson,	Renaud,	Mr. Speaker.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Heglie,	Rawlings,
Bowen,	Johnson,	Ueland,
Buchanan,	McIntyre,	Zimmer.
Haugen,		

Messrs, Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Speaker announced his signature to Senate Bill No. 64,

A bill for an act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota.

Senate Bill No. 69,

A Joint Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States,

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Roney,
Balkan,	Langer,	Selby,
Belden,	Lilly,	Stadleman,
Brittin,	Lutz,	Stevens,
Bye,	McCormick,	Strom,
Christianson,	McCullough,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	Milsted,	Thompson of Cass,
Currie,	Moore,	Thomson of Walsh,
Estabrook,	Montgomery,	Tyler,
Foss,	Murphy,	Ueland,
Green,	Nedrud,	Walsh,
Gronli,	Norton,	Walton,
Hankinson,	Olsgard,	Watt,
Haugerud,	Pinkham,	Wickham,
Hoyt,	Reed,	Williams,
Ingebretson,	Renaud,	Zimmer,
Ink,	Richardson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	McIntyre,
Bowen,	Heglie,	Rawlings.
Buchanan,	Johnson,	

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the resolution was passed.

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bond,
Was read the third time, and placed upon its final passage,

The roll being called there were ayes 50, nays 5,

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Richardson,
Balkan,	Jahr,	Roney,
Belden,	Langer,	Selby,
Brittin,	Lilly,	Stadleman,
Bye,	Lutz.	Stevens,
Christianson.	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Court,	McDonald,	Thomas,
Estabrook,	Milsted,	Thomson of Walsh,
Foss,	Moore,	Tyler,
Green,	Montgomery,	Ueland,
Gronli,	Murphy,	Walton,
Hankinson,	Norton,	Wickham,
Haugerud,	Olsgard,	Williams,
Heglie,	Pinkham,	Zimmer,
Hoyt,	Reed,	Mr. Speaker.
Ingebretson,	Renaud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	Thompson of Cass,	Watt.
Nedrud,	Walsh,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	McIntyre,
Bowen,	Johnson,	Rawlings.
Buchanan,		

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

Was read the third time by its title, and

Mr. Thompson of Cass, moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

Mr. Stevens raised the point of order that this bill being an emergency bill, no county commissioner can vote on the bill,

Which point of order Mr. Speaker decided well taken, and

Mr. Thompson of Cass, appealed from the decision of the Chair, and

The question being shall the decision of the Chair be sustained,

The decision of the Chair was sustained.

The question being on the motion to indefinitely postpone,

The roll being called there were ayes 26, nays 28.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bye,
Court,
Currier,
Estabrook,
Foss,
Ingebretson,
Lilly,

Messrs—

McCormick,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Richardson,
Selby,
Stadleman,

Messrs—

Strom,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Watt,
Zimmer.
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Brittin,
Christianson,
Cole,
Green,
Gronli,
Hankinson,
Haugerud,
Heglie,
Hoyt,

Messrs.—

Ink,
Jahr,
Johnson,
Langer,
Lutz,
McCullough,
McDonald,
Milsted,
Moore,
Norton,

Messrs—

Reed,
Renaud,
Roney,
Stevens,
Tandberg,
Thomas,
Walton,
Wickham,
Williams.

Absent and not voting:

Messrs—

Beard,
Bowen,
Buchanan,

Messrs—

Haugen,
McIntyre,

Messrs—

Rawlings,
Walsh.

Mr. Speaker explaining his vote.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the motion to indefinitely postpone was lost.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products.

Also,

House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885, supplement, relating to noxious weeds,

Were delivered to his Excellency, the Governor, for his approval, at the hour of 4:20 o'clock p. m., February 14, 1890.

A. O. HEGLIE,
Acting Chairman.

Mr. Williams moved a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Beard, Bowen, Buchanan, Haugen, McIntyre and Rawlings, who were excused,
And the call of the House was dispensed with.

The question being on the passage of the bill,

Mr. Williams moved

To amend the bill by striking out the emergency clause.

Mr. Thompson of Cass, moved

As an amendment to strike out all after the enacting clause.

Roll call demanded.

The roll being called there were ayes 26, nays 28.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Stadleman,
Belden,	Lilly,	Strom,
Bye,	McCormick,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Estabrook,	Nedrud,	Ueland,
Foss,	Olsgard,	Walton,
Hoyt,	Pinkham,	Watt,
Ingebretson,	Richardson,	Zimmer.
Johnson,	Selby,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ink,	Reed,
Brittin,	Jahr,	Roney,
Christianson,	Lutz,	Stevens,
Cole,	McCullough,	Tandberg,
Currier,	McDonald,	Thomas,
Green,	Milsted,	Tyler,
Gronli,	Moore,	Wickham,
Hankinson,	Murphy,	Williams,
Haugerud,	Norton,	Mr. Speaker.
Heglie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	Renaud,
Bowen,	McIntyre,	Walsh.
Buchanan,	Rawlings,	

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

So the amendment to the amendment was lost.

Mr. Williams moved
That the further consideration of the bill be postponed until next Thursday.

Mr. Allen moved
To lay the motion to postpone upon the table.

Mr. Hankinson moved
That the rules be suspended and that Mr. Stevens be permitted to speak on the bill,
Which motion prevailed.

The motion to lay upon the table was lost, and
The question recurring on Mr. Williams' motion to postpone, consideration until next Thursday,

Mr. Williams withdrew his motion, and
The question being on the the passage of the bill,
The roll call being called there were ayes 29, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Heglie,	Norton,
Brittin,	Hoyt,	Reed,
Christianson,	Ink,	Roney,
Cole,	Jahr,	Stadleman,
Court,	Lutz,	Stevens,
Currier,	McCullough,	Tandberg,
Green,	McDonald,	Thomas,
Gronli,	Milsted,	Wickham,
Haukinson,	Moore,	Williams.
Haugerud,	Montgomery,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	McCormick,	Thompson of Cass,
Belden,	Nedrud,	Thomson of Walsh,
Bye,	Olsgard.	Tyler,
Estabrook,	Pinkham,	Ueland,
Foss,	Renaud,	Walton,
Ingebretson,	Richardson,	Watt,
Johnson,	Selby,	Zimmer,
Langer,	Strom,	Mr. Speaker.
Lilly,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	Rawlings,
Bowen,	McIntyre,	Walsh.
Buchanan,	Murphy,	

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill was lost, a majority of the members elect not voting therefor.

Mr. Zimmer was excused for three days.

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of

1887, entitled "An Act to suppress and prevent the spread of contagious and infectious diseases among domestic animals,

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

The roll being called there were ayes 43, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Selby,
Balkan,	Langer,	Stadleman,
Brittin,	Lilly,	Stevens,
Bye,	Lutz,	Thomas,
Christianson,	McCormick,	Thompson of Cass,
Cole,	McCullough,	Thomson of Walsh,
Court,	McDonald,	Tyler,
Currier,	Moore,	Walsh,
Estabrook,	Murphy,	Walton,
Foss,	Nedrud,	Watt,
Green,	Olsgard,	Wickham,
Hankinson,	Pinkham,	Williams,
Haugerud,	Renaud,	Zimmer,
Hoyt,	Richardson,	Mr. Speaker.
Ingebretson,	Roney,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Johnson,	Strom,
Gronli,	Milsted,	Tandberg,
Jahr,	Reed,	Ueland.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	Montgomery,
Bowen,	Heglie,	Norton,
Buchanan,	McIntyre,	Rawlings.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

And so the bill passed, and the title of the bill was agreed to.

Senate Bill No. 84,

A bill for an act authorizing the judges of the district court to administer oaths,

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Richardson,
Balkan,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Brittin,	Langer,	Stadleman,
Bye,	Lilly,	Stevens,
Christianson,	Lutz,	Strom,
Cole,	McCormick,	Tandberg,
Court,	McCullough,	Thomas,
Currier,	McDonald,	Thomson of Walsh,
Estabrook,	Milsted,	Tyler,
Foss,	Moore,	Ueland,
Green,	Montgomery,	Walsh,

Messrs—
 Gronli,
 Hankinson,
 Haugerud,
 Heglie,
 Hoyt,
 Ingebretson,

Messrs—
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Reed,
 Renaud,

Messrs—
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Beard,
 Bowen,
 Buchanan,

Messrs—
 Haugen,
 McIntyre,
 Norton,

Messrs—
 Rawlings,
 Thompson of Cass.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,)
 February 14, 1890.)

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the report of the Conference Committee on House Bill No. 54, and passed the bill as amended.

C. C. BOWSFIELD,
 Secretary.

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Subchapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same,"

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Belden,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugerud,
 Heglie,
 Hoyt,

Messrs—
 Ingebretson,
 Ink,
 Jahr,
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McCormick,
 McDonald,
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Reed,
 Renaud,

Messrs—
 Richardson,
 Roney,
 Selby,
 Stadleman,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Wickham,
 Williams,
 Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Bowen,
Buchanan,
Haugen,

Messrs—

McCullough,
McIntyre,
Moore,
Norton,

Messrs—

Rawlings,
Watt,
Zimmer.

Messrs. Beard, Bowen, Buchanan, Haugen and McIntyre being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Thompson of Cass, was excused for one day.

Mr. Thomson of Walsh was excused until Tuesday.

Mr. Stevens moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

EIGHTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1890.

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

In the absence of the Speaker the Chief Clerk called the House to order, and stated that Mr. Speaker had designated Mr. Williams as Speaker *pro tem* for the day.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bowen, Buchanan, Langer, McIntyre, Montgomery, Stadleman, Thomas, Thompson of Cass, Thomson of Walsh, Walsh, Walton, Zimmer and Mr. Speaker, excused.

Mr. Stadleman was excused until next Wednesday.

The Journal was referred to the Committee on Revision.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Printing made the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred
House Bill No. 281,

A bill for an act to provide for the printing and distribution of copies of House Bill No. 14 to the various county auditors in the State of North Dakota,

Have had the same under consideration and recommend that said bill do pass after House Bill No. 14 shall have become a law.

Also,

House Bill No. 251,

A bill for an act to amend Section 2, of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws,

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

In lines 21, 22 and 23 of Section 1, printed bill, strike out the words "and when there are but two papers in a county and both are in same congressional township, the commissioner shall designate but one of such paper," and insert in lieu thereof the following, viz.: "And where there are newspapers in a county publishing both a daily and weekly edition, one of such newspapers shall be selected as one of the official papers of said county."

And when so amended recommend that said bill do pass.

D. P. THOMAS.
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 177,

A bill for an act to appropriate money to pay the *per diem* of members, officers and employes of the Legislative Assembly,

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

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the rules be suspended and that Senate Bill No. 177 be now read the first and second times, and referred to its appropriate committee,

Which motion prevailed, and
Senate Bill No. 177,

A bill for an act to appropriate money to pay the *per diem* of members, officers and employes of the Legislative Assembly,

Was read the first and second times, and

Mr. Stevens moved

That the bill be referred to the Committee of the Whole, and made a special order for Monday at 2 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred
House Bill No. 177,

A bill for an act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, and to prevent fraud and to preserve the public health,

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

In Section 3, lines 5 and 11 of printed bill, strike out the words "State Dairy Commissioner," and insert the words "Commissioner of Agriculture;" also, in Section 5 strike out all the words after "law" in line 2.

In Section 13, line 1, strike out the words "State Dairy Commissioner" and insert the words "Commissioner of Agriculture."

In Section 1, line 8, strike the words and figures "twenty-five (\$25) dollars" and insert the words "ten dollars;" also, strike out the words "one hundred" in same line and insert the word "fifty."

Strik out the whole of Section 15.

And when so amended recommend that said bill do pass.

J. MONTGOMERY,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 277,

A bill for an act authorizing and empowering the organized counties of the State of North Dakota to issue and dispose of bonds to provide funds to pay the outstanding indebtedness, and to provide for the payment of the principal and interest thereof; and to repeal Chapter 13 of the Session Laws of 1887, and all conflicting laws,

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

Amend Section 1 in line 12 by inserting after the word: "dollars," and before the word "shall" the following words: "nor more than one thousand dollars,"

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

The Committee on Public Buildings made the following report:

MR. SPEAKER:

A minority of your Committee on Public Buildings to whom was referred

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Agricultural Experiment Station at Fargo,

Have had the same under consideration and recommend that said bill be amended as recommended by the majority of this committee, but inasmuch as the conditions in regard to soil, climate and amount of rainfall are different in the greater part of the State from those existing at the locality selected for the erection of an Agricultural College, and there is great need of experiments in regard to irrigation, and what crops can profitably be raised where the rainfall is deficient, we recommend that the following amendment be added to Section 16:

Provided, That two-thirds of the \$15,000 appropriated in said act be expended on a farm near Agricultural College, and one-third of said \$15,000 be used annually on a branch station, located on the southwest quarter of Section

5, township 133 north, of range 84 west, said land being near the city of Edgeley, LaMoure county, N. D.; said branch station to be used for testing the different grains, grasses, trees and shrubbery under other conditions than those existing at the main station, and for experiments in relation to irrigation, and for any other purpose the board of directors may deem said station suitable; *Provided*, That the aforesaid described land be donated free of cost to said college directors.

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
C. J. CHRISTIANSON.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

House Bill No. 279,

A bill for an act amending Articles 4 to 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

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

GEORGE LUTZ,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Stevens moved

That Senate Bill No. 41 be taken from General Orders and referred to the Committee on Railroads.

Roll call demanded.

The roll being called there were ayes 24, nays 23.

Those who voted in the affirmative were:

Messrs—

Belden,
Court,
Currier,
Estabrook,
Green,
Hangerud,
Hoyt,
Ingebretson,

Messrs—

Lilly,
Lutz,
Milsted,
Moore,
Nedrud,
Norton,
Rawlings,
Reed,

Messrs—

Renaud,
Selby,
Stevens,
Tandberg,
Tyler,
Watt,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Brittin,
Bye,
Christianson,
Cole,
Foss,

Messrs—

Gronli,
Hankinson,
Haugen,
Heglie,
Ink,
Jahr,
Johnson,
McCormick,

Messrs—

McDonald,
Olsgard,
Pinkham,
Richardson,
Roney,
Strom,
Ueland.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Langer,
McCullough,
McIntyre,

Messrs—

Montgomery,
Murphy,
Stadleman,
Thomas,
Thompson of Cass,

Messrs—

Thomson of Walsh,
Walsh,
Walton,
Zimmer,
Mr. Speaker.

Messrs, Bowen, Buchanan, Langer, McIntyre, Montgomery, Stadleman, Thomas, Thompson of Cass, Thomson of Walsh, Walton, Zimmer and Mr. Speaker being excused.

And so the motion prevailed.

Mr. Rawlings moved

That the vote by which Senate Bill No. 71 was lost be reconsidered.

Mr. McCormick moved

To lay the motion on the table,

Which motion was lost, and

The question recurring on the motion to reconsider,

The motion to reconsider prevailed.

Mr. Hankinson moved

That Senate Bill No. 71 be made a special order for Wednesday at 3 o'clock,

Which motion prevailed, and

The bill was made a special order.

The Joint Conference Committee on Senate Bill No. 133 and the House amendments to the same, made the following report:

MR. SPEAKER:

Your Joint Committee on Conference to whom was referred House amendments to Senate Bill No. 133 have had the same under consideration and beg leave to make the following report:

1. That the House recede from its amendments.
2. That the bill be recalled by the House from the Senate.
3. That the vote by which the bill passed the House be reconsidered by said body.

4. And when so reconsidered the bill be amended as follows:

1. Amend Subdivision 17 of Section 1 to read as follows: "One Journal Clerk, whose compensation shall be \$5 per day, and who shall be under the supervision of the Secretary of the Senate; *Provided*, The Journal of the Senate be completed and indexed by the Secretary of the Senate within ten days after the adjournment thereof; and for such completion and indexing he shall be allowed the sum of \$50."

2. Amend Section 3 by striking out Subdivision 8.

3. Amend Subdivision 9 of Section 3 so as to read as follows: "One Door Keeper, whose compensation shall be \$4 per day, and who shall discharge the duties of and be assistant to the Sergeant-at-Arms."

4. Amend Subdivision 17 of Section 3 to read as follows:

17. One Journal Clerk whose compensation shall be \$5 per day, and who shall be under the supervision of the Chief Clerk of the House; *Provided*, The Journal of the House be completed and indexed by the Chief Clerk of the House within ten days after the adjournment thereof; and for such completion and indexing he shall be allowed the sum of \$50.

Also, to amend the bill by adding a new section to be known as Section 7.

SEC. 7. *Provided*, That the compensation for the officers herein named shall not apply to the officers of the present session of the Legislative Assembly,

but the salaries to be fixed for this session by resolution of the respective bodies.

To renumber Sections 7 and 8 of original bill to read Sections 8 and 9 respectively, and when the bill is so amended, we recommend its passage.

Your committee further recommend.

1. That the office of Assistant Sergeant-at-Arms of the House be declared vacant, and that the Door Keeper discharge the duties thereof.

2. That two Janitors of the House be discharged forthwith.

3. That all enrolling and engrossing clerks, who are incompetent to discharge the duties for which they were appointed, be forthwith discharged.

4. That the resolution adopted by the House on the 5th day of December, fixing the *per diem* of the officers of the House, be amended to read "the salary of the Chief Clerk shall be \$7 per day."

H. J. ROWE,
JUDSON LAMOURE,
M. L. McCORMACK,

On the part of the Senate.

GEO. H. WALSH,
R. H. HANKINSON,
C. A. CURRIER,

On the part of the House.

Mr. Stevens moved

To adopt the report with the exception of that part relating to the salary of the Chief Clerk.

Mr. McCormick moved

To amend by also excepting that part relating to Assistant Sergeant-at-Arms,

Which amendment was accepted.

Mr. Ueland moved

As a substitute that the consideration of the report be postponed until it shall be printed in the Journal,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cole introduced—

House Bill No. 284,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota.

COMMITTEE OF THE WHOLE.

Mr. Selby moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Selby to the Chair.

When the committee arose the following report was presented.

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 234,

A bill for an act to prescribe the oath of office of civil officers, And recommend that the bill be amended as follows:

Amend the title to read as follows:

A BILL

For an Act to Amend Sections 3 and 4 of the Political Code, Being Section 1372 of the Compiled Laws, Providing the Oath of Civil Officers.

Also, strike out all after the enacting clause and insert the following as a substitute therefor:

SECTION 1. That Section 3 of the Political Code, being part of Section 1372, Compiled Laws, be amended to read as follows: SEC. 3. Every civil officer in this State, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota, and that I will faithfully discharge the duties of the office of _____ (naming the office) according to the best of my ability, so help me God." (If an oath) under pain and penalties of perjury if an affirmation) Such oath shall be endorsed upon the back of or attached to his bond, in case of an officer required to give a bond, and endorsed upon the back of or attached to the commission, appointment or certificate of election, in case of an officer not required to give a bond.

SEC. 2. That Section 4 of the Political Code, being part of Section 1372 of the Compiled Laws, be and the same is hereby repealed.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 4. There being no law prescribing the form of oath to be taken by civil officers as contemplated by the Constitution of this State; therefor this act shall take effect and be in force from and after its passage and approval.

And that when so amended the bill do pass.

Also,

Senate Bill No. 62,

A bill for an act to require all railroad corporations doing business in the State of North Dakota to file with the county clerk in which any railroad or part thereof may be located, a map showing all railroad and right of way owned by said corporation,

And recommend that the following amendments proposed by the Committee on Railroads be adopted:

Amend the title to said bill by inserting after the word "clerk" in line 5, original bill, the words "of any county,"

And that when so amended the bill do pass.

Also,

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session Laws of 1887,

And recommend that the bill be amended as follows:

In Section 1, line 2, after the word "kill" insert the following words: "or hunt with any dog or dogs."

Also, recommend that the bill be further amended as follows: Strike out the words "first day of September" and insert the words "fifteenth day of August" at the close of Section 1.

Also, recommend that the bill be further amended by striking out Sections 2 and 3.

Also, recommend that the bill be further amended by inserting the words "25th of August," so far as it relates to the shooting of grouse.

Also, recommend that the bill be referred to the Committee on Military Affairs.

Also,

Senate Bill No. 67,

A bill for an act to provide for elections in unorganized counties,

And recommend that the following amendments proposed by the Committee on Elections and Privileges be adopted:

In Section 1, line 1, printed bill, add the words "and taxpayers" after the word "voters."

In Section 7, line 3, strike out the words "have authority to" and add the words "for each precinct" after the word "box."

In Section 9, line 6, strike out the word "five" and insert in lieu thereof the word "three."

The committee has considered the bill section by section, and recommend that Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 be adopted.

Also, recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 145,

A bill for an act to provide funds for defraying the expenses of insane persons confined in the North Dakota Hospital for the Insane,

And recommend that the following amendment proposed by the Committee on Charitable Institutions be adopted:

That said bill be amended by striking out all of Section 10.

The committee has considered the bill section by section, and recommend that Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 12 be adopted,

And that the bill as amended do not pass.

Also,

House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the tax on the same,

And recommend that the following amendments proposed by the Committee on Railroads be adopted:

That the bill be amended as follows: By inserting the words "side tracks" after the word "branches" wherever it appears in the bill.

Also, add to Section 1 the following: "They shall cause a record to be made of the estimated value placed upon each of the items set forth in this section, which go to make the aggregate valuation of such assessments."

And that when so amended the bill do pass.

J. F. SELBY,
Chairman.

Mr. Stevens moved

That the report be adopted, with the exception of that part relating to Senate Bill No. 67.

Mr. Haugen moved

As an amendment that the report be adopted as a whole,

Which motion prevailed, and

The original motion as amended prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Walsh (by unanimous consent) offered the following resolution, and moved its adoption:

Resolved, That the Senate be and is hereby requested to return to the House Senate Bill No. 133, together with the House amendments thereto, and that the Chief Clerk forthwith transmit to the Senate a copy of the foregoing resolution.

Which motion prevailed, and
The resolution was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 15, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 93,

An act to provide for an uniform policy of fire insurance to be made and issued in this State by all insurance companies taking fire risks on property within this State.

Also,

House Bill No. 136,

An act to amend Section 4, Chapter 130, Laws of 1887, of the Political Code, entitled "Grain Warehouses," defining the term of public warehouses and requiring additional duties.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

The committee to revise and correct the Journal of the eighty-eighth day made the following report:

MR. SPEAKER:

Your committee on correction of Journal have examined House Journal for February 14, and find the same correct.

L. A. UELAND,
Chairman.

Mr. Stevens moved

That the House do now adjourn,

Which motion was lost.

Mr. Ueland moved

That the House take an informal recess.

Mr. Stevens moved

As an amendment that the House do now adjourn.

Roll call demanded on the amendment.

The roll being called there were ayes 12, nays 31.

Those who voted in the affirmative were:

Messrs—

Green,
Hankinson,
Hoyt,
Ink,

Messrs—

Milsted,
Norton,
Rawlings,
Reed,

Messrs—

Renaud,
Selby,
Tyler,
Wickham.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	McDonald,
Balkan,	Haugen,	Olgard,
Beard,	Haugerud,	Pinkham,
Belden,	Heglie,	Stevens,
Brittin,	Ingebretson,	Strom,
Bye,	Jahr,	Tandberg,
Christianson,	Johnson,	Ueland,
Cole,	Lilly,	Walsh,
Currier,	McCormick,	Watt,
Estabrook,	McCullough,	Williams.
Foss,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Montgomery,	Thomas,
Buchanan,	Murphy	Thompson of Cass,
Court,	Nedrud,	Thomson of Walsh,
Langer,	Richardson,	Walton,
Lutz,	Roney,	Zimmer,
McIntyre,	Stadleman,	Mr. Speaker.
Moore,		

Messrs. Bowen, Buchanan, Langer, McIntyre, Montgomery, Stadleman, Thomas, Thompson of Cass, Thomson of Walsh, Walton, Zimmer and Mr. Speaker being excused.

And so the amendment was lost.

Mr. Stevens moved

To reconsider the vote last taken,

Which motion Mr. Speaker ruled out of order.

Mr. Walton was excused for the day.

Mr. Stevens demanded a call of the House.

Call seconded.

Roll was called.

All members present except Messrs. Bowen, Buchanan, Langer, McIntyre, Montgomery, Richardson, Stadleman, Thomas, Thompson of Cass, Thomson of Walsh, Walton, Zimmer and Mr. Speaker, excused.

Mr. Speaker called Mr. Stevens to the Chair.

Mr. Williams moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

GENERAL ORDERS.

Mr. Hankinson moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Stevens to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 133,

A bill for an act to amend Sections 1 and 5 of Chapter 50 of the Session Laws of 1887, entitled "An Act regulating the salary of register of deeds and county treasurers,"

And recommend that the following amendments proposed by the Committee on Counties be adopted:

Strike out Sections 2 and 4 and renumber Section 3 to be Section 2,

And that when so amended the bill do pass.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That in Section 1 and line 11, of printed bill, insert after the word "been" the words "or may hereafter be," and in same section and line 13, after the word "county" insert the words "*Provided*, That the board in making settlement of disputed claims shall not allow interest at a greater rate than 7 per cent. per annum."

Strike out of Section 1, after the word "law," in line 16, of printed bill, beginning with the word "unless," and all words to and including the word "state" in line 17, of said section. In line 18, Section 1, strike out the word "further" and insert the word "however."

In line 19, same section, after the word "bonds" insert the words "or indebtedness" In same line strike out the last word, "indebtedness," and insert in lieu thereof the word "debt."

And that when so amended the bill do pass.

Also,

House Bill No. 188,

A bill for an act defining the duties of county commissioners in relation to the construction of bridges,

And recommend that the bill be laid upon the table.

Also,

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges within the county limits wherein the cost of the construction of same exceeds the sum of \$100,

And recommend that wherever the figures "\$100" occur in the title or the body of the bill, the same be stricken out, and the figures "\$150" substituted.

Also, recommend that the bill, and the following proposed amendment be recommitted to the Committee on Counties and County Boundaries:

Provided, however, That the board of county commissioners may, at their quarterly meetings in the month of April, advertise in the official paper of the county for sealed proposals for the building of all bridges to be built by the county during the year, and the person or persons who shall be the lowest bidder by lineal feet of such bridge, and who shall enter into good and sufficient bonds, shall be awarded the contract for the building of the bridges of the county during the year without further advertisement at the price agreed upon in his bill.

Also,

House Bill No. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senators,

And recommend that the majority report of the Committee on Judiciary be adopted and that the bill do pass.

Also,

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to punishment for Sabbath breaking,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

In Section 1, line 4, strike out the word and figure "five (5)" and insert the word "one" in lieu thereof, and after the word "offense" insert the words "at the discretion of the court."

And that when so amended the bill do pass.

R. N. STEVENS,
Chairman.

Mr. Haugerud moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 16.

A bill for an act declaring certain mills public mills, and fixing the rate of toll and regulating the exchange of the manufactured products of grain for grain,

With the following amendments:

Strike out the word "sixth" in Section 4 and insert in lieu thereof the words "fourth and not to exceed fifteen cents."

Also, amend Section 5 by striking out the words "five-sixths" and insert in lieu thereof the words "three-fourths." and add after Section 6 the following:

SEC. 7. Every mill shall provide a schedule of the number of pounds of flour of the different grades (if more than one grade is manufactured) together with the number of pounds of other manufactured products of grain that are usually made from a bushel of grain as near as can be ascertained from each of the several grades of grain, and such schedule shall be open to the inspection of every person offering grain in exchange for ground products.

Which the Senate has passed and your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE COMMISSIONERS OF RAILROADS.

The following communication was received from the Commissioners of Railroads.

BISMARCK, N. D., February 15, 1890.

MR. SPEAKER: The Board of Railroad Commissioners in compliance with House resolution, asking information on the merit of native coal, beg to report the following scientific analyses, correspondence, and statements, which is as exhaustive and comprehensive as can be obtained at once, or without incurring expense of further tests, which undoubtedly would be profitable but too late to be made in this report.

We are indebted to Mr. C. W. Thompson for copy of analyses as made for the Northern Pacific Railroad Company, to-wit:

ANALYSES OF LIGNITE COALS OF NORTH DAKOTA, THOMPSON'S SIMS MINE, MADE BY CAMBRIA IRON COMPANY.

Fixed Carbon.....	38.794
Volatile Combustible Matter.....	42.370
Ash.....	7.280
Water.....	10.620
Sulphur.....	.930
Phosphorus.....	.006
	100.

Evaporate 5 pounds water to 1 pound coal.

WARN'S MINE.

By Prof. J. Blodgett Brittan, Philadelphia, Pennsylvania.

Water Evaporated at 212 Degrees Fah.....	20.85
Other Volatile Matter Expelled at Red Heat.....	33.68
Ash.....	6.02
Fixed Carbon.....	39.45
	100.

Evaporate 4.10 pounds water to 1 pound coal.

DICKINSON OR LEHIGH LIGNITE.

Water expelled at 212 degrees Fah.....	21.50
Other volatile matter expelled at red heat.....	27.94
Ash.....	6.50
Fixed carbon.....	44.06
	100.

Properly burned in a locomotive boiler each pound will evaporate 3.66 pounds of water.

LITTLE MISSOURI COAL.

Water expelled at 212 degrees Fah.....	20.40
Other volatile matter expelled at red heat.....	35.97
Ash.....	7.22
Fixed carbon.....	36.41
	100.

Evaporates 4 pounds of water to 1 pound of coal.

PLEASANT VALLEY COAL.

Water expelled at 212 degrees Fah.....	18.90
Other volatile matter expelled at red heat.....	35.97
Ash	2.89
Fixed carbon.....	46.41

100.

Evaporates 4.27 pounds of water to 1 pound of coal.

COMPARATIVE ANALYSES FROM DANA'S MANUAL.

Wood:

Carbon.....	49.66
Hydrogen.....	6.21
Oxygen.....	43.03

Bituminous Coal:

Carbon.....	81.02
Hydrogen.....	5.50
Oxygen.....	12.50

Anthracite Coal:

Carbon.....	95.00
Hydrogen.....	2.50
Oxygen.....	2.50

Average of these ingredients from the five analyses given on Lignite Coal:

Carbon.....	40.205
Hydrogen.....	18.454
Oxygen.....	35.186

CERTIFIED TESTS.

BISMARCK, N. D., January 28, 1890.

I hereby certify that I have been an engineer of stationary engines for eight years, and for the last two years have been in charge of the pumping engines of the Bismarck Water Company; that during said time I have used eastern bituminous coal and North Dakota lignite, and find from experiment that one ton and a half of Dakota coal will evaporate as much water as one ton of eastern bituminous coal, and as much as a cord and a half of cottonwood.

ED. SLOAN,
Engineer Bismarck Water Company.

I hereby certify that I have been an engineer of stationary engines for eighteen years, and for the last two years have been chief engineer of the roller mills at Valley City and Bismarck, and have been for the past seventeen months engineer of the Bismarck Electric Light Company. That during said period I have used eastern bituminous coal and North Dakota lignite coal to generate steam and during said period have made many tests between bituminous and lignite coal and have found that one and a half tons of lignite equals or will generate as much steam as one ton of Pittsburg bituminous coal, or one ton of said coal will generate as much steam as one and a half cords of cottonwood, or one cord of Minnesota oak.

EDWARD MCCARTHY.

CORRESPONDENCE.

BISMARCK, N. D., January 30, 1890.

Hon. F. B. Fancher, Secretary Railroad Commissioners:

DEAR SIR: In reply to your letter of inquiry regarding the merits of lignite, or Dakota coal, I have the honor to say that I have used it over six years for generating steam in a stationary boiler, for manufacturing and steam heating, and also as a fuel for range in domestic use. It is by far the most econom-

cal fuel for both purposes to be had in this market. It is an excellent steam generator, makes a hot fire, burns freely, and with intelligent use clinkers but little. For domestic use, one ton of lignite, is equal to two cords of cotton wood. It is a clean coal, burns freely, leaves a white ash and no soot. For generating steam in a stationary boiler, the grate bars should be raised up so as to bring the baze close to the boiler, thus increasing by fifteen to twenty per cent. the amount of steam generated from a certain amount of lignite. For domestic use, a good draught should be secured, and only a little coal put on the fire at a time. The lids of the range should not be raised for the purpose of "punching" the fire from above. When a hot fire is wanted a few chunks should be thrown on the fire, and if there is an accumulation of ashes they should be shaken down gently and the dampers opened. No gas will then escape and the best results will follow. By filling the fire box half full or more of lignite and closing the dampers, a smouldering fire can be retained for ten or twelve hours. I believe the most important thing, next to the reduction of freight rates, is to educate the people how to use lignite. Those who have had intelligent experience in its use, will join with me in declaring that in the Dakotas we cannot afford to use any other fuel, even with the present high rates of transportation. With the transportation rates and the expense of mining cut down to the minimum, the use of native coal will be extended to such an extent as to almost exclude the use of the foreign product, and hundreds of thousands of dollars will be saved annually to the settlers of North Dakota, and the manufacturing interests would receive a wonderful impetus.

Very respectfully,

M. H. JEWELL,

Ed. Bismarck "Tribune."

F. B. Fancher, Esq., Bismarck, N. D.

DEAR SIR: Your esteemed favor of the 17th is received and carefully noted. Regarding the use of lignite coal, the writer's experience has been confined almost entirely to its use under steam boilers, and this letter has reference to his observations in that direction only. One of the first factors to be considered by a manufacturer who contemplates using lignite is to get a fireman who will forget all he ever knew about firing with other fuels and begin his experience. This is necessary because the quality of the coal varies to a considerable extent, and the varying conditions of the atmosphere call for a constant exercise of judgement. To illustrate—much of the lignite coal is mined under water; during a temperate condition of the weather much of the moisture would be evaporated on contact with the atmosphere, and the calorific power of the coal supplemented to the extent of the evaporation, whereas in very cold weather the moisture would congeal with the coal, and upon being thrown into the furnace would require that heat from the burning mass to evaporate the moisture before action could be gotten upon the volatile properties. The result of this is a falling off of steam pressure, and a consequent loss of power. From this very cause of lack of judgment in the fireman, much of the popular prejudice against lignite coal can be traced. Under favorable atmospheric conditions, the coal will throw off quick heat in liberal quantity, and ordinary furnaces can be fed once an hour, but as the conditions of the atmosphere affect the combustion of the coal, the lower the temperature the more frequent the firing, the quantity being lessened in proportion to the frequency.

The amount of ash in lignite varies considerably, it being the writer's experience that the nearer the surface of the earth the coal is mined, the greater the quantity of ash, but the ash stands in no relation to the proportion of volatile constituents; it is, however, an important factor in arriving at the value, as the coal is paid for by weight, and if much of the weight has to be removed from the grate bars to allow more perfect draft, a loss is apparent. The surface mined coal appears to have much clay or other foreign matter with it, which causes a "clinker" to form, and its removal is necessary to aid combustion. To this fact of the removal of ashes before the combustion is perfect and complete, is due the long retention of heat by the ash. Lignite ashes will hold

fire for six months after being removed from the furnace. While not a desirable property to steam users, this retention of heat ought to recommend the fuel for use in hot air furnaces.

In the economic valuation of coal a very important factor is the calorific value, or the number of pounds of boiling water that can be evaporated by the complete combustion of one pound of coal. Tests made in this direction by the writer under very favorable conditions, the boiler being thoroughly cleaned, the radiation at a minimum, gave a result of nearly three pounds of water evaporated to the pound of coal, pressure on the boiler held at eighty pounds. Dry cotton wood could have given but little better results at the time. This calorific value cannot be used as authoritative in all localities, however, because in this section of country the water used by steam producers is more or less impregnated by alkali, the chemical properties of which vary with the locality, and the scale which these chemical properties form inside a boiler would prevent the full power of the fuel from reaching the water under conditions above cited.

The boiler is responsible for the economic production of power, the engine for its use, and with a competent force of boiler inspectors in this State, much good can be effected for the producer of native coal.

The amount of gas contained in the various varieties of lignite the writer is unable to determine, owing to an absence of opportunity and facilities for such tests, but he is confident that any competent engineer willing to study the matter, can so arrange his grate bars that every particle of gas can be ignited before reaching the flues. Taking all things into consideration, one season with another, the writer is of the opinion that deep mined lignite, free from clay, is relatively as cheap at \$3 per ton as eastern coal is at \$6. That is, that two tons of it will do the same work as one ton of good bituminous coal, and allow for the extra labor of handling the extra volume.

If this letter should suggest other questions to you, the writer will be most happy to go further into details.

Respectfully yours,

JOHN M. TURNER,
Manager of Mandan Roller Mill Co.

F. B. Fancher, Esq., Bismarck, N. D.:

DEAR SIR: In reply to yours of the 17th inst. I would say that my experience in the use of lignite coal has extended over a period of seven years in Mandan, during which time I have also used anthracite, and have thus been able to compare the heating qualities of the two kinds of fuel. Four years I heated my house with anthracite coal, and in burning it, I gave it the advantage of the best and latest pattern stoves that were to be purchased in this market. My house has six rooms, and during the severe weather only two of them were thoroughly warmed when I used anthracite. I averaged from four to five tons each winter, a total cost of about \$70. Two years ago I had a furnace put in the basement of my house large enough to heat the entire dwelling. I burn lignite coal in it, delivered at my house for \$2.50 a ton. Last winter I burned less than twenty tons, but the entire house was warmed all the time. There is no comparison whatever between the comfort that I experience now at a cost of less than \$50 a year for fuel, and that which I experienced under the old plan at a much higher cost. It must not be forgotten, too, that the removal of stoves from the house gives more room, and removes a source of a great deal of dirt and dust. With the coal supply properly arranged for feeding to the furnace, the aggregate amount of labor of handling the coal for the furnace is not greater than that of handling a much smaller quantity of anthracite coal, where it has to be fed to several stoves. There are no blacks whatever to the lignite coal, and consequently one objection which is found to the bituminous coal does not exist here.

So much for a practical test of our native lignite in a hot air furnace. My experience with a steam engine is limited, although I use it daily in an engine that runs the machinery of the Pioneer office, and find it works admirably, requiring but little attention. It is also used to heat the premises occupied by

the Pioneer, and does the work at less than one-half what it would cost for any other fuel. It requires but an ordinary amount of intelligence to use it, for it is free burning, and while it does not, pound for pound, contain as much heating property as anthracite, it is easier to manage.

Yours very truly,

R. M. TUTTLE,

Manager Pioneer Publishing Company.

NEW SALEM, N. D., January 22, 1890.

F. B. Fancher, Esq., Secretary of Railroad Commissioners:

DEAR SIR: Referring to your favor of the 17th inst. as to the relative value of lignite coal, I have used this coal for heating by stoves. I have in my house one Acorn Range; two Westminster self-feeders, hard coal stoves, and one so called lignite burner. I have used lignite coal in all these stoves for the past seven years and keep our house of nine rooms comfortably warm in the coldest weather. I prefer the Westminster stoves, the regular hard coal stoves for the use of lignite coal, it handles well in these stoves. Break the coal in pieces about as large as a quarter to half a brick, and in connection with this use up all the fine slack, thus using every particle of the fuel. The coal when dry will burn just as free as oak wood, all burn to a white ash, and will not make any soot; the stove covers are just white. I put in about twenty-two tons every year, and have used nine tons of "nut coal" to produce the same amount of heat.

Hoping this may be of interest to those who may wish to use lignite coal, I am,

Yours truly,

J. J. LUCK.

GLADSTONE ROLLER MILLS, N. D., January 20, 1890.

F. B. Fancher, Esq., Secretary of Railroad Commissioners:

DEAR SIR: Yours of the 17th received, asking for information in regard lignite coal. I have used both wood and lignite coal for generating steam, also for heating and cooking purposes, and consider one ton of lignite equivalent to one and a half cords of wood. I am informed by those who have used lignite for hot air furnaces that it is by far the cheapest fuel. The only objection I see to the use of it for domestic purposes is that a part of the ash is very light, and if disturbed much will cause dust to settle in the room; otherwise lignite is much cleaner than bituminous coal.

Very respectfully,

ROBERT LEE.

MANDAN, N. D., January 21, 1890.

F. B. Fancher, Secretary of Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: Answering your recent favor of inquiry relative to the use of lignite coal permit me to say: I have used this coal in my office for heating purposes since the year 1880 and have used no other fuel for this purpose. As to its use for cooking, have had very little experience, as from the abundance of cheap wood fuel in this vicinity and market, I first began using wood and have since continued to do so, this mostly on account of having apparatus for using wood to better advantage than the lignite. Our wood dealers here in Mandan, however, say that the wood business is nearly a thing of the past, made so because the people have put in stoves, grates and ranges for burning this coal and are using now very little wood in their cooking stoves. This on account of cost of the coal being less than for wood and that the fire lasts longer and holds its heat in a better and more satisfactory manner. This is the fourth winter in which I have used lignite in a furnace in my house exclusively for heating. One furnace heats seven ordinary sized rooms, and in a very satisfactory manner. Having in a former house used anthracite coal for some years in stoves, I am prepared to say that the use

of lignite for heating purposes far surpasses the harder coal. It will burn as long and make a reliable, steady and more satisfactory heat than anthracite. Like everything else, it has to be understood to be utilized. When understood, it meets every requirement for heat production.

In heating my residence, in the coldest weather, the furnace is "shook down" in the morning and fuel added. At 5 or 6 in the evening more fuel is added and at night it is shaken down again, and if there are clinkers in the fire pot they are removed usually in one mass, and fuel is added for the night, which keeps the house warm and comfortable until morning again. Other parties in town have improvised cheap furnaces from stoves encased in sheet iron cases and have managed to supply warmth for their homes at a much less expense and trouble than from any other method admissible in this locality. A furnace to use this coal should be of the simplest kind, and have a large fire pot and large ash pit under, and the ashes removed every day. After being understood there is little trouble in making the lignite answer every purpose, which a more costly coal would do. Now, as to cost, I know from former experience here that to heat the same amount of space as well as I do with the lignite, would cost double the amount if anthracite was used, and about the same proportion if wood. I consider that the presence of such large deposits of lignite in this portion of Dakota settles the vexed fuel problem for both Dakotas, when it is properly handled.

Yours Truly,

HENRY W. COE.

TAYLOR, N. D., January 22, 1890.

Board of Railroad Commissioners, Bismarck, N. D.:

GENTLEMEN: Yours of the 17th inst. at hand. In regard to lignite coal would say I have used it more or less for the last eight years, and consider it very excellent fuel, and consider it far better than wood for heating purposes and much cheaper, even though the wood could be had for the cutting. I have used it in stationary engines with perfect success, and as compared with other fuel, I consider it equal to Illinois or Iowa coal; in fact I never knew it to fail except in firing a locomotive. When it is better known it will be more appreciated.

Yours truly,

W. S. FENNO.

TAYLOR, N. D., January 22, 1890.

Board of Railroad Commissioners, Bismarck, N. D.:

GENTLEMEN: Yours of the 17th instant, with query regarding lignite coal. I beg to state that this coal is used here by all the inhabitants for all domestic and heating purposes exclusively. This coal requires for igniting but very little kindling, while the heating qualities prove about equal to wood. The retention of heat is, however, much greater than hard coal, even the ashes retain fire for days. Lignite when used in a dry state will form no clinkers, but makes considerable quantity of ash of a light gray color. It is used here in every known sort of stove with grates in which hard coal will burn; however, it will burn to best advantage in stoves with large fire boxes with sufficient draft. For hot air furnaces and steam boilers, lignite coal will answer equally well as for stoves, large ash pits or boxes being required to prevent choking. The relative power of lignite coal for generating heat may be compared to about 60 per cent. of the best hard coal; the coal will slack in open air but will keep intact under cover. It is a clear free burning fuel.

Most respectfully yours,

ADOLPH NORDBERG.

Richardton.

VILLARD HOUSE, DICKINSON, N. D., February 14, 1890.

To the Railroad Commissioners, Bismarck, N. D.:

GENTLEMEN: My experience with lignite coal for the past seven years is that it does not cost over 30 per cent. of eastern coal or wood. With lignite coal

at \$2 per ton, 35 cents per day will supply all I need for my hotel range, which is large enough to do the cooking for seventy-five regular boarders; my range has nine ten inch openings on top, and two large ovens. A very important feature especially around a cooking range is not to have soot or dirt. There is none whatever from lignite coal; a fine white powder coating accumulates, but with a good strong draft but little of that. I prefer this coal for heating purposes to any other fuel.

Respectfully yours,
C. H. KLINEFELTER.

DICKINSON, N. D., February 14, 1890.

Hon. T. S. Underhill, Railroad Commissioner, Bismarck, N. D.:

MY DEAR SIR: Referring to your letter of the 18th inst., will say that during the past four months I have been experimenting with lignite coal, as to its adaptability to use in a hot air furnace, and as a result can say, with candor, that it surpasses my most sanguine expectations as a heat producer. I have been heating seven rooms of medium size with my furnace, and find that with proper attention to drafts, etc., it is an easy matter to keep a uniform temperature in the house, regardless of the condition of the weather outside.

The quantity of coal required to keep the house comfortable varies according to the condition of the atmosphere outside. I have used since the first of November on an average a ton and a half of coal a week. During extremely cold weather it would probably require from two to three tons; while when the weather is mild I scarcely use more than is required for an ordinary heater, say a half ton a week. In accepting this statement we must, of course, take into consideration the mild weather that has prevailed during the winter.

Concerning care of furnace will say it requires very little of any more care than a furnace where hard coal is used. It is necessary to have coal put in three times in twenty four hours and requires to be raked and the ashes removed once during the same period. It requires some experience to get the best results from this fuel, but one becomes acquainted with the handling of it in a short time, when it becomes quite easily managed. In summing up, will say: To use lignite coal most satisfactorily in a hot air furnace, care in the first place, should be taken in selecting a furnace adapted to its use. Again, great difference will be found in different grades and qualities of coal, coarse coal being much preferred. Dry coal also produces much more heat than moist coal, and lasts very much longer. With due attention to the above conditions we shall be rarely disappointed in the results obtained in the use of lignite coal in furnaces.

Respectfully,
V. H. STICKNEY.

From our investigation of this subject we submit the following comparative value of fuel:

One ton of lignite coal equal to one and a half cords of wood.

One and a half tons of lignite coal equal to one ton of bituminous coal.

Two tons of lignite coal equal to one ton of anthracite coal.

We also have gathered much information in regard to the practical and economical use of lignite coal, notably its preservation by keeping it under cover, cellars or sod coal houses being the best; for generating steam, raise the grates nearer the boiler than for other fuel. This fuel can be utilized in any kind of stove with a moderately fine grate, and is a success in base burners as well as cylinder heaters, and, perhaps, has its greatest utility in hot air furnaces, much of the testimony in this particular being too late for this report. As a fuel for stationary steam power, we predict it will take the lead of all other fuel.

Respectfully submitted,
GEO. S. MONTGOMERY,
Chairman Board Railroad Commissioners.

Mr. Stevens moved
That the report be not read but be printed in the Journal,
Which motion prevailed.

Mr. Lutz was excused for next week.

Mr. Watt was excused until next Friday.

Mr. Pinkham was excused for next Monday.

Mr. Currier (by unanimous consent) made the following report
of the Committee on State Affairs:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch
in the State of North Dakota,

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

Also,

House Bill No. 262,

A bill for an act to encourage the culture of the sugar beet and
the manufacture of sugar from the same,

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

C. A. CURRIER,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 15, 1890. }

MR. SPEAKER:

I have the honor to return herewith
Senate Bill No. 133,

With the House amendments, as per your request.

C. C. BOWSFIELD,
Secretary.

Mr. Cole moved

That when the House adjourn it be to meet again at 10 o'clock
Monday morning,

Which motion was lost.

Mr. Stevens was excused for the balance of the day.

Mr. Haugen moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

NINETY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1890.

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

In the absence of the Speaker, the Chief Clerk called the House to order.

Prayer by the Chaplain.

Mr. Williams nominated Mr. Stevens of Ransom, for Temporary Speaker, and

Mr. Stevens was elected Speaker *pro tem* during the absence of the Speaker.

Roll called.

All members present except Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Pinkham, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker, who were excused.

The committee to correct and revise the Journal of the eighty-ninth day made the following report:

MR. SPEAKER:

Your Committee to correct and revise the Journal have examined the Journal of the eighty-ninth day and find the same correct.

L. A. UELAND,
Chairman.

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

COMMITTEE OF THE WHOLE.

Mr. Selby moved
That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 177,
Which motion prevailed, and

Mr. Speaker called Mr. Selby to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 177,

A bill for an act to appropriate money to pay the *per diem* of members, officers and employes of the Legislative Assembly,

And recommend that said bill do pass.

J. F. SELBY,
Chairman.

Mr. Haugerud moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Mr. Williams moved

That the rules be suspended, and that Senate Bill No. 177 be considered engrossed and read the third time, and placed upon its final passage,

Which motion prevailed, and
Senate Bill No. 177,

A bill for an act to appropriate money to pay the *per diem* of members, officers and employes of the Legislative Assembly,

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

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,

Messrs—

Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
Milsted,
Moore,
Murphy,

Messrs—

Nedrud,
Norton,
Olsgard,
Reed,
Renaud,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Ueland,
Walsh,
Wickham,
Williams.

Absent and not voting:

Messrs—

Christianson,
Langer,
Lutz,
McDonald,
McIntyre,
Montgomery,

Messrs—

Pinkham,
Rawlings,
Richardson,
Stadleman,
Thomas,
Thomson of Walsh,

Messrs—

Tyler,
Walton,
Watt,
Zimmer,
Mr. Speaker.

Messrs. Christianson, Langer, Lutz, McDonald, McIntyre, Montgomery, Pinkham, Rawlings, Richardson, Stadleman,

Thomas, Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Bill No. 57,

A bill for an act repealing an act entitled "An Act to prohibit the destruction of beaver in the Territory of Dakota,"

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Walsh moved

That the rules be suspended, and that the vote by which Senate Bill No. 133 was passed, be reconsidered,

Which motion prevailed.

Mr. Ueland moved

To amend the report by striking out the word "present" in the last line of the report as it appears on page 5 of the Journal, and inserting in lieu thereof the word "first,"

Which motion prevailed, and

Mr. Walsh moved

That the report of the Joint Conference Committee, so far as it relates to Senate Bill No. 133 as amended, be adopted,

Which motion prevailed, and

The report as amended was adopted.

Mr. Walsh moved

To amend the bill by striking out lines 17, 18, 19 and 20 of Section 1 and substitute in lieu thereof the following: "Doorkeeper, whose compensation shall be \$4 per day, and who shall discharge the duties of and be assistant to the Sergeant-at-Arms,"

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

That the rules be suspended, and that the bill be now read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of the Legislative Assembly of the State of North Dakota, and to provide for the compensation and payment of the same,

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

Mr. Walsh moved

That the rules be suspended to permit the presentation and consideration of amendments,

Which motion prevailed.

Mr. Selby moved

To amend the bill as follows:

Add to Section 7 the following:

Provided, That this act shall not effect the number of officers and employes of the Senate and House selected and now exercising such offices or employment for the First Legislative Assembly.

Which motion prevailed, and

The bill was so amended.

Mr. Walsh moved

To amend the bill as follows:

Amend Section 1 by striking out lines 17 and 18 of printed bill, and amend lines 19 and 20 to read as follows:

One Doorkeeper, whose compensation shall be \$4 per day, and who shall discharge the duties of and be assistant to the Sergeant-at-Arms.

Which motion prevailed, and

The bill was so amended.

Mr. Walsh moved

To amend the bill by striking out Subdivision 4 of Sections 1 and 3,

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To amend the bill as follows:

Before the word "who" in Section 4, line 3, insert the words "not to exceed eight in number."

Add at end of Section 3 as follows:

If such clerks shall not be sufficient at any time, other enrolling and engrossing work may be paid for at the rate of fifteen cents per folio.

Which motion prevailed, and

Mr. Williams moved

To reconsider the vote by which the last amendment was adopted,

Which motion prevailed, and

Mr. Hankinson moved

To adopt the amendment.

Mr. Currier moved

To amend the proposed amendment by fixing the number at four.

Mr. Wickham moved

To amend the motion of Mr. Currier by striking out the word "four" and inserting the word "one."

Mr. Williams moved

To lay the original amendment and all subsequent motions on the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 17, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has adopted the report of the Conference Committee amending Senate Bill No. 133.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved to amend the bill as follows:

Amend line 16 of Section 3 so as to read as follows; "One Postmaster to be selected and appointed jointly by the Speaker of the House and President of the Senate, whose pay shall be \$5 per day."

Strike out all of line 22 in Section 1.

Mr. Roney moved

To amend the amendment by making the pay of the Postmaster \$4 per day,

Which amendment was lost, and
The original amendment was lost.

Mr. Williams moved

To amend the bill by striking out line 21 of Section 1 and line 15 of Section 3,

Which amendment was withdrawn.

Mr. McCullough moved

To amend the bill as follows:

Strike out all in the bill relative to enrolling or engrossing clerks, and insert the following: "*Provided*, That the enrolling and engrossing work shall be let to the lowest bidder, and that the Secretary of State shall advertise for bids, and shall let the same to the lowest bidder, all bids to be considered, and the work let at least two weeks prior to the beginning of each session."

Mr. Buchanan moved

To lay the amendment upon the table,
Which motion prevailed.

Mr. Williams moved

That the bill be recommitted to the Committee on State Affairs with instructions to amend the bill so as to provide for only one Postmaster and one Messenger for both houses.

Mr. Thompson of Cass, moved

As an amendment that the committee be instructed to report a bill abolishing all the offices and providing that their work shall be done by members and a plan for their election,

Which motion was lost.

The question recurring on the original motion,

The original motion prevailed, and

The bill was recommitted.

Mr. Thompson of Cass, moved

To reconsider the vote just taken.

Mr. Williams moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 22, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Norton,
Balkan,	Johnson,	Olsgard,
Beard,	McCormick,	Reed,
Bowen,	McCullough,	Stevens,
Buchanan,	McIntyre,	Strom,
Court,	Moore,	Wickham,
Green,	Nedrud,	Williams.
Heglie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Hankinson,	Murphy,
Brittin,	Haugen,	Renaud,
Bye,	Haugerud,	Roney,
Cole,	Ingebretson,	Selby,
Currier,	Ink,	Tandberg,
Estabrook,	Jahr,	Thompson of Cass,
Foss,	Lilly,	Ueland,
Gronli,	Milsted,	Walsh.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Rawlings,	Tyler,
Langer,	Richardson,	Walton,
Lutz,	Stadleman,	Watt,
McDonald,	Thomas,	Zimmer,
Montgomery,	Thomson of Walsh,	Mr. Speaker.
Pinkham,		

Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Pinkham, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh; Tyler, Walton, Watt, Zimmer and Mr. Speaker being exceeded.

And so the motion to lay upon the table was lost, and

The question recurring on the motion to reconsider,

The motion prevailed.

Mr. Thompson of Cass, moved

To lay the motion to recommit on the table.

Roll call demanded.

The roll being called there were ayes 29, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Heglie,	Renaud,
Belden,	Ingebretson,	Roney,
Brittin,	Ink,	Selby,
Bye,	Lilly,	Stevens,
Cole,	McCullough,	Strom,
Currier,	Milsted,	Tandberg,
Foss,	Murphy,	Thompson of Cass,
Gronli,	Norton,	Ueland,
Hankinson,	Olsgard,	Walsh,
Haugen,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Green,	McIntyre,
Balkan,	Haugerud,	Moore,
Bowen,	Hoyt,	Nedrud,
Buchanan,	Jahr,	Wickham,
Court,	Johnson,	Williams.
Estabrook,	McCormick,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Rawlings,	Tyler,
Langer,	Richardson,	Walton,
Lutz,	Stadleman,	Watt,
McDonald,	Thomas,	Zimmer,
Montgomery,	Thomson of Walsh,	Mr. Speaker.
Pinkham,		

Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Pinkham, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker being excused.

So the motion to lay on the table prevailed.

The question then being on the passage of the bill as amended,
The roll call being called there were ayes 39, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haukinson,	Nedrud,
Beard,	Haugen,	Norton,
Belden,	Haugerud,	Reed,
Bowen,	Heglie,	Renaud,
Brittin,	Hoyt,	Roney,
Buchanan,	Ingebretson,	Selby,
Bye,	Ink,	Stevens,
Cole,	Johnson,	Strom,
Court,	Lilly,	Tandberg,
Currier,	McCormick,	Thompson of Cass,
Estabrook,	McIntyre,	Ueland,
Foss,	Milsted,	Walsh,
Gronli,	Murphy,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Jahr,	Moore,
Green,	McCullough,	Wickham.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson,	Pinkham,	Tyler,
Langer,	Rawlings,	Walton,
Lutz,	Richardson,	Watt,
McDonald,	Stadleman,	Zimmer,
Montgomery,	Thomas,	Mr. Speaker.
Olsgard,	Thomson of Walsh,	

Mr. Williams explaining his vote.

Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Olsgard, Pinkham, Rawlings, Richardson, Stadleman, Thomas,

Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the member present and voting, voting therefor,
And the title of the bill was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Walsh moved

That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 130,
Which motion prevailed, and
Mr. Speaker called Mr. Roney to the chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

And recommend that the title of the bill be amended to read as follows:

A bill for an act in relation to printing and binding for the State, to create a Printing Commission, providing for the distribution of public documents, reports and Session Laws, prescribing the duties of State officers in relation thereto, and making an appropriation for document fund.

Also, recommend that the bill be further amended by adding at the end of Section 22 the following:

Provided, That no printing required by any State officer as provided under this act shall be paid for, unless the same shall have first been authorized by the Legislative Assembly or by the Commission of Printing.

Also, recommend that the bill be further amended as follows:

In Section 22, line 6, of printed bill, strike out the words "from any other parties" and insert the words "by the Legislative Assembly."

Also, recommend that wherever the word "Legislature" appears in the bill the same be stricken out and the words "Legislative Assembly" be inserted in lieu thereof.

And when so amended the bill do pass.

W. H. H. RONEY,
Chairman.

Mr. Hankinson moved

To adopt the report,
Which motion prevailed, and

The report of the Committee of the Whole was adopted, and
The question being shall
Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

Pass as amended,

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Buchanan,
Bye,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
Milsted,
Murphy,
Nedrud,

Messrs—

Olsgard,
Reed,
Renaud,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Ueland,
Walsh,
Wickham,
Williams.

Absent and not voting:

Messrs—

Bowen,
Christianson,
Court,
Langer,
Lutz,
McDonald,
McIntyre,

Messrs—

Moore,
Montgomery,
Norton,
Pinkham,
Rawlings,
Richardson,
Stadleman,

Messrs—

Thomas,
Thomson of Walsh,
Tyler,
Walton,
Watt,
Zimmer,
Mr. Speaker.

Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Pinkham, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to

Mr. Thompson of Cass (by unanimous consent), made the following report of the Committee on Judiciary:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 199,

A bill for an act to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters of the State,

Have had the same under consideration for the purpose of considering the constitutionality of Section 11 thereof, and are of the opinion that said section does not conflict with the Constitution of this State.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,

Which motion prevailed, and

Mr. Thompson of Cass, moved

That the rules be suspended and the bill be placed upon its final passage,

Which motion prevailed, and

The question being shall

House Bill No. 199,

A bill for an act to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters of the State, pass,

The roll being called there were ayes 41, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Olsgard,
Balkan,	Heglie,	Reed,
Belden,	Hoyt,	Renaud,
Brittin,	Ingebretson,	Roney,
Buchanan,	Johnson,	Selby,
Bye,	Lilly,	Stevens,
Cole,	McCormick,	Strom,
Court,	McCullough,	Tandberg,
Currier,	McIntyre,	Thompson of Cass,
Estabrook,	Milsted,	Ueland,
Foss,	Moore,	Walsh,
Grouli,	Murphy,	Wickham,
Hankinson,	Nedrud,	Williams.
Haugen,	Norton,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Montgomery,	Thomson of Walsh,
Bowen,	Pinkham,	Tyler,
Christianson,	Rawlings,	Walton,
Ink,	Richardson,	Watt,
Langer,	Stadleman,	Zimmer,
Lutz,	Thomas,	Mr. Speaker.
McDonald,		

Messrs. Green and Jahr voting in the negative.

Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Pinkham, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker being excused.

And so the bill passed, and the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Bill No. 15,

A bill for an act for the organization and government of State banks,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 57,

A bill for an act repealing an act, entitled "An Act to prohibit destruction of beaver in the Territory of Dakota."

Also,
House Bill No. 15,
A bill for an act for the organization and government of State banks.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }
February 17, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 35,

An act to amend Section 1, Session Laws of 1885, supplement, relating to noxious weeds.

Also,

House Bill No. 206,

An act defining the duties of the Commissioner of Agriculture and Labor, and providing that until otherwise provided by law he shall be *ex-officio* State Dairy Commissioner.

Also,

House Bill No. 19,

An act providing for the refunding of bonds of the State of North Dakota.

Also,

House Bill No. 54,

An act to facilitate the shipment of grain and other products.

Also,

House Bill No. 183

An act authorizing the levy and collection of taxes in cities and towns and villages which have failed or refused to elect boards of trustees, aldermen or council.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

EXECUTIVE OFFICE, }
February 17, 1890. }

To the Speaker of the House of Representatives:

I have the honor to herewith submit a copy of a communication from the Superintendent of the South Dakota School for Deaf Mutes at Sioux Falls, relating to provision for the care of our deaf and dumb, and respectfully call your attention to the matters therein contained.

Respectfully,

JOHN MILLER,
Governor.

SIoux FALLS, S. D., February 3, 1890.

Hon. John Miller, Governor North Dakota, Bismarck, N. D.:

MY DEAR SIR: Not long ago I wired you at your request stating that we could care for a number of North Dakota's deaf and dumb children for two years, and that Section 269, Compiled Laws of 1887, governed the charges, etc. Since then I have not noticed any arrangements made to compensate South Dakota for North Dakota's pupils in our school since November 2d.

Will you kindly advise me what arrangements have been made, if any, for said compensation. If not, will you state what disposition you wish us to make of the children now at our school? I wish to report all facts to our Commissioners appointed to settle matters between North and South Dakota. This communication is non-official. I write, for it seems to me those who were anxious to establish a school for the deaf in North Dakota, have evidently lost all interest in the welfare of the deaf children since your veto. Enclosed please find a hurriedly drawn up bill which will explain itself. Of course, it may need some changes. Kindly let us hear from you.

Very respectfully,

JAMES SIMPSON,

Superintendent South Dakota School for Deaf Mutes.

A BILL

For an Act to Provide for the Instruction of the Deaf and Dumb Youth of the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. The Governor of this State is authorized, and it is hereby made his duty, to enter into a contract, for not more than five years at one time, with the proper authorities of the Dakota School for Deaf Mutes, located at Sioux Falls, South Dakota, to keep, maintain, instruct and educate any deaf and dumb person who now is or may hereafter become a bona fide resident of the State of North Dakota; *Provided*, The cost of keeping, maintaining, instructing and educating said deaf and dumb person shall not exceed the sum of \$180 each per academic year.

SEC. 2. Every deaf and dumb person of this State, and all such as may be too deaf to acquire an education in the common schools, of suitable capacity between the ages of 6 and 21 years, shall be entitled to receive instruction for at least eight years in a school for deaf mutes at the expense of the State of North Dakota.

SEC. 3. In order to entitle any deaf and dumb person to the benefits of this act it shall be necessary for such person to obtain a certificate of the superintendent of schools of the county in which such person resides that such person (giving name, age and residence) is deaf and dumb or too deaf or dumb to acquire an education in the common schools, and is entitled to the benefits of a school for deaf mutes, which certificate shall be approved by the Governor; and upon presentation of such certificate and an order from the Governor of this State to the authorities of the school for deaf mutes to admit such person, specifying the time for which he or she shall be admitted under the existing contract, such person shall be admitted into such school and receive all the benefits of the same.

SEC. 4. The authorities of such school, when they receive any such person from this State under the contract, shall at once notify the Governor of this State, giving name of person so admitted, the date when admitted and the time for which such person is admitted.

SEC. 5. It shall be the duty of the Auditor of this State to audit all accounts presented by the authorities of the school for the support of the deaf and dumb youth of the State with which the Governor has made a contract as provided in Section 1 under such regulations as such Auditor may prescribe, and to draw his warrant or warrants on the State Treasurer for the amount due such school.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Mr. Williams moved
 That the last message be printed in the Journal, and that when
 printed it be referred to the Committee on Charitable Institutions,
 Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 February 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
 Senate Bill No. 142,

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

Which the Senate has passed, and your favorable considera-
 tion is respectfully requested.

C. C. BOWSFIELD,
 Secretary.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Williams moved
 That the House proceed to consider House Bill No. 16, and the
 Senate amendments thereto,
 Which motion prevailed, and
 Mr. Williams moved

That the House concur in the following Senate amendments
 to the bill:

Strike out the word "sixth" in Section 4 and insert in lieu thereof the
 words "fourth and not to exceed fifteen cents."

Also, amend Section 5 by striking out the words "five-sixths" and insert
 in lieu thereof the words "three-fourths," and add after Section 6 the follow-
 ing:

SEC. 7. Every mill shall provide a schedule of the number of pounds of
 flour of the different grades (if more than one grade is manufactured) together
 with the number of pounds of other manufactured products of grain that are
 usually made from a bushel of grain as near as can be ascertained from each of
 the several grades of grain, and such schedule shall be open to the inspection
 of every person offering grain in exchange for ground products.

Which motion prevailed, and
 The Senate amendments were concurred in.

The question being shall
 House Bill No. 16,

A bill for an act declaring certain mills public mills, and fixing
 the rate of toll, and regulating the exchange of manufactured prod-
 ucts of grain for grain,

As amended pass,

The roll being called there were ayes 26, nays 18.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Belden,
 Brittin,
 Currier,
 Estabrook,
 Foss,
 Green,
 Heglie,

Messrs—
 Hoyt,
 Ingebretson,
 Lilly,
 McCormick,
 Milsted,
 Moore,
 Murphy,
 Nedrud,
 Reed,

Messrs—
 Renaud,
 Roney,
 Selby,
 Stevens,
 Strom,
 Ueland,
 Wickham,
 Williams.

Those who voted in the negative were:

Messrs—
 Beard,
 Bowen,
 Buchanan,
 Bye,
 Cole,
 Court,

Messrs—
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,
 Ink,
 Jahr,

Messrs—
 Johnson,
 McCullough,
 Norton,
 Olsgard,
 Tandberg,
 Thompson of Cass.

Absent and not voting:

Messrs—
 Christianson,
 Langer,
 Lutz,
 McDonald,
 McIntyre,
 Montgomery,

Messrs—
 Pinkham,
 Rawlings,
 Richardson,
 Stadleman,
 Thomas,
 Thomson of Walsh,

Messrs—
 Tyler,
 Walsh,
 Walton,
 Watt,
 Zimmer,
 Mr. Speaker.

Messrs. Haugerud and Thompson of Cass, explaining their votes.

Messrs. Christianson, Langer, Lutz, McDonald, Montgomery, Pinkham, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler, Walton, Watt, Zimmer and Mr. Speaker being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Education introduced—

House Bill No. 285,

A bill for an act to provide for an uniform system of free text books throughout the State.

Mr. Estabrook introduced—

House Bill No. 286,

A bill for an act to amend Section 6818 and repealing Section 6819 of the Compiled Laws of 1887, relative to the wearing of Grand Army badges.

Mr. Strom introduced—

House Bill No. 287,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices' Code, entitled "An Act to establish a code of procedure in courts of justices of the peace, and to limit the jurisdiction of the same."

Mr. Speaker announced an informal recess.

House reassembled.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District.

Also,

House Bill No. 279,

A bill for an act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Hankinson moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Hankinson to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration

House Bill No. 105,

A bill for an act regulating the registration of births and deaths,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

That in Section 1, line 2, after the word "city" the words "and town" be stricken out and the words "town and township" be inserted in lieu thereof; and whenever in the bill the words "city and town" occur the words "and town" shall be stricken out and the words "town and township" be inserted in lieu thereof.

In line 8, after the word "record" insert the following:

Provided, That in unorganized townships, the county commissioners shall appoint some person to act in the capacity of town clerk for the purpose of registration of births and deaths, and said person shall receive the same compensation as provided in this act for town clerks.

In Section 2, line 10, strike out the word and figures "twenty (20)" and insert the word and figures "ten (10)."

And that as so amended the bill do pass.

Also,

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889,"

And recommend that the minority report of the Committee on Appropriations be adopted,

And that the bill do pass.

Also,

House Bill No. 176,

A bill for an act to prevent deception in the sale of dairy products, and to preserve the public health, and to prohibit and prevent the sale or manufacture of unhealthy or adulterated dairy products,

And recommend that the following amendment proposed by the Committee on Public Health be adopted:

Strike out all of Section 8.

And that when so amended the bill do pass.

Also,

House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties,

And recommend that the following amendment proposed by the Committee on State Affairs be adopted:

That Section 1 be amended by inserting the following after line 8:

The Secretary of State shall issue a commission and duplicate thereof to each notary public appointed by the Governor, one of which shall be by said notary public posted in a conspicuous place in his office for public inspection, and the Secretary shall collect and receive \$2 for the issuance of said commission and duplicate, which \$2 shall be paid into the State Treasury and credited to the general fund. The Secretary shall keep in his office a careful record of such appointments and the date of expiration, and shall notify each notary by mailing, at least thirty days before the expiration of his term, a notice of the date upon which his commission expires, which notice shall be addressed to said notary at his last known place of residence.

Insert Section 6 as follows:

SEC. 6. All acts or parts of acts in conflict with this act are hereby repealed.

Renumber original Section 5 to make it Section 7.

And that when so amended the bill do pass.

Also,

Senate Bill No. 83,

A bill for an act classifying the judicial districts of the State, and fixing the salaries of the judges therein,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,

And recommend that the following amendments proposed by the Committee on Military Affairs be adopted:

Strike out all after the enacting clause, and insert the following:

SEC. 1. At the discretion of the school board of any town, city or district,

is hereby authorized to purchase at the expense of the town, city or district, one or more flags of the United States, and place the same in the school room or rooms under their charge. Also, to purchase such apparatus as may be necessary for properly preserving such flag or flags; *Provided, however,* That not more than one flag and appurtenances shall be purchased for each department.

And that when so amended the bill do pass.

Also,

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary,

And recommend that the following amendments proposed by the Committee on State Affairs, be adopted:

In Section 1, line 2, after the word "State" strike out the word "and" and insert the word "State" in lieu thereof, and in line 2 after the word "Treasurer" insert the following: "And State Superintendent of Public Instruction."

In Section 2 strike out all of line 2 and insert the following in lieu thereof: "State Treasurer and Superintendent of Public Instruction shall receive five cents per mile for distances actually traveled in performing." Strike out all after the word "act" in line 3 of Section 2.

And when so amended the bill do pass.

Also,

House Bill No. 255,

A bill for an act to amend Section 112 of the Justices' Code of the State of North Dakota, providing for a change of venue in criminal proceedings,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

That the title be amended by striking out all after the word "Section" down to and including the word "Dakota," and inserting in lieu thereof the following: "Section 1, Chapter 82, General Laws of 1867, being Section 6153 of Compiled Laws."

Amend Section 1 by striking out the figures and words "112, of Justices' Code of the State of North Dakota," in lines 1 and 2 of printed bill, and inserting in lieu thereof the following: "1, Chapter 82, General Laws of 1887, being Section 6153 of Compiled Laws."

Amend Section 3 by striking out the words and figures "one hundred and twelve (112)," in lines 2 and 3 of printed bill, and inserting the following in lieu thereof: "1, Chapter 82, General Laws of 1887, being Section 6153 of Compiled Laws."

Also, recommend that the bill be further amended by striking out in Section 1, the words "either party" and insert in lieu thereof the words "either complaining witness or defendant in the action."

Also, recommend that the three last words of Section 1, be stricken out, and insert in lieu thereof the words "by either prosecution or the defendant."

And that when so amended the bill do pass.

R. H. HANKINSON,
Chairman.

Mr. Haugerud moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Ink moved

That the rules be suspended, and that House Bill No. 215 be placed upon its third reading and final passage.

Mr. Thompson of Cass, moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 23, nays 20.

Those who voted in the affirmative were:

Messrs—

Beard,
Bowen,
Brittin,
Buchanan,
Bye,
Court,
Haugen,
Hoyt,

Messrs—

Johnson,
McIntyre,
Milsted,
Moore,
Murphy,
Norton,
Reed,
Roney,

Messrs—

Selby,
Stevens,
Tandberg,
Thompson of Cass,
Ueland,
Walsh,
Wickham.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Belden,
Cole,
Currier,
Estabrook,
Foss,

Messrs—

Green,
Gronli,
Hankinson,
Haugerud,
Heglie,
Ingebretson,
Ink,

Messrs—

Jahr,
McCormick,
McCullough,
Nedrud,
Strom,
Williams.

Absent and not voting:

Messrs—

Christianson,
Langer,
Lilly,
Lutz,
McDonald,
Montgomery,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Renaud,
Richardson,
Stadleman,
Thomas,

Messrs—

Thomson of Walsh,
Tyler,
Walton,
Watt,
Zimmer,
Mr. Speaker.

Messrs. Christianson, Langer, Lutz, McDonald, Richardson, Pinkham, Rawlings, Montgomery, Stadleman, Thomas, Thomson of Walsh, Walton, Watt, Zimmer and Mr. President being excused.

And so the motion to adjourn prevailed, and
The House adjourned.

J. G. HAMILTON.
Chief Clerk.

NINETY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs, Brittin, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadelman, Thomas, Thomson of Walsh, Tyler and Watt, who were excused.

Mr. Tyler was excused until he shall be able to attend.

Mr. Brittin and Mr. Olsgard were excused.

The committee to correct and revise the Journal of the ninety-first day made the following report;

MR. SPEAKER:

Your Committee to correct and revise the Journal have examined the Journal of the ninety-first day and recommend the following correction on page 17, line 45, before the word "prosecution" insert the word "the."

L. A. UELAND,
Chairman.

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. 109,

A bill for an act granting power to county courts to direct the mortgaging of real estate belonging to the estate of deceased persons and the estate of minors and incompetent persons,

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

F. J. THOMPSON,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 141,

A bill for an act to transfer and appropriate the unexpended balances of the appropriations made for the office of Commissioner of Immigration by the Sixteenth and Eighteenth Legislative Assemblies of the Territory of Dakota,

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

Your committee further reports that there still remains of the appropriations for Commissioner of Immigration the sum of \$1,035.15.

R. N. INK,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code, of the Revised Code of 1877, being Section 6098 of the Compiled Laws,

Have had the same under consideration and recommend that Section 1 be amended so as to read as follows:

That Section 58 of the Justice Code being Section 6098 of the Compiled Laws, be amended to read as follows:

SEC. 58. Parties may agree that the jury shall consist of a less number than twelve jurors; but an agreement to that effect must be in writing, signed by the parties and filed with the papers in the case, or made in open court, and a minute thereof entered by the justice in his docket. The justice may issue a certificate to the members of said jury specifying the number of days employed in the trial of the case, and the amount to which each is entitled. He may also issue a like certificate to the witnesses in the case.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Belden introduced—

House Bill No. 288,

A bill for an act to regulate the salary of county judges.

The Committee on Counties introduced--

House Bill No. 289,

A bill for an act to amend an act entitled "An Act for the organization of counties."

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota,

Was read the first time, and

Mr. Haugerud moved

That all House and Senate bills read the first time to-day be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota,

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

House Bill No. 284,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

Was read the first time, and

Mr. Cole moved

To amend House Bill No. 284 as follows:

Strike out the word "them" in line 3 of the printed bill and insert in lieu thereof the word "it,"

Which motion prevailed, and

The bill was so amended, and

House Bill No. 284,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

Was read the second time, and referred to the Committee on State Affairs.

House Bill No. 276,

A bill for an act concerning the payment of rewards.

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, }
February 18, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 102.

C. C. BOWSFIELD,
Secretary.

Mr. Williams stated to the House that on the final passage of Senate Bill No. 52,

A bill for an act providing a commission to settle and adjust the differences between North and South Dakota,

He moved as an amendment to strike out the words "Attorney General" and insert in lieu thereof the words "Secretary of State," that the bill was so amended and passed; that the House record

shows that the Senate concurred in the House amendment and that the bill as approved by the Governor and filed in the office of the Secretary of State, shows that the words "Attorney General" appear therein,

He therefore moved

That a committee of three be appointed to investigate the matter and report to the House,

Which motion prevailed, and thereupon

The Speaker appointed as such committee, Messrs. Walsh, Strom and Selby.

House Bill No. 285,

A bill for an act to provide for an uniform system of free text books throughout the State,

Was read the first and second times, and

Mr. Lilly moved

That the bill be referred to General Orders,

Which motion prevailed, and

The bill was so referred.

Mr. Walsh moved

That the committee appointed to investigate Senate Bill No. 52 be made a Joint Committee, and that the gentlemen already appointed as such committee be made the committee on the part of the House,

Which motion prevailed.

House Bill No. 286,

A bill for an act to amend Section 6818 and repealing Section 6819 of the Compiled Laws of 1887, relative to the wearing of Grand Army badges,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 287,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justices' Code, entitled "An Act to establish a code of procedure in courts of justices of the peace, and to limit the jurisdiction of the same,"

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Speaker announced his signature to

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bond.

Also,

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887.

Also,

Senate Bill No. 84,

A bill for an act authorizing the judges of the district court to administer oaths.

Also,
Senate Bill No. 37,

A bill for an act making it lawful for certain kinds of stock to run at large during a portion of each year, and for prohibiting stallions and vicious animals from running at large, and providing penalties.

Also,
Senate Bill No. 177,

A bill for an act to appropriate money to pay the *per diem* of members, officers and employes of the Legislative Assembly.

SECOND READING OF HOUSE BILLS.

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another,

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 18, 1890.

MR. SPEAKER:

I have the honor to inform the House that the Senate, by motion adopted, recalls Senate Bill No. 45 for amendment.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the committee to which Senate Bill No. 45 was referred be instructed to report back the bill forthwith for transmission to the Senate,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 279,

A bill for an act amending Articles 4 to 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Was read the third time, and

Mr. Walsh moved

That the rules be suspended to permit the presentation and consideration of amendments to the bill,

Which motion prevailed, and

Mr. Walsh moved

To amend the bill as follows:

Amend Section 1 to read "That Subdivision 5, of Section 1, of Article 4, of Chapter 73, etc."

Amend Section 2 to read "That Subdivision 6, of Section 1, of Article 4, of Chapter 73, etc., etc."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,

Messrs—

Pinkham,
Reed,
Renaud,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Hankinson,
Ink,
Lutz,
McDonald,

Messrs—

Olsgard,
Rawlings,
Richardson,
Stadleman,

Messrs—

Thomas,
Thomson of Walsh,
Tyler,
Watt.

Messrs. Brittin, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

So the bill passed more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session Laws of 1885, relating to county mutual insurance companies,

Was read the third time.

Mr. Stevens moved

That the further consideration of the bill be indefinitely postponed.

Mr. Buchanan moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 30, nays 21,

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Buchanan,

Messrs—

Haugen,
Haugerud,
Heglie,

Messrs—

Pinkham,
Reed,
Roney.

Messrs—	Messrs—	Messrs—
Christianson.	Jahr,	Selby,
Cole,	Johnson,	Strom,
Court,	McCormick,	Thompson of Cass,
Currier,	Montgomery,	Walsh,
Estabrook,	Murphy,	Walton,
Foss,	Nedrud,	Zimmer,
Gronli,	Norton,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Moore,
Belden,	Ink,	Renaud,
Bowen,	Langer,	Stevens,
Bye,	Lilly,	Tandberg,
Green,	McCullough,	Ueland,
Hankinson,	McIntyre,	Wickham,
Hoyt,	Milsted,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Rawlings.	Thomson of Walsh,
Lutz.	Richardson,	Tyler,
McDonald,	Stadleman,	Watt.
Olsgard,	Thomas,	

Messrs. Brittin, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

And so the motion to lay on the table prevailed.

Mr. Walsh moved

That the report of the committee on the bill be amended to read: "That the bill do pass."

Mr. Stevens raised the point of order, that the motion was out of order.

Mr. McCullough asked unanimous consent to amend the bill as follows:

Provided, If a company extends its business beyond the limits of the county where organized, said company shall be under control of the Commissioner of Insurance the same as any foreign company.

Mr. Stevens moved

To amend the amendment by striking out the word "organized" and inserting in lieu thereof the words "its headquarters are located."

Objection being made to the consideration of the amendment,

Mr. Williams moved

That the rules be suspended and that the gentleman be permitted to offer his amendment,

Which motion was lost.

Mr. McCullough moved

That the bill be made a special order for 3 o'clock to-morrow,

Which motion prevailed, and

The bill was made a special order.

Mr. Walton (by unanimous consent) made the following report of the Committee on Irrigation:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred
House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation,

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

L. L. WALTON,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
Have the honor to return said bill as ordered by the House.

C. A. CURRIER,
Chairman.

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same.

Was read the third time, and

Mr. Bowen asked unanimous consent to amend the bill as follows:

Strike out the word "population" where it occurs last in line 3 of Section 2 of the engrossed bill, and substitute therefor the words "inhabitants,"

Which consent was given, and

The bill was so amended.

Mr. Lilly asked unanimous consent to amend the bill as follows:

Strike out the comma (,) after the word "annum" in line 9, Section 1, of the engrossed bill, and insert in lieu thereof a semicolon (;),

Which consent was given and

The bill was so amended.

The question being on the final passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Buchanan,
Bye,

Messrs—

Haugen,
Haugerud,
Hoyt,
Ingebretson,
Ink,
Jahr,

Messrs—

McIntyre,
Milsted,
Montgomery,
Murphy,
Pinkham,
Reed,

Messrs—

Court,
Currier,
Gronli,
Hankinson,

Messrs—

Johnson,
Langer,
McCormick,
McCullough,

Messrs—

Renaud,
Roney,
Thompson of Cass,
Ueland.

Those who voted in the negative were:

Messrs—

Beard,
Christianson,
Estabrook,
Foss,
Green,
Heglie,

Messrs—

Lilly,
Moore,
Nedrud,
Norton,
Selby,
Stevens,

Messrs—

Strom,
Tandberg,
Walton,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Cole,
Lutz,
McDonald,
Olsgard,

Messrs—

Rawlings,
Richardson,
Stadleman,
Thomas,
Thomson of Walsh,

Messrs—

Tyler,
Walsh,
Watt,
Wickham.

Messrs. Brittin, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

House Bill No. 107,

A bill for an act to prevent the formation of trusts,
Was read the third time, and

Mr. Allen moved

That the further consideration of the bill be indefinitely postponed.

Mr. Bowen moved

As a substitute that the bill be laid upon the table,
Which motion prevailed, and
The bill was laid upon the table.

Mr. Speaker announced an informal recess.

House reassembled.

House Bill No. 46,

A bill for an act amending Section 4 of Chapter 121 of the Session Laws of 1887, relating to the appointment of members of the Board of Pharmacy,

Was read the third time by its title, and

Mr. Hankinson moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 229,

A bill for an act to amend Section 38 of Chapter 27 of the Political Code, known as Section 1470 of the Compiled Laws of 1887,
Was placed upon its final passage.

The roll call being called there were ayes 34, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Pinkham,
Beard,	Hoyt,	Reed,
Bowen,	Ingebretson,	Selby,
Buchanan,	Ink,	Strom,
Bye,	Jahr,	Tandberg,
Christianson,	Johnson,	Thompson of Cass,
Cole,	McCormick,	Ueland,
Court,	Milsted,	Walsh,
Currier,	Moore,	Walton,
Gronli,	Nedrud,	Wickham,
Hankinson,	Norton,	Zimmer.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Roney,
Belden,	Lilly,	Stevens,
Estabrook,	McCullough,	Williams,
Foss,	Murphy,	Mr. Speaker.
Green,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Montgomery,	Thomas,
Langer,	Olsgard,	Thomson of Walsh,
Lutz,	Rawlings,	Tyler,
McDonald,	Richardson,	Watt.
McIntyre,	Stadleman,	

Messrs. Britten, Langer, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

So the bill passed, a majority of the House-elect voting therefor, and

The title of the bill was agreed to.

House Bill No. 22,

A bill for an act to provide for the insurance of crops against loss or damage by hail,

Was read the third time by its title, and

Mr. Cole moved

That further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 28, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Murphy,
Belden,	Ink,	Pinkham,
Bye,	Jahr,	Selby,
Christianson,	Johnson,	Stevens,
Cole,	Langer,	Strom,
Currier,	Lilly,	Tandberg,
Green,	McCormick,	Ueland,

Messrs—
Hankinson,
Heglie,
Hoyt,

Messrs—
Milsted,
Moore,

Messrs—
Wickham,
Williams.

Those who voted in the negative were:

Messrs—
Balkan,
Beard,
Bowen,
Buchanan,
Court,
Estabrook,
Foss,

Messrs—
Gronli,
Haugen,
Hangerud,
McCullough,
Montgomery,
Nedrud,
Norton,

Messrs—
Reed,
Renaud,
Roney,
Thompson of Cass,
Walsh,
Walton,
Zimmer.

Absent and not voting:

Messrs—
Brittin,
Lutz,
McDonald,
McIntyre,
Olsgard,

Messrs—
Rawlings,
Richardson,
Stadleman,
Thomas,

Messrs—
Thomson of Walsh,
Tyler,
Watt,
Mr. Speaker.

Messrs. Brittin, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

And so the motion to indefinitely postpone prevailed.

Mr. Walsh moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion was lost.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the tax on the same.

Also,

House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled University of North Dakota,

Also,

House Bill No. 234,

A bill for an act to prescribe the oath of office of civil officers.

Also,

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 262,

A bill for an act to encourage the culture of the sugar beet and the manufacture of sugar from the same.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof.

Also,

House Bill No. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senators.

Also,

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to punishment for Sabbath breaking,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 164,

A bill for an act for the assessment of railroad property in this State and prescribing the manner of levying and collecting the same,

Was read the third time, and

Mr. Thompson of Cass, raised the point of order that under the rules, bills reported from the Engrossing Committee must lay over two days before being placed upon their final passage, and that the consideration of the bill was out of order, it having just been reported from the Engrossing Committee,

Which point of order Mr. Speaker decided well taken.

Mr. Williams moved

That it be the sense of the House that Rule No. 39 shall not be construed to apply to the Engrossing Committee,

Which motion prevailed.

Mr. Williams moved

To amend the bill by striking out in Section 1 the words "Board of Railroad and Warehouse Commissioners," and inserting in lieu thereof the words "Commissioners of Railroads,"

Which motion prevailed, and

The bill was so amended.

Mr. McCullough moved

To further amend the bill by striking out Section 5.

Objection made.

The question being on the passage of the bill as amended, The roll being called there were ayes 42, nays 8.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,

H—56

Messrs—

Hankinson,
Haugerud,

Messrs—

Reed,
Renaud,

Messrs—	Messrs—	Messrs—
Beard,	Heglie,	Roney,
Belden,	Ingebretson,	Selby,
Bowen,	Jahr,	Stevens,
Buchanan,	Langer,	Strom,
Bye,	Lilly,	Tandberg,
Christianson,	McCormick,	Thompson of Cass,
Cole,	McIntyre,	Ueland,
Court,	Milsted,	Walton,
Currier,	Moore,	Wickham,
Foss,	Montgomery,	Williams,
Green,	Nedrud,	Zimmer,
Gronli,	Norton,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Estabrook,	Johnson,	Pinkham,
Haugen,	McCullough,	Walsh.
Ink,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Olgard,	Thomas,
Hoyt,	Rawlings,	Thomson of Walsh
Lutz,	Richardson,	Tyler,
McDonald.	Stadleman,	Watt.

Mr. Walsh explaining his vote.

Messrs. Brittin, Lutz, McDonald, Olgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

So the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled University of North Dakota,

Was read the third time, and placed upon its final passage,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Roney,
Balkan,	Ink,	Selby,
Beard,	Lilly,	Stevens,
Belden,	McCormick,	Strom,
Christianson,	McIntyre,	Tandberg,
Cole,	Milsted,	Thompson of Cass,
Court,	Moore,	Ueland.
Currier,	Montgomery,	Walsh,
Estabrook,	Murphy,	Walton,
Foss,	Nedrud.	Wickham,
Green,	Norton,	Williams,
Gronli,	Pinkham,	Zimmer,
Haugen,	Reed,	Mr. Speaker.
Hoyt,		

Those who voted in the negative were:

Messrs—
Bye,
Haugerud,

Messrs—
Jahr,
Johnson,

Messrs—
Langer,
McCullough.

Absent and not voting:

Messrs—
Bowen,
Brittin,
Buchanan,
Hankinson,
Heglie,
Lutz,

Messrs—
McDonald,
Olsgard,
Rawlings,
Renaud,
Richardson,

Messrs—
Stadleman,
Thomas,
Thomson of Walsh,
Tyler,
Watt.

Messrs. Brittin, Lutz, McDonald, Olsgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

So the bill passed a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 98,

A bill for an act to allow the electors of the State of North Dakota to express their preference for United States Senator,

Was read the third time, and

Mr. Beard moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Roll call demanded.

The roll being called there were ayes 30, nays 20.

Those who voted in the affirmative were:

Messrs—
Beard,
Christianson,
Court,
Currier,
Foss,
Gronli,
Hoyt,
Ink,
Langer,
Lilly,

Messrs—
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Reed,
Renaud,

Messrs—
Roney,
Selby,
Stevens,
Tandberg,
Thompson of Cass,
Ueland,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Allen,
Balkan,
Belden,
Bowen,
Bye,
Cole,
Estabrook,

Messrs—
Green,
Hankinson,
Haugen,
Haugerud,
Heglie,
Ingebretson,
Jahr,

Messrs—
Johnson,
McCullough,
Pinkham,
Strom,
Walsh,
Zimmer.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Lutz,
McDonald,

Messrs—

Olgard,
Rawlings,
Richardson,
Stadleman,

Messrs—

Thomas,
Thomson of Walsh,
Tyler,
Watt.

Messrs. Brittin, Lutz, McDonald, Olgard, Rawlings, Richardson, Stadleman, Thomas, Thomson of Walsh, Tyler and Watt being excused.

And so the motion to adjourn prevailed, and
The House adjourned.

. G. HAMILTON,
Chief Clerk.

NINETY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 19, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Lutz, Tyler and Watt, excused.

The committee to correct and revise the Journal of the ninety-second day made the following report:

MR. SPEAKER:

Your Committee to correct and revise the Journal have examined the Journal of the ninety-second day and recommend the following correction:

☐ On page 14, line 19, insert the word "State" before the word "Senator."

L. A. UELAND,
Chairman.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred
Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges within the county limits wherein the cost of the construction of same exceeds the sum of \$100,

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

Amend Section 1, line 3, by striking out the word "locality" and inserting in lieu thereof the words "a majority of freeholders living within a radius of three miles of the proposed location."

Also, report the amendment referred by the Committee of the Whole.

Insert the following as Section 3:

SEC. 3. After any bridge built by the county, according to the provisions of this act, said bridge shall be under the supervision of the township board; and all repairs not exceeding \$25 shall be borne by the township or townships in which said bridge is located. All repairs exceeding \$25 and less than \$100 shall be divided equally between the county and township or townships. All repairs exceeding \$100 shall be paid by the county.

Renumber Section 3 of the original bill to be Section 4 of said bill.

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

Mr. Strom moved

To adopt the report,

Which motion prevailed, and

The report was adopted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the eighth Subdivision of the Sixth judicial district to the proper counties,

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

Amend the title by striking out present title and substituting the following in lieu thereof:

"An act to provide for the clerks of court to transcribe and deliver all papers and records pertaining in any manner to any civil and criminal action now pending in any county, to the clerk of court of the county in which such action or actions properly belong."

Strike out Sections 1 and 2 of the bill and insert the following instead:

SECTION 1. That all actions and proceedings, both civil and criminal, now pending in any subdivision of any judicial district, heretofore created by act or acts of the Legislature of the Territory of Dakota, which do not properly belong therein under the provisions of the Code of Civil Procedure and the Code of Criminal Procedure of the Territory of Dakota, now State of North Dakota, by reason of the change in the judicial districts and subdivisions thereof heretofore existing by law, said change made and established by Section 105 of the Constitution of the State of North Dakota, shall be tried, heard and determined in the district court held in the district and in the county wherein the cause of action arose, or the offense was committed, or the venue is laid.

SEC. 2. That the clerk of the court of any county having within his custody any papers or records pertaining in any manner to any action or proceeding, either civil or criminal, which does not properly belong to his county according to the provisions of Section 1 of this act, shall, and he is hereby required under his hand and seal, where a seal is required by law to be used, transcribe and deliver all such papers and records to the clerk of the county to which the same properly belong; *Provided, however,* That such clerk of the court may retain possession of all such papers and records until such time as all accrued fees in the action or actions to be transferred are fully paid.

SEC. 3. An emergency exists in that by constitutional provision the boundaries of judicial districts have been changed, and actions are now pending in counties in which they do not properly belong, therefore this act shall be in force and take effect from and after its passage and approval.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

Mr. Roney moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
House Bill No. 244,

A bill for an act to amend the Insurance Laws of the Territory of Dakota,

Have had the same under consideration and recommend that said bill do pass with the following substitute for Section 16:

SECTION 16. That Section 16 of Chapter 69 of the General Laws of 1885 be amended to read as follows: Section 16. Every Insurance Company doing business in this State must transmit the Commissioner of Insurance a statement of its condition and business for the year ending on the preceding 31st day of December, which shall be rendered on the 1st day of January in each year or within one month thereafter, except that foreign insurance companies shall transmit their statements of business other than that taken in the United States prior to the following 1st day of May. Such statement must be published at least three times in a newspaper of general circulation printed and published in each judicial district of the State in which said insurance company shall have an agency, and a duplicate thereof upon which shall be endorsed the names of the attorneys on whom process of law can be served as required by this act, shall be filed in the office of the register of deeds of the county wherein the agency may be established, but the provisions of this section as to the appointment of attorney shall not apply to companies organized within this State. Statements for publication shall be made out on blanks furnished by the Commissioner of Insurance, and the Commissioner of Insurance's certificate of authority for the company to do business in this State shall be published in connection with said statement of such company doing business in this State. Proof of publication, to-wit: The printer's affidavit of the fact shall be filed with the Commissioner of Insurance in all cases, which affidavit shall state that said insurance company has paid said newspaper one-half of the authorized rate for publishing legal notices, and that the full amount named inures to the sole benefit of the publisher or publishers thereof, and that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that every affidavit of publication shall state in plain

terms the full amount authorized herein has been charged and collected for such publication; *Provided*, The Commissioner of Insurance shall select three newspapers of general circulation published in each of the judicial districts, from which said company shall select one in which said statement shall be published. In each district where there are one or more newspapers publishing daily and weekly editions, one of such daily and weekly newspapers shall be selected and said statement shall be published one time in the daily edition and two times in the weekly edition of the newspaper so selected and designated to publish said statement, and the charge for such publication shall be the same as if three continuous insertions of said statement had been made in either the daily or weekly edition only. That Section 10, of Chapter 69, of the General Laws of 1889, entitled "Insurance" be amended so as to read as follows: SEC. 10. That Section 16, Chapter 69, Laws of 1885, be and the same is hereby amended by adding to said section the following words: "And the proof of publication herein required shall be filed with the Commissioner of Insurance within four months from the time of the filing of the annual statement." This law is intended to define the lawful rate for the publication of insurance statements and repeal Sections 1, 3 and 4, of Chapter 51, of the General Laws of 1887, in so far as said sections have been held to refer to the publication of insurance statements.

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 to revise the law in relation to justices and constables,

Have had the same under consideration and make the following report, to-wit:

This bill having been submitted to a sub-committee, which sub-committee's report is hereto annexed.

Your committee recommend that this bill be referred to the Committee of the Whole.

F. J. THOMPSON,
Chairman.

To the Committee on Judiciary:

The undersigned sub-committee on House Bill No. 149 having considered the same, recommend that the same be referred to the Committee of the Whole. I further recommend that the bill do pass.

R. N. STEVENS,
Sub-Committee.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred
Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session Laws of 1887,

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

In the preamble strike out the words "to read as follows:"

In Section 1, line 14, strike out the word "fifteenth" and insert in lieu thereof the word "twentieth." Add the following at the end of Section 1, "and it shall be unlawful for any person to hunt prairie chicken, pinnated grouse, sharptailed grouse or ruffled grouse with dog or dogs for a period of three years after the passage and approval of this act."

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. Nothing in this act shall be construed to prohibit persons from hunting in season with dog or dogs on their own premises.

Strike out all of Section 3.

W. H. H. RONEY,
Chairman.

Mr. Roney moved
To adopt the report.

Mr. McCormick moved
As a substitute that the report be rejected,
Which motion was lost, and
The question recurring on the original motion,
The original motion prevailed, and
The report was adopted.

The Committee on Engrossed Bills made the following report:

Mr. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889."

Also,

House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties.

Also,

House Bill No. 105,

A bill for an act regulating the registration of births and deaths.

Also,

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary.

Also,

House Bill No. 255,

A bill for an act to amend Section 112 of the Justices' Code of the State of North Dakota, providing for a change of venue in criminal proceedings.

Also,

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Williams moved

That the vote by which House Bill No. 11 was lost, be reconsidered,

Which motion prevailed, and

Mr. Bowen moved

That House Bill No. 11 be made a special order for Friday at 3 o'clock,

Which motion prevailed, and

The bill was made a special order.

Mr. McCormick moved

That Senate Bill No. 63 be recommitted to the Committee on Agriculture,

Which motion prevailed, and

The bill was recommitted.

Mr. Williams moved

That the Speaker and Chief Clerk be instructed to sign vouchers for the pay of Janitors of the House as soon as the appropriation bill is approved by the Governor,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Ink introduced—

House Bill No. 290,

A bill for an act making an appropriation for the payment of the stationery purchased for the Legislative Assembly.

Mr. Ink moved

That the rules be suspended, and that the bill be read the first and section times, and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 290,

A bill for act making an appropriation for the payment of the stationery purchased for the Legislative Assembly,

Was read the first and second times, and referred to the Committee on Appropriations.

Mr. Haugen introduced—

House Bill No. 291,

A bill for an act to provide for the changing and relocating of county seats.

Mr. Selby introduced—

House Bill No. 292,

A bill for an act defining the boundaries of the third judicial

district, subdividing the same and fixing the terms of court to be held therein.

Mr. Wickham introduced—

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State.

FIRST READING OF HOUSE BILLS.

House Bill No. 288;

A bill for an act to regulate the salary of county judges.

Was read the first time.

Mr. Williams moved

That the rules be suspended and that the bill be read the second time and made a special order for next Friday at 3 o'clock p. m.,

Which motion prevailed, and

House Bill No. 288,

A bill for an act to regulate the salary of county judges,

Was read the second time and made a special order for Friday at 3 o'clock p. m.

THIRD READING OF HOUSE BILLS.

House Bill No. 262,

A bill for an act to encourage the culture of the sugar beet and the manufacture of sugar from the same,

Was read the third time and placed upon its final passage,

The roll being called there were ayes 42, nays 12.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Foss,
Gronli,
Hankinson,

Messrs—

Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCullough,
McDonald,
McIntyre,
Montgomery,

Messrs—

Nedrud,
Pinkham,
Rawlings,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Thomas,
Thomson of Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Estabrook,
Haugen,
Murphy,
Olsgard,

Messrs—

Reed,
Renaud,
Stevens,
Tandberg,

Messrs—

Thompson of Cass,
Ueland,
Walsh,
Zimmer.

Absent and not voting:

Messrs—

Bowen,
Green,
McCormick,

Messrs—

Milsted,
Moore,
Norton,

Messrs—

Tyler,
Watt.

Messrs. Stevens and Williams explaining their votes.

Messrs. Lutz, Tyler and Watt being excused.

So the bill passed, a majority of the members-elect voting therefor.

Mr. Williams moved

That the vote by which House Bill No. 262 was passed be reconsidered,

Which motion prevailed, and

Mr. Williams moved

To amend the bill as follows:

After the word "formed" in line 2 of Section 2 of the printed bill insert the words "within the State of North Dakota."

Also, insert the words "within the State of North Dakota" after the word "same" in line 3 of Section 2.

Also, insert the words "within the State of North Dakota" after the word "corporations" in line 2 of Section 3.

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll call being called there were ayes 53, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Pinkham,
Balkan,	Ingebretson,	Rawlings,
Beard,	Ink,	Renaud,
Belden,	Jahr,	Richardson,
Bowen,	Johnson,	Roney,
Brittin,	Langer,	Selby,
Buchanan,	Lilly,	Stadleman,
Bye,	McCormick,	Stevens,
Christianson,	McCullough,	Strom,
Cole,	McDonald,	Tandberg,
Court,	McIntyre,	Thomas,
Currier,	Milsted,	Thompson of Cass.
Estabrook,	Moore,	Thomson of Walsh.
Foss,	Montgomery,	Walton,
Gronli,	Murphy,	Wickham,
Haukinson,	Nedrud,	Williams,
Haugerud,	Norton,	Mr. Speaker.
Heglie,	Olsgard,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Green,	Reed,	Walsh,
Haugen,	Ueland,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Lutz,	Tyler,	Watt.

Messrs. Lutz, Tyler and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor.

The question being on the title of the bill,

Mr. Ink moved

To amend the title by inserting after the word "beets" the words "in this State,"

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

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota,

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

The roll being called there were ayes 46, nays 11,

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings.
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Roney.
Belden,	Jahr,	Selby,
Bowen,	Johnson,	Stadleman,
Brittin,	Langer,	Stevens,
Buchanan,	Lilly,	Strom,
Bye,	McCormick,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	McIntyre,	Thompson of Cass,
Currier,	Milsted,	Thomson of Walsh,
Estabrook,	Montgomery,	Walsh,
Foss,	Nedrud,	Walton,
Hankinson	Olsgard,	Williams,
Haugerud ,	Pinkham,	Mr. Speaker.
Heglie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson.	McCullough,	Reed,
Green,	Moore,	Renaud,
Gronli,	Murphy,	Zimmer.
Haugen,	Norton,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Lutz.	Ueland,	Wickham.
Tyler,	Watt,	

Messrs. Lutz, Tyler and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 234,

A bill for an act to prescribe the oath of office of civil officers.

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Olsgard,
Balkan,	Heglie,	Reed,

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Lutz,
McIntyre,
Pinkham,

Messrs—

Rawlings,
Tyler,
Ueland,

Messrs—

Watt,
Wickham,

Messrs. Lutz, Watt and Tyler being excused.

So the bill passed more than two-third of the members present, and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof,

Was read the third time, and placed upon its final passage,

The roll being called there were ayes 43, nays 9.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Green,
Gronli,
Haugen,

Messrs—

Haugerud,
Hoyt,
Ingebretson,
Jahr,
Johnson,
Langer,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Norton,
Pinkham,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Heglie,
Ink,
Lilly,

Messrs—

McCormick,
Moore,
Nedrud,

Messrs—

Stevens,
Thomas,
Ueland.

Absent and not voting:

Messrs—

Currier,
Foss,
Hankinson,
Lutz,

Messrs—

Olsgard,
Rawlings,
Tyler,

Messrs—

Watt.
Wickham,
Williams.

Messrs. Lutz, Tyler and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor.

And the title of the bill was agreed to.

Mr. Buchanan moved

That the Committee on Railroads be and is hereby instructed to return Senate Bill No. 41, with such report as the committee desire thereon to the House to-morrow under the order of business of Reports of Standing Committees, and that the consideration of the same bill be made a special order for to-morrow at 4 o'clock p. m.

Mr. Bowen moved

To lay the motion on the table,
Which motion was lost.

Mr. Williams raised the point of order that the motion was out of order, a special order having been set for the hour,

Which point of order Mr. Speaker decided well taken, and

Mr. Buchanan moved

That the rules be suspended to permit the consideration of the motion,

Which motion prevailed, and

The question recurring on the first motion of Mr. Buchanan,

Roll call was demanded,

The roll being called there were ayes 26, nays 27.

Those who voted in the affirmative were:

Messrs—

Beard,
Buchanan,
Bye,
Christianson,
Foss,
Gronli,
Hankinson,
Haugen,
Heglie,

Messrs—

Ink,
Jahr,
Johnson,
Langer,
McCormick,
McDonald,
Olsgard,
Pinkham,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Strom,
Thompson of Cass,
Thomson of Walsh,
Ueland.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Cole,
Court,
Estabrook,
Green,

Messrs—

Haugerud,
Hoyt,
Ingebretson,
Lilly,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,

Messrs—

Nedrud,
Rawlings.
Reed,
Tandberg,
Walsh,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Currier,
Lutz,
Murphy,

Messrs—

Norton,
Stevens,
Thomas,

Messrs—

Tyler,
Walton,
Watt.

Messrs. Bowen, Buchanan, Selby, Thompson of Cass, and Williams explaining their votes.

Messrs. Lutz, Stevens, Tyler and Watt being excused.

And so the motion was lost.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering House Bill No. 162 and Senate Bill No. 71,

Which motion prevailed, and

Mr. Speaker called Mr. Stevens to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session Laws of 1885, relating to county mutual insurance companies,

And recommend that the bill be amended in lines 7 and 15 of the printed bill to read "by fire, lightning, hail and cyclone."

Also, recommend that the bill be further amended by adding at the close of the section the following proviso:

Provided, That all laws relating to the Insurance Commissioner's powers and duties shall apply to such company.

Also, recommend that the bill be amended in line 1 to read: "That Chapter 67 of the General Laws of 1887, etc."

Also, amend the title to read the same way.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

And recommend that the bill be amended by striking out the emergency clause.

And that when so amended the bill do pass.

R. N. STEVENS,
Chairman.

Mr. Haugen moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 19, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 143,

A bill for act to provide for an uniform system of free public schools throughout the State.

Also,

Substitute for Senate Bill No. 154,

A bill for an act relating to the construction of artesian wells in townships, and the purchase of machinery to construct the same, and authorizing the borrowing of money and issuing of bonds in aid thereof.

Also,

Senate Bill No. 166,

A bill for an act relating to the use of brands and ear-marks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1881.

Also,

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situated in unorganized counties,

All of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,

Was read the third time, and

Mr. Cole moved

That the further consideration of the bill be indefinitely postponed.

Mr. Ink moved

To lay the motion upon the table,

Which motion prevailed, and

The question being on the final passage of the bill,

The roll being called there were ayes 44, nays 14.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Court,

Messrs—

Heglie,
Hoyt,
Ink,
Jahr,
Johnson,
McCormick,
McDonald,
McIntyre,
Milsted,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Ueland,

Messrs—
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,

Messrs—
 Moore,
 Montgomery,
 Murphy
 Nedrud,
 Pinkham,
 Reed,

Messrs—
 Walsh,
 Walton,
 Wickham,
 Williams,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Balkan,
 Cole,
 Currier,
 Estabrook,
 Ingebretson,

Messrs—
 Langer,
 McCullough,
 Norton,
 Olsgard,
 Rawlings,

Messrs—
 Renaud,
 Richardson,
 Thomson of Walsh,
 Zimmer.

Absent and not voting:

Messrs—
 Lilly,
 Lutz,

Messrs—
 Tyler,

Messrs—
 Watt.

Mr. Stevens explaining his vote.

Messrs. Lutz, Tyler and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor

And the title of the bill was agreed to.

House Bill No. 255,

A bill for an act to amend Section 112 of the Justice Code of the State of North Dakota, providing for a change of venue in criminal proceedings,

Was read the third time.

Mr. Stevens asked unanimous consent to amend the bill by striking out all reference to the Compiled Laws.

Objection made.

Mr. Selby asked unanimous consent to amend the bill by striking out the words "complaining witness" where they occur in Section 1,

Which consent the House voted, and
 The bill was so amended.

Mr. Selby asked unanimous consent to further amend the bill by striking out the words "either prosecution or" where they occur in the last line of Section 1,

Which consent the House voted, and
 The bill was so amended.

The question being on the passage of the bill as amended,
 The roll being called there were ayes 59, nays none.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,

Messrs—
 Hoyt,
 Ingebretson,
 Ink,
 Jahr,

Messrs—
 Reed,
 Renaud,
 Richardson,
 Roney,

Messrs—

Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olgard,
Pinkham,
Rawlings,

Messrs—

Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Lutz,

Messrs—

Tyler,

Messrs—

Watt.

Messrs. Lutz, Tyler and Watt being exeused.

So the bill passed more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 261.

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and the State Penitentiary,

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

The roll being called there were ayes 43, nays 14.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McDonald,
McIntyre,
Moore,

Messrs—

Nedrud,
Olgard,
Pinkham,
Rawlings,
Renaud,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Walton,
Wickham,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Belden,
McCullough,
Milsted,
Montgomery,
Murphy,

Messrs—

Norton,
Reed,
Richardson,
Selby,
Thompson of Cass,

Messrs—

Thompson of Walsh,
Ueland,
Walsh,
Mr. Speaker.

Absent and not voting:

Messrs—
Foss,
Lutz,

Messrs—
Stadleman,
Tyler,

Messrs—
Watt.

Mr. McCullough explaining his vote.

Messrs. Lutz, Tyler and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That the rules be suspended, and that the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed.

Mr. Speaker announced an informal recess,
House reassembled.

Mr. Speaker called Mr. Beard to the Chair.

The committee arose, and

Mr. Williams moved

That the rules be suspended, and that the Chief Clerk be instructed to transmit forthwith to the Senate all bills which have been passed to-day,

Which motion prevailed.

Mr. Stevens moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

NINETY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Belden, Brittin, Lutz, Tyler and Watt.

Messrs. Brittin, Lutz, Tyler and Watt, excused.

The committee to revise and correct the Journal of the ninety-third day made the following report:

MR. SPEAKER:

Your committee on correction of Journal have examined House Journal of the ninety-third day and find the same correct.

L. A. UELAND,
Chairman.

REPORTS OF STANDING COMMITTEES.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred
Senate Bill No. 60,

A bill for an act to provide for incorporations and regulation of co-operation or assessment life, endowment and casualty insurance associations and societies,

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

P. B. WICKHAM,
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

Senate Bill No. 105,

A bill for an act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock,

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

R. H. HANKINSON,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Williams moved

That the special committee appointed to investigate the matter of the loss of the House amendments to Senate Bill No. 52 be discharged,

Which motion prevailed.

Mr. Williams asked to be excused from service on the Committee on Enrollment, and

The question being shall Mr. Williams be excused,

The House voted to excuse him.

UNFINISHED BUSINESS.

The following report of the Committee of the Whole of February 19th was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 200,

A bill for an act to authorize the board of town supervisors to let township funds out on interest,

And recommend that the following amendments proposed by the Committee on Counties be adopted:

Strike out all after the enacting clause and substitute the following:

SECTION 1. All funds of any of the organized townships in this State may be deposited by the township treasurer, by and with the consent of the township board of supervisors, in the name of the township of which the treasurer is an officer; such funds to be deposited with some reliable bank, firm, company or corporation offering the highest rate of interest therefor on quarterly balances; said interest to go to the township general fund, except sinking funds, which interest shall accrue to its own fund. It shall be lawful for the board of supervisors of any organized township in this state to advertise for the period of two weeks before any regular meeting of the board, in one or more papers published in their respective counties. Such advertisement shall be substantially as follows: Stating the amount of funds to be deposited, the security required, and on condition that all funds, with accumulated interest, shall at all times be subject to draft and payment on demand.

SEC. 2. Before any such deposit is made by any of the officers mentioned in this act, a bond payable to such township, signed by at least two freeholders of the county as sureties, which bond shall be approved by the board of township supervisors, and shall be in such amount as such board shall direct, which amount shall be at least double the amount to be deposited.

SEC. 3. All bonds required under the provisions of this act shall be given for the period of one year from the date of their approval.

SEC. 4. Whenever any portion of the funds of any township shall be deposited by any township treasurer in the manner as provided in this act, such

treasurer and the sureties on his bond shall be exempted from all liabilities thereon, by reason of the loss of any such deposited funds from the failure, bankruptcy or any other acts of such bank, firm, company or corporation to the amount of such funds so deposited.

And that when so amended the bill do pass.

Also,

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justices' Code of 1887,

And recommend that the report of the Judiciary Committee be amended to read as follows:

That Section 58 of the Justice Code being Section 6098 of the Compiled Laws, be amended to read as follows:

SEC. 58. Parties may agree that the jury shall consist of a less number than twelve jurors; but an agreement to that effect must be in writing, signed by the parties and filed with the papers in the case, or made in open court, and a minute thereof entered by the justice in his docket. The justice shall issue a certificate to the members of said jury specifying the number of days employed in the trial of the case, and the amount to which each is entitled. He shall also issue a like certificate to the witnesses in the case.

And when so amended that the report be adopted, and

That the bill as amended by the adoption of the report do pass.

Also,

Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Senate Bill No. 15,

A bill for an act to facilitate the settlement of constitutional questions by the Supreme Court,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

In Section 1 and line 2 of the printed bill after the word "writ" add the words "of *certiorari*."

In Section 2 and in line 4 of the printed bill, add after the word "and" the words "directed to the person or persons, officer or officers having in custody the records, returns or documents, pertaining to the subject matter, such cause."

In Section 3 and in line 1 of the printed bill strike out the words "is thereby given" and in lieu thereof insert the words "shall have."

That the following be added as Section 4:

"SEC. 4. The petitioner, in all things contemplated in Section 1 of this act, must prepare and conduct his case and seek to maintain, either by himself or his attorney, the affirmative proposition or propositions set forth in his petition, the same as in cases at law, and at his own cost and expense."

That Sections 4 and 5 of the bill be numbered 5 and 6.

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 251,

A bill for an act to amend Section 2, of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws,

And recommend that the following amendments proposed by the Committee on Public Printing be adopted:

In lines 21, 22 and 23 of Section 1, printed bill, strike out the words "and when there are but two papers in a county and both are in same congressional township, the commissioner shall designate but one of such papers," and insert in lieu thereof the following, viz.: "And where there are newspapers in a county publishing both a daily and weekly edition, one of such newspapers shall be selected as one of the official papers of said county."

And that when so amended the bill do pass.

Also,

House Bill No. 177,

A bill for an act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, and to prevent fraud and to preserve the public health,

And recommend that the following amendments proposed by the Committee on Public Health be adopted:

In Section 3, lines 5 and 11 of printed bill, strike out the words "State Dairy Commissioner," and insert the words "Commissioner of Agriculture and Labor;" also, in Section 5 strike out all words after "law" in line 2.

In Section 13, line 1, strike out the words "State Dairy Commissioner" and insert the words "Commissioner of Agriculture and Labor."

In Section 1, line 8, Strike out the words and figures "twenty-five (\$25) dollars" and insert the words "ten dollars;" also, strike out the words "one hundred" in same line and insert the word "fifty."

Strike out the whole of Section 15.

And that when so amended the bill do pass.

Also,

House Bill No. 277,

A bill for an act authorizing and empowering the organized counties of the State of North Dakota to issue and dispose of bonds to provide funds to pay the outstanding indebtedness, and to provide for the payment of the principal and interest thereof; and to repeal Chapter 13 of the Session Laws of 1887, and all conflicting laws,

And recommend that the following amendments proposed by the Committee on Counties be adopted.

Amend Section 1 in line 12 by inserting after the word "dollars" and before the word "shall" the following words: "nor more than one thousand dollars."

And that when so amended the bill do pass.

Also,

House Bill No. 254,

A bill for an act to license express companies,

And recommend that the following amendments proposed by the Committee on State Affairs be adopted:

In Section 6, line 3, insert after the word "treasury" the words "general fund"; also, in the same section, strike out after the word "therefor" the remainder of said section.

Also, recommend that the bill be further amended as follows:

Add after the word "inhabitants," in line 4 of Section 3, the words "in which they have an agent."

Also, recommend that the bill be further amended as follows:

Strike out the words "Secretary of State" where they occur in the bill and insert "State Auditor."

Also, insert after the word "and" in line 1 of Section 3 the words "the treasurer shall collect."

Also, recommend that the bill be amended as follows:

Add after the word "property" in line 5, Section 8, the following words: "Belonging to said company."

And that when so amended the bill do pass.

W. W. BEARD,
Chairman.

Mr. Haugen moved

That the report be adopted with the exception of that part relating to Senate bill No. 82.

Mr. Strom moved

As a substitute that the report be adopted as a whole.

Mr. Stevens moved

As an amendment to the substitute motion that the report be adopted with the exception of that part relating to Senate Bill No. 15.

Roll call demanded on the amendment of Mr. Stevens.

The roll being called there were ayes 11, nays 39.

Those who voted in the affirmative were:

Messrs—
Currier,
Green,
Hankinson,
Hoyt,

Messrs—
Milsted,
Norton,
Reed,
Renaud,

Messrs—
Stevens,
Thompson of Cass,
Walsh.

Those who voted in the negative were:

Messrs—
Allen,
Balkan,
Beard,
Bowen,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Haugen,

Messrs—
Hangerud,
Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Nedrud,

Messrs—
Olsgard,
Pinkham,
Rawlings,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walton.

Absent and not voting:

Messrs—
Belden,
Brittin,
Lutz,
Moore,

Messrs—
Montgomery,
Murphy,
Tyler,
Watt,

Messrs—
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Messrs. Brittin, Lutz, Tyler and Watt, being excused.

So the amendment to the substitute motion was lost.

The question recurring on the substitute motion,
Roll call was demanded.

The roll being called there were ayes 20, nays 35.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Green,	Lilly,
Balkan,	Heglie,	McIntyre,
Beard,	Hoyt,	Milsted,
Bowen,	Ink,	Pinkham,
Bye,	Jahr,	Roney,
Cole,	Johnson,	Stevens.
Court,	Langer,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald,	Strom,
Christianson.	Moore,	Tandberg,
Currier,	Montgomery,	Thomas,
Estabrook,	Murphy,	Thompson of Cass,
Foss,	Nedrud,	Thomson of Walsh,
Gronli,	Norton,	Ueland,
Hankinson	Olsgard,	Walsh,
Haugen,	Reed,	Walton,
Haugerud,	Renaud,	Wickham,
Ingebretson,	Richardson,	Zimmer,
McCormick,	Selby,	Mr. Speaker.
McCullough,	Stadleman,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Rawlings.	Watt,
Brittin,	Tyler,	Williams.
Lutz.		

Messrs. Brittin, Lutz, Tyler and Watt being excused.

So the substitute motion was lost.

The question then recurring on the original motion,
Roll call was demanded.

Mr. McIntyre demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Belden, Brittin, Lutz,
Rawlings, Tyler and Watt.

Messrs. Brittin, Lutz, Tyler and Watt being excused.

Mr. Buchanan moved

That further proceedings under the call be dispensed with,
Which motion prevailed, and

Further proceedings under the call of the House were dispensed
with, and

The question being on the original motion of Mr. Haugen,

The roll being called there were ayes 38, nays 18.

Those who voted in the affirmative were:

Messrs—

Buchanan,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Hoyt,
Ingebretson,
Ink,

Messrs—

McCormick,
McCullough,
McDonald,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Reed,
Renaud,
Richardson,
Selby,

Messrs—

Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Bye,
Court,

Messrs—

Green,
Heglie,
Jahr,
Johnson,
Langer,
Lilly,

Messrs—

McIntyre,
Milsted,
Pinkham,
Roney,
Stevens,
Williams.

Absent and not voting:

Messrs—

Belden,
Brittin,

Messrs—

Lutz,
Rawlings.

Messrs—

Tyler,
Watt.

Messrs. Brittin Lutz, Tyler and Watt being excused.

And so the motion to adopt the report with the exception of that part relating to Senate Bill No. 82 prevailed, and

The report of the Committee of the Whole with the exception of that part relating to

Senate Bill No. 82,

Was adopted.

Mr. Haugen moved

That Senate Bill No. 82 be made a special order for next Thursday at three o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

Mr. Thompson of Cass, asked that the House return to the order "Reports of Standing Committees," and

The House returned to that order of business, and

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another,

Have had the same under consideration and recommend that said bill be recommitted to the Committee on Labor.

F. J. THOMPSON,
Chairman.

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

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 286,

A bill for an act to amend Section 6818 and repealing Section 6819 of the Compiled Laws of 1887, relative to the wearing of Grand Army badges,

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

Amend the title to read as follows:

A bill for an act to amend Section 1, Chapter 187, of the General Laws of 1887, and to repeal Section 2 of Chapter 187 of the General Laws of 1887, being Sections 6818 and 6819 of the Compiled Laws, relative to the wearing of Grand Army badges.

Amend Section 1 by striking out all of line 1 and to and including the word "follows" in line 2 of printed bill, and inserting in lieu thereof the following: "That Section 1, Chapter 187, of the General Laws of 1887, being Section 6818 of the Compiled Laws, be amended to read as follows:"

Amend Section 2 by adding after the word "that" in line 1 of printed bill, the following: "Section 2 of the General Laws, being."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

Mr. Roney moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 276,

A bill for an act concerning the payment of rewards,

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

Strike out in Section 1, lines 1 and 2 of printed bill the words and figures "one hundred (100) dollars" and insert in lieu thereof the following: "The sum in which the trial court has jurisdiction."

Also,

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the probate court,

And recommend that said bills do pass.

F. J. THOMPSON,
Chairman.

Also,

House Bill No. 259,

A bill for an act to amend Section 9 of an act entitled "An Act to prevent the trespass upon school and public lands, and to recover damages therefor," passed by the First Legislative Assembly of the State of North Dakota, and approved January 13, A. D. 1890,

Have had the same under consideration and recommend that said bill be indefinitely postponed for the reason that the opinion of the Attorney General of February 5th inst., decides that the present law does not go into effect until April 15, 1890, five days later than is contemplated by this bill.

F. J. THOMPSON,
Chairman.

Mr. Haugerud moved
To adopt the report.

Mr. Selby moved

As a substitute motion that the report and the opinion of the Attorney General be made a special order for to-morrow at 3 o'clock p. m.,

Which motion prevailed, and
The bill was made a special order.

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 declaring the maintenance of mill dams across the flowing streams and natural water courses of this State unlawful when not used to furnish power for public mills,

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

Also,

House Bill No. 233,

A bill for an act amending Section 1397 of the Compiled Laws of 1877, being Section 1, Chapter 6, of the Revised Code of 1877,

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

Strike out present title and insert the following in lieu thereof:

A bill for an act to amend Section 1, Chapter 6 of the Revised Code of 1877, being Section 1397 of the Compiled Laws.

Amend Section 1 by striking out all of lines 1, 2 and 3 of printed bill, and insert the following in lieu thereof:

That Section 1, Chapter 6 of the Revised Code of 1877, being Section 1397 of the Compiled Laws, be amended to read as follows:

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

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

F. J. THOMPSON,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
House Bill No. 290,

A bill for an act making an appropriation for the payment of the stationery and supplies purchased for the Legislative Assembly.

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

R. N. INK,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation.

Also,

House Bill No. 176,

A bill for an act to prevent deception in the sale of dairy products, and to preserve the public health, and to prohibit and prevent the sale or manufacture of unhealthy or adulterated dairy products,

And find the same correctly engrossed.

E. W. BOWEN,
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. 273,

A bill for an act to authorize the State Auditor to assess, by estimate, specific taxes, upon corporations which neglect or refuse to make the report as required by law,

Have had the same under consideration and recommend that said bill be amended as follows.

Strike out the word "circuit" wherever it appears in the bill, and insert the word "district."

Strike out the words "Auditor General" wherever it appears in the bill, and insert the words "State Auditor."

Insert in Section 5, line 27, the word "Burleigh" in blank.

Insert in Section 6, line 7, the word "March" in blank. Also, in line 9, same section, the words "ninety-one."

And when so amended recommend that said bill do pass.

JNO. MILSTED,
Chairman.

Mr. Hankinson moved
 To adopt the report,
 Which motion prevailed, and
 The report 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. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

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

In Section 3, line 3, of printed bill, strike out the word "sustained" and insert the word "passed."

In Section 4 strike out all the words after the word "the" in line 1, before the words "North Dakota," as far as the word "Governor" in line 3.

Also, strike out the words "the said three pharmacists duly elected and appointed," in lines 4 and 5, and insert the following: "Reputable and practicing pharmacists doing business in this State who."

In line 8, same section, strike out all the words after the word "qualified," as far as the word "Governor," in lines 10 and 11.

In line 15, Section 4, strike out all the words after the word "pharmacist," as far as the words "to serve," and insert the words "reputable and duly qualified" before the word "pharmacist" in line 15.

In Section 8, line 9, after the word "board" strike out all the words to end of section and insert the words "within one year without paying any additional fee."

In Section 8, line 7, strike out the words "be attempted." Also, in line 7, after the word "before," insert the words "submitting himself to."

In Section 10, line 5, strike out the word "two" and insert the word "one" before the word "dollars."

In Section 15, line 6, strike out all the words after the word "all" to the end of the section in line 8.

And when so amended recommend that said bill do pass.

J. MONTGOMERY,
 Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 February 20, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 57,

An act to repeal an act prohibiting the destruction of beaver in the Territory of Dakota.

Also,

House Bill No. 15,

An act for the organization and government of State banks.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,
JOHN MILLER,
Governor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stevens introduced—

House Bill No. 294,

A bill for an act to repeal Section 3, Chapter 7, Laws of 1887,
Which was read the first time, and

Mr. Roney moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Thomas introduced—

House Bill No. 295,

A bill for an act making an appropriation to pay for the publication of the Constitution of North Dakota in the newspapers of the State,

Which was read the first time.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Selby moved

That all House bills on their first reading that have been printed, be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 291,

A bill for an act to provide for the changing and relocating of county seats,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 292,

A bill for an act defining the boundaries of the Third judicial district, subdividing the same and fixing the terms of court to be held therein,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State,

Was read the first and second times, and referred to the Committee on Insurance.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Thompson of Cass, moved

That the rules be suspended, and that Senate bills on their first

and second readings be now read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Speaker called Mr. Haugen to the Chair.

Senate Bill No. 142,

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

Was read the first and second times, and referred to the Committee on State Affairs.

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation and arbitration,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

Was read the first time by its title, and

Mr. Selby moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 135,

A bill for an act establishing an independent school district for the city of Grand Forks, State of North Dakota,

Was read the first and second times, and referred to the Committee on Education.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

With amendments:

That the title of the bill be amended by adding the words "and to erect warning signs at such crossings."

Amend Section 1 by adding the words "and to erect warning signs at such crossings" to line 5.

Amend by adding to Section 2, after Subsection 2, Subsection 3, as follows: The signs at such crossing shall be constructed as follows: Two boards crossing each other at an angle of forty-five degrees, and upon each side of such sign shall be the words "Railroad Crossing;" said sign shall be erected at least ten feet high."

Amend Section 3, line 2, by striking out after the word "highway" the words "in said county where it is."

Amend Section 6 as follows: "In Section 6 strike out in lines 4, 5 and 6 the words 'and a further sum of ten (10) dollars per day for each and every day such railroad company fails or neglects to comply with the terms of this act.'" Amend by striking out Section 7.

Which the Senate has passed as amended, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the Senate amendments to House Bill No. 158 be not concurred in, and that a conference committee be appointed,

Which motion prevailed.

Senate Bill No. 161,

A bill for an act authorizing a private corporation to change the place where its principal business is to be transacted.

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 117,

A bill for an act to amend Article 3 of Chapter 2 of the Civil Code, entitled "Mortgages on Personal Property,"

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Speaker appointed as the Conference Committee on the part of the House on House Bill No. 158 the following: Messrs. Hankinson, Bowen and Selby.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the following resolution:

Be it Resolved by the Senate, the House of Representatives Concurring: That the President of the Senate and the Speaker of the House of Representatives be and they are hereby authorized and directed to bring the present session of the Legislative Assembly to a final close by adjourning their respective houses *sine die* on the eleventh day of March, A. D. 1890.

Which the Senate has adopted, and your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the resolution be referred to the Committee on State Affairs.

Mr. Buchanan moved

To amend the resolution by striking out the word and figures "March 11th" and inserting in lieu thereof the word and figures "March 5th."

Mr. Thompson of Cass, demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Britten, Currier, Lutz, Pinkham, Tyler, Watt and Williams.

Messrs. Brittin, Lutz, Tyler and Watt, excused.

Messrs. Currier, Pinkham and Williams returning, further proceedings under call of the House were dispensed with.

Mr. McCormick moved

As a substitute to make the resolution a special order for next Thursday at 4 o'clock p. m.

Mr. Thompson of Cass, moved

To lay the substitute motion upon the table,

Which motion prevailed, and

The question recurring on the motion of Mr. Stevens,

The motion prevailed, and

The resolution was referred to the Committee on State Affairs.

Senate Bill No. 150,

A bill for an act to prevent debtors from giving preferences to creditors and to secure the equal distribution of the property of debtors among their creditors, and for the release of debts against debtors,

Was read the first and second times, and referred to the Committee on Judiciary.

Substitute for Senate Bill No. 154,

A bill for an act relating to the construction of artesian wells in townships, and the purchase of machinery to construct the same, and authorizing the borrowing of money and issuing of bonds in aid thereof,

Was read the first and second times, and referred to the Committee on Irrigation.

Senate Bill No. 166,

A bill for an act relating to the use of brands and ear-marks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1881,

Was read the first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties,

Was read the first and second times, and referred to the Committee Taxes and Tax Laws.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Speaker announced his signature to

Senate Bill No. 102,

A bill for an act providing for the election of boards of education in cities not organized under general laws.

Mr. Estabrook moved

That the rules be suspended, and that Senate Bill No. 109 be now read the third time, and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 109,

A bill for an act granting power to county courts to direct the mortgaging of real estate belonging to the estate of deceased persons and the estate of minors and incompetent persons,

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

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Buchanan,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas.
Thompson of Cass,
Ueland,
Walsh,
Walton,
Wickham,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Court,
Foss,
Lutz.
McCormick,

Messrs—

McCullough,
McDonald,
Pinkham,
Rawlings,
Reed,

Messrs—

Thomson of Walsh,
Tyler,
Watt.
Williams.

Messrs. Brittin, Lutz, Tyler and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Ink moved

That the rules be suspended and that Senate Bill No. 108 and House Bill No. 290 be now read the third time, and placed upon its final passage,

Which motion was lost.

Mr. Ink moved

That the rules be suspended, and that Senate Bill No. 108 be read the third time, and placed upon its final passage.

Mr. Stevens moved

To amend the motion to read "immediately after the first reading of Senate Bill No. 143,"

Which amendment was lost, and

The question recurring on the original motion,

The original motion prevailed, and

Senate Bill No. 108,

A bill for an act authorizing the Governor and Secretary of State to provide furniture and supplies for the various State offices, and making an appropriation therefor,

Was read the third time, and

Mr. Williams moved

To amend the bill by striking out the words "printed blanks" in line 2 of Section 1,

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 47, nays 3.

Those who voted in the affirmative were;

Messrs—

Allen,
Balkan,
Beard,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,

Messrs—

Olsgard,
Pinkham,
Rawlings,
Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Selby,

Messrs—

Stevens,

Messrs—

Zimmer.

Absent and not voting:

Messrs—

Belden,
Bowen,
Brittin,
Haugen,

Messrs—

Lutz,
McIntyre,
Reed,
Renaud,

Messrs—

Richardson,
Tyler,
Walsh,
Watt.

Messrs. Brittin, Lutz, Tyler and Watt being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Williams moved

That when the House adjourn it be to meet again at 8 o'clock to-night,

Which motion was withdrawn.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 20, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 168,

A bill for an act making an appropriation for the State University,

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

Also, that the Senate has concurred in the House amendments to Senate Bills Nos. 9 and 85.

C. C. BOWSFIELD,
Secretary.

Mr. Green was excused for two days.

Messrs. Wickham and Hoyt were excused from attendance on to-morrow's session.

Mr. Strom moved

That Senate Bill No. 143 be printed in the Journal,

Which motion was lost.

Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Was read the first time by its title, and

Mr. Thompson of Cass, moved

That all the members who wish to be excused be excused.

Mr. Wickham moved

That the House do now adjourn.

Mr. Estabrook moved

That when the House adjourn, it be to meet again at 8 o'clock this evening.

Mr. McCormick raised the point of order, that the reading of Senate Bill No. 143 being under way, all motions were out of order,

Which point of order Mr. Speaker decided well taken.

Mr. Williams moved

That when the House adjourn it be to meet again at 9 o'clock to-morrow morning.

Mr. Thompson of Cass, moved

To amend by fixing the time at 1:59 p. m. to-morrow morning,

Which motions were declared out of order during the reading of the bill.

Mr. Milsted moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

NINETY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Beard, Green, Hoyt, Lutz, Moore, Tandberg and Wickham, excused.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 21, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate refuses to concur in the House amendments to Senate Bill No. 133, and by motion adopted a conference committee was appointed on the part of the Senate to confer with a like committee from the House, consisting of Messrs. Worst, Winship and Svensrud.

C. C. BOWSFIELD,
Secretary.

Mr. Selby moved

That the Speaker appoint a conference committee on Senate Bill No. 133,

Which motion prevailed, and

Mr. Speaker announced as the conference committee on the part of the House on Senate Bill No. 133, Messrs. Selby, Reed and Thompson of Cass.

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

MR. SPEAKER:

Your committee on correction of Journal have examined House Journal of the ninety-fourth day and recommend the following

correction: On page 5, line 21, strike out the word "Strom" and insert the word "Heglie."

L. A. UELAND,
Chairman.

Mr. Tandberg was excused until next Tuesday.

Mr. Ueland was excused for next Monday.

REPORTS OF STANDING COMMITTEES.

The Committee on Corporations Other than Municipal made the following report:

MR. SPEAKER:

Your Committee on Corporations Other than Municipal to whom was referred

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

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

Amend Section 1 by adding the following:

Provided, That the aggregate amount of such license shall not exceed the amount of \$5,000 per annum.

And when so amended recommend that said bill do pass.

R. H. HANKINSON,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

House Bill No. 291,

A bill for an act to provide for the changing and relocating of county seats,

Have had the same under consideration and recommend that said bill be referred back without recommendation.

JAMES McCORMICK,
Chairman.

Mr. Selby moved

That House Bill No. 291 be made a special order for next Tuesday at 3 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 111,

A bill for an act authorizing a private corporation to change the place where its principal business is to be transacted,

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

Amend Section 1 by adding after the word "consecutively" in line 25 of written bill, the following words: "Immediately prior to the time of such meeting."

Also, add the following as Section 3 of the bill:

SEC. 3. An emergency exists in that there is no law allowing corporations to change their principal place of business in this State; therefore, this act shall take effect and be in force from and after its passage and approval.

And recommend that said bill do pass.

Also,

House Bill No. 132,

A bill for an act to regulate the collection of attorneys' fees in foreclosure of real estate mortgage; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure, and Chapter 16 of the General Laws of 1889, and to amend Sections 622, 623 and 633 of the Code of Civil Procedure,

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

F. J. THOMPSON,
Chairman.

The Committee on Irrigation made the following report:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred
Senate Bill No. 154,

A bill for an act relating to the construction of artesian wells in townships, and the purchase of machinery to construct the same, and authorizing the borrowing of money and issuing of bonds in aid thereof,

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

In Section 1, line 21, strike out the word "eight" and insert the word "seven."

Strike out all of line 11 in Section 3.

In Section 4, line 11, strike out the word "national." In same section, line 15, before the word "treasurer" insert the word "county."

And when so amended recommend that said bill do pass.

L. L. WALTON,
Chairman.

The Committee on Railroads made the following minority report:

MR. SPEAKER:

The minority of your Committee on Railroads to whom was referred

Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the

duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

Have had the same under consideration and recommend that said bill be amended as follows by adding the following to Sub-section (h) of Section 8:

Provided, That pending the final determination of all appeals under any of the provisions of this act the orders or decisions of the commission shall be and remain in full force and effect.

And that when so amended the bill do pass.

E. W. BOWEN,
JOHN MILSTED,
G. E. INGEBRETSEN,
A. C. NEDRUD.

Also, the following majority report:

MR. SPEAKER:

The majority of your Committee on Railroads to whom was referred

Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

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

Amend Section 3, Subdivision (c) on page 6 of the original bill, in line 1, after the word "demanded," by inserting the following: *Provided*, No railroad company shall charge a greater rate of passenger tariff than three cents for each mile of actual travel.

Amend Section 3, in Subdivision (c) by striking out the word "fifteen" and inserting in lieu thereof the word "twelve."

Amend Section 2 by inserting the following proviso after the letter "a" in first proviso: "That the Commissioner of Railroads shall not at any time fix a higher rate for the transportation of freight or passengers than that fixed by law."

Amend said bill by striking out the words "Railroad Commissioners" wherever they occur in said bill, and insert in lieu thereof the words "Commissioners of Railroad."

Also, by adding after the word "Commissioners" wherever it occurs in said bill the words "of Railroads."

Amend Section 8, Subdivision (d), by inserting at the end of said Section the following:

Provided. That no rate shall be higher than that fixed by law.

Further amend Section 8 by striking out the word "it" in line 5, Subdivision (e), and inserting the word "they."

Further amend Section 8 by striking out of lines 6 and 7, Subdivision (e), the words "is hereby authorized and directed," and inserting in lieu thereof the words "and it is hereby made their duty."

Strike out in line 15, Subdivision (e), Section 8, the word "recommend" and insert the word "direct."

Amend Subdivision (f), page 2, Section 8, line 4, after the "Commission" by inserting the following: "But for no longer period of time than such common carrier shall fail or refuse to publish such rates as hereinbefore provided."

Amend Subdivision (h), page 2, Section 8, after the word "just," in line 14, by adding the following: "And upon the application of either party, it shall be the duty of the court trying the same to call a jury of not less than twelve

members to hear and determine all questions of fact in said hearing, in the same manner as the court would do in case no jury is demanded."

Amend Section 9, page 1, by striking out at the end of the line the following: "Said Commissioners are hereby authorized at the request of the Attorney General, to employ such additional counsel as he may think proper to assist in the prosecution of any suit they may determine to bring under the provisions of this act, or any law of this State."

Amend Section 8 in Subdivision (h), in line 26, beginning with the word "if" by striking out the following: "If the order appealed from does not fix the common carriers' tariff of rates, fares or charges, the district court to which appeal is taken may, in its discretion, suspend the operation and effect of the order appealed from pending such appeal."

Your committee further report that in the first six sections of said bill there are nine errors in punctuation, but as they have had time only to consider that number of sections they report no amendments upon that subject, but recommend that the bill be referred to the Chief Clerk of the Enrolling and Engrossing force for a complete report of corrections on punctuation of said bill.

And a majority of your committee recommend that when the foregoing amendments are adopted and corrections made, that the bill do pass as amended.

R. N. STEVENS,
Chairman.

Also, the following minority report:

MR. SPEAKER:

I do not concur in that part of the majority of the Committee on Railroads that reads as follows:

"If the order appealed from does not fix the common carriers' tariff of rates, fares or charges, the district court to which appeal is taken may in its discretion suspend the operation and effect of the order appealed from pending such appeal."

Be stricken out, but believe the same should remain as a part of the law.

I further believe that said bill should be so amended as to strike out that provision therein which provides for the publication of all tariff rates in a newspaper in each county.

R. N. STEVENS.

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 regulating the filing of chattel mortgages,

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

Amend Section 1 by striking out all after the word "thereon" in line 3, printed bill, to end of section, and inserting in lieu thereof the following words: "No delinquent personal property taxes against the within mortgagor."

The committee also recommend that the following be added as Section 3.

SEC. 3. Any mortgagee who takes a chattel mortgage and finds there are delinquent personal property taxes against the mortgagor, he may pay said personal property taxes in his own name, and may attach the tax receipt to the chattel mortgage and file the same therewith, and the amount paid for said tax receipt shall become a lien upon the property described in said chattel mort-

gage and against said mortgagor, and shall become due and payable at the same time the last note described in said chattel mortgage becomes due, and shall bear interest at the rate of 10 per cent. from the time paid by said mortgagee till paid.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 242,

A bill for an act to provide for the payment of a license fee by the owners of palace, drawing room and sleeping car companies, Have had the same under consideration and recommend that said bill do not pass because the same is in the opinion of your committee unconstitutional, as it practically provides for a gross earning system.

R. N. STEVENS,
Chairman.

MOTIONS AND RESOLUTIONS.

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

WHEREAS, There are several bills pending in the House modifying and changing the Homestead and Exemption Laws of the State; and

WHEREAS, The present Homestead and Exemption Laws have been in force for many years, and the people of the State have prospered under them; and

WHEREAS, The present Homestead Law will be in force until the Legislative Assembly has acted on Section 208 of the Constitution; and

WHEREAS, To reduce the Homestead and Exemption Laws at this time, will embarrass many citizens of the State; therefore, be it

Resolved, That the rules be suspended and all bills changing the Homestead law, and all bills reducing the present Exemption Laws be considered as before the House for consideration; and that their further consideration be indefinitely postponed.

Mr. Selby moved

As a substitute that the resolution and the bills on the subject matter of the resolution be made a special order for next Wednesday at 3 o'clock,

Roll call demanded.

The roll being called there were ayes 37, nays 17.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Belden,
Bowen,
Brittin,
Buchanan,
Cole,
Currier,
Estabrook,

Messrs—
Heglie,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCullough,
McIntyre,
Montgomery,

Messrs—
Roney,
Selby,
Stadleman,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,

Messrs—
Grouli,
Hankinson,
Haugen,
Haugerud,

Messrs—
Norton,
Reed,
Richardson,

Messrs—
Walsh,
Watt,
Zimmer.

Those who voted in the negative were:

Messrs—
Bye,
Christianson,
Court,
Foss,
Ingebretson,
McCormick,

Messrs—
McDonald,
Milsted,
Murphy,
Nedrud,
Pinkham,
Rawlings.

Messrs—
Renaud,
Stevens,
Walton,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—
Beard,
Green,
Hoyt,

Messrs—
Lutz,
Moore,
Olsgard,

Messrs—
Tandberg,
Wickham.

Mr. Roney explaining his vote.

Messrs. Beard, Green, Hoyt, Lutz, Moore, Tandberg and Wickham being excused.

So the substitute motion prevailed, and
The resolution and bills were made a special order.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Thompson of Cass, asked unanimous consent to introduce a bill providing for an appropriation of public funds,
Which consent the House voted, and
Mr. Thompson of Cass, introduced—
House Bill No. 296,

A bill for an act providing for the organization and fixing, and defining the power and duties of the Board of University and School Lands, and making an appropriation therefor.

Mr. McCormick moved

That the rules be suspended and that the House proceed to the introduction of bills,

Which motion prevailed, and

Mr. Williams introduced—

House Bill No. 297,

A bill for an act to provide for the better protection of the earnings of laborers, servants and other employes of corporations, firms or individuals engaged in inter-state business.

Mr. Allin introduced—

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party.

Mr. McCormick introduced—

House Bill No. 299,

A bill for an act requiring railroad companies to fence their lines of road, and prescribing penalties for neglect thereof.

Mr. Moore introduced—

House Bill No. 300.

A bill for an act to provide for elections in unorganized counties.

Mr. Reed introduced—

House Bill No. 301,

A bill for an act to authorize the incorporation of detective associations to provide for boards of collection of bills and rewards by, to prescribe their powers, duties and liabilities; prevent frauds by and punish false pretenders,

Mr. Johnson introduced—

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Mr. Williams moved

That all bills introduced to-day be not read until the same shall be printed,

Which motion prevailed.

Mr. Selby moved

That all bills introduced to-day be considered as introduced by unanimous consent,

Which motion prevailed.

Mr. Speaker called Mr. Olsgard to the Chair.

UNFINISHED BUSINESS.

The reading first of

Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Was continued, and

Mr. Selby demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Beard, Green, Haugen, Hoyt, Jahr, Lutz, McCullough, McIntyre, Tandberg and Wickham.

Messrs. Beard, Green, Hoyt, Lutz, Tandberg and Wickham being excused.

Mr. Allen moved

That further proceedings under call of the House be dispensed with, ●

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 21, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 5,

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

Also,

Senate Bill No. 145,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 169,

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

All of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The reading of Senate Bill No. 143, interrupted by the call of the House, was resumed, and

Mr. Selby again demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Beard, Green, Ink, Haugen, Hoyt, Lilly, Lutz, McCullough, McCormack, Tandberg and Wickham.

Messrs. Beard, Green, Hoyt, Lutz, Tandberg and Wickham being excused.

Mr. Allen moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with, and

The first reading at length of Senate Bill No. 143 was again resumed and concluded.

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

Resolved, That Senate Bill No. 143, being a substitute of the original bill, be printed, and that 150 copies thereof be ordered for the benefit of the members of the House.

Which motion prevailed, and
The resolution was adopted.

Mr. Stevens moved

That the rules be suspended, and that Senate Bill No. 5 be now read the first and second times, and referred to its appropriate committee,

Which motion prevailed, and
Senate Bill No. 5,

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

Was partially read the first time, when

Mr. Selby demanded a call of the House,

Call seconded.

Roll called.

All members present except Messrs. Beard, Green, Haugen, Hoyt, Lutz, Moore, Tandberg, Wickham and Zimmer.

Messrs. Beard, Green, Hoyt, Lutz, Moore, Tandberg and Wickham being excused.

Mr. Haugerud moved

That the Sergeant-at-Arms be instructed to bring in absent members,

Which motion prevailed.

Mr. Williams moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

The first reading at length of Senate Bill No. 5 was resumed and concluded, and Senate Bill No. 5

Was then read the second time, and referred to the Committee on Elections and Privileges.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 21, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 130.

Also,

That the President, by motion adopted, has appointed Messrs. LaMoure, Haggart and Cowan as a Conference Committee on the part of the Senate on House Bill No. 158,

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, moved

That when the House adjourn it be to meet again next Monday at 2 o'clock p. m.

Mr. Haugerud moved

As a substitute motion that when the House adjourn it be to meet again at 2 o'clock to-morrow,

Which motion was lost.

The question recurring on the motion of Mr. Thompson,

Mr. Stevens moved

To amend the motion by fixing the time at 2 o'clock p. m. Tuesday,

Roll call demanded.

The roll being called there were ayes 25, nays 28.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Buchanan,
Bye,
Court,
Currier,
Estabrook,
Gronli,
Haugen,

Messrs—

Langer,
McDonald,
McIntyre,
Milsted,
Pinkham,
Reed,
Richardson,
Selby,

Messrs—

Stevens,
Strom,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Walton,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Belden,
Bowen,
Brittin,
Cole,
Foss,
Hankinson,
Haugerud,
Heglie,
Ingebretson,
Ink,

Messrs—

Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
Montgomery,
Murphy,
Nedrud,
Norton,

Messrs—

Olsgard,
Rawlings,
Roney,
Stadleman,
Thomas,
Thomson of Walsh,
Watt,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Beard,
Christianson,
Green,

Messrs—

Hoyt,
Lutz,
Moore,

Messrs—

Renaud,
Tandberg,
Wickham.

Messrs. Beard, Green, Hoyt, Lutz, Moore, Tandberg and Wickham being excused.

And so the motion to adjourn until Tuesday was lost.

Mr. Lilly moved

To amend the original motion by fixing the time at 1:59 p. m. tomorrow,

Which amendment was lost, and

The question recurring on the original motion,

Roll call was demanded.

The roll being called there were ayes 44, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	McCormick,	Roney,
Balkan,	McCullough,	Selby,
Bowen,	McDonald,	Stadleman,
Brittin,	McIntyre,	Strom,
Buchanan,	Milsted,	Thomas,
Bye,	Montgomery,	Thompson of Cass,
Christianson,	Murphy,	Thomson of Walsh,
Court,	Nedrud,	Tyler,
Currier,	Norton,	Ueland,
Hankinson,	Olsgard,	Walsh,
Heglie,	Pinkham,	Walton,
Ingebretson,	Rawlings,	Watt,
Jahr,	Reed,	Williams,
Johnson,	Renaud,	Mr. Speaker.
Langer,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Gronli,	Lilly,
Cole,	Haugen,	Stevens,
Estabrook,	Hangerud,	Zimmer.
Foss,	Ink,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Lutz,	Tandberg,
Green,	Moore,	Wickham.
Hoyt,		

Messrs. Beard, Green, Hoyt, Lutz, Moore, Tanberg and Wickham being excused.

So the motion prevailed.

Mr. Heglie was excused until next Thursday.

Mr. Bye was excused until next Tuesday.

Mr. Walton was excused for next Monday.

Mr. Reed was excused until next Wednesday, and Mr. Pinkham until Tuesday.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 21, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives concurring:
That a committee of five be appointed by the President of the Senate to confer with a like committee from the House in regard to the petition of H. H. Barrett on irrigation.

Which the Senate has passed and your concurrence is respectfully requested, and that the President has appointed as a com-

mittee on the part of the Senate Messrs. Barlow, Fisher, Appleton, Cowan and Little.

C. C. BOWSFIELD,
Secretary.

Mr. McCormick moved
That the House concur in the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Ingebretson was excused until next Tuesday.

And Mr. Speaker appointed as the committee on the part of the House, Messrs. McCormick, Allen, McCullough, Norton and Nedrud.

Mr. Haugerud moved
That all members who have been excused, be permitted to retire
instantly,
Which motion prevailed.

Mr. Thompson of Cass, was excused for Monday.

Mr. Buchanan moved
To reconsider the vote by which the motion to adjourn until
next Monday was passed.

Roll call demanded.

The roll being called there were ayes 34, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Murphy,	Stevens.
Buchanan,	Norton,	Strom,
Bye,	Olgard,	Thompson of Cass,
Court,	Pinkham,	Thomson of Walsh,
Estabrook,	Rawlings.	Tyler,
Gronli,	Reed,	Ueland,
Ingebretson,	Renaud,	Walsh,
Johnson,	Richardson,	Walton,
Langer,	Roney,	Williams,
McDonald,	Selby,	Zimmer,
McIntyre,	Stadleman,	Mr. Speaker.
Milsted,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Foss,	Lilly,
Belden,	Hankinson	McCormick,
Bowen,	Haugen,	McCullough,
Brittin,	Haugerud,	Montgomery,
Christianson.	Heglie,	Nedrud,
Cole,	Ink,	Thomas,
Currier,	Jahr,	Watt.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Lutz,	Tandberg,
Green,	Moore,	Wickham.
Hoyt,		

Messrs. Beard, Green, Hoyt, Lutz, Moore, Tandberg and Wickham being excused.

So the motion to reconsider prevailed, and

Mr. Thompson of Cass, moved

That all members who vote against adjournment be not excused from attendance on Monday's session,

Which motion prevailed.

Mr. Stevens moved

That when the House adjourn it be to take a recess until next Tuesday at 2 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 23, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Milsted,	Strom,
Balkan,	Murphy,	Thompson of Cass,
Buchanan,	Norton,	Thompson of Walsh,
Bye,	Pinkham,	Tyler,
Christianson,	Reed,	Walsh,
Court,	Renaud,	Walton,
Ingebretson,	Richardson,	Zimmer.
McDonald,	Stadleman,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Heglie,	Nedrud,
Bowen,	Ink,	Rawlings,
Brittin,	Jahr,	Roney,
Cole,	Johnson,	Selby,
Currier,	Langer,	Stevens,
Estabrook,	Lilly,	Thomas,
Foss,	McCormick,	Ueland,
Gronli,	McCullough,	Watt,
Hankinson,	McIntyre,	Williams,
Haugen,	Montgomery,	Mr. Speaker.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Lutz,	Tandberg,
Green,	Moore,	Wickham.
Hoyt,	Olsgard,	

Mr. Estabrook explaining his vote.

Messrs. Green, Hoyt, Lutz, Moore, Tandberg and Wickham being excused.

And so the motion was lost.

Mr. Stevens moved

That the Speaker be excused for next Monday and Tuesday upon his designating a Speaker *pro tem*,

Which motion prevailed, and

Mr. Speaker designated as Speaker *pro tem* Mr. Stevens.

Mr. Selby moved

That when the House adjourn it be to take a recess until Monday at 2 o'clock p. m. with the understanding that no business be transacted at Monday's session, except the first and second reading of bills,

Which motion prevailed.

Mr. McCullough was excused until next Tuesday.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

NINETY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1890.

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

The Speaker *pro tem.* presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Balkan, Beard, Bye, Christianson, Court, Estabrook, Green, Haugen, Heglie, Ingebretson, Johnson, Langer, Lutz, McCullough, McDonald, McIntyre, Ols-gard, Pinkham, Reed, Richardson, Strom, Tandberg, Thompson of Cass, Thomson of Walsh, Walton, Zimmer and Mr. Speaker, excused.

PETITIONS, COMMUNICATIONS, ETC.

The Speaker presented the following communication:

To the Members of the House of Representatives:

I have this twenty-first day of February at the close of the day discharged the four Janitors of the House, and request the House to select two persons to act as Janitors of the House and committee rooms, and recommend that the compensation per day be not to exceed \$2.50.

The State cannot afford to pay \$20 a day for janitor work.

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

MR. SPEAKER:

Your committee on correction of Journal have examined House Journal of the ninety-fifth day and find the same correct.

L. A. UELAND,
Chairman.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session
Laws of 1885, relating to county mutual insurance companies.

Also,

House Bill No. 254,

A bill for an act to license express companies.

Also,

House Bill No. 177,

A bill for an act in relation to the manufacture and sale of
baking powders, sugars and syrups, vinegars, lard, and to prevent
fraud and to preserve the public health.

Also,

House Bill No. 277,

A bill for an act authorizing and empowering the organized
counties of the State of North Dakota to issue and dispose of
bonds to provide funds to pay the outstanding indebtedness, and
to provide for the payment of the principal and interest thereof;
and to repeal Chapter 13 of the Session Laws of 1887, and all
conflicting laws.

Also,

House Bill No. 251,

A bill for an act to amend Section 2 of Chapter 51, Laws of
1887, of the Political Code, being Section 619 of the Compiled
Laws.

Also,

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Pro-
bate Code.

Also,

House Bill No. 125,

A bill for an act declaring the maintenance of mill dams across
the flowing streams and natural water courses of this State unlaw-
ful when not used to furnish power for public mills.

Also,

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1,
Justice Code, of the Revised Code of 1877, being Section 6098 of
the Compiled Laws,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

Senate Bill No. 142.

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

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

C. A. CURRIER,
Chairman.

REPORTS OF SELECT COMMITTEES.

MR. SPEAKER:

Your Conference Committee on the difference on Senate Bill No. 133, have carefully considered the same and respectfully report and recommend that the House amendments to the report of the Conference Committee on said bill be concurred in.

J. H. WORST,
A. SVENSRUD,
G. B. WINSHIP,
On part of Senate.
J. F. SELBY,
F. J. THOMPSON,
J. E. REED,
On part of House.

Mr. Selby moved

To adopt the report of the Conference Committee,
Which motion prevailed, and

The report of the Conference Committee was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cole introduced—

House Bill No. 303,

A bill for an act to provide for amending articles of incorporation of building and loan associations,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Williams introduced—

House Bill No. 304,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions,

Which was read the first and second times, and referred to the Committee on Penal Institutions.

Mr. Stevens introduced—

House Bill No. 305,

A bill for an act for the establishment and government and maintenance of a Soldiers' Home,

Which was read the first and second times, and referred to the Committee on State Affairs.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 294,

A bill for an act to repeal Section 3, Chapter 7, Laws of 1887,
Was read the second time, and referred to the Committee on
Judiciary.

House Bill No. 295,

A bill for an act making an appropriation to pay for the publi-
cation of the Constitution of North Dakota in the newspapers of
the State,

Was read the second time, and referred to the Committee on
Appropriations.

House Bill No. 296,

A bill for an act providing for the organization and fixing, and
defining the power and duties of the Board of University and
School Lands, and making an appropriation therefor.

Which was read the first and second times, and referred to the
Committee on Appropriations.

House Bill No. 297,

A bill for an act to provide for the better protection of the
earnings of laborers, servants and other employes of corporations,
firms or individuals engaged in inter-state business,

Was read the first and second times, and referred to the Com-
mittee on Judiciary.

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses
when called in more than one case by the same party,

Was read the first and second times, and referred to the Com-
mittee on Judiciary.

House Bill No. 299,

A bill for an act requiring railroad companies to fence their
lines of road, and prescribing penalties for neglect thereof,

Was read the first and second times, and referred to the Com-
mittee on Railroads.

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties,

Was read the first and second times, and referred to the Com-
mittee on State Affairs.

House Bill No. 301.

A bill for an act to authorize the incorporation of detective as-
sociations to provide for boards of collection of bills and rewards
by, to prescribe their powers, duties and liabilities; prevent frauds
by and punish false pretenders,

Was read the first and second times, and referred to the Com-
mittee on State Affairs.

House Bill No. 302,

A bill for an act to prevent the spread of contagious and in-
fectious diseases among domestic animals,

Was read the first and second times, and referred to the Com-
mittee on Public Health.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 24, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in House amendments to Senate Bill No. 133.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE AUDITOR.

The following communication was received from the Auditor:

BISMARCK, N. D., February 24, 1890.

To the Speaker and House of Representatives of the First Legislative Assembly:

GENTLEMEN: I have the honor to acknowledge receipt of four vouchers issued by the Speaker and Chief Clerk to the Janitors of the House under instructions of the House.

I deem it my duty to return these vouchers to the House and ask their cancellation, and that vouchers be issued to these Janitors in accordance with the action of the House as disclosed by the following House Journal record:

The House organized November 19, 1889, and on November 26, 1889, Wm. Gleason, Henry Newcomer and Wm. Head were appointed Janitors of the House at a salary of \$2 per day each. On this same date, November 26th, a Joint Committee of the House and Senate was appointed to ascertain the number of employes necessary to take care of the Capitol building including the Senate Chamber and House of Representatives.

This committee reported that the care of the building was by law imposed upon a commission consisting of the Governor, Secretary of State, and Auditor of State, and that the House had no jurisdiction.

This in effect operated to discharge all persons engaged by either the House or the Senate to care for their rooms as both Houses adopted the report.

December 5, 1889, the Special Committee of the House on officers and salaries reported, fixing the salaries of all employes, save Janitors. On December 18, 1889, the House passed a resolution fixing the compensation of Wm. Gleason and Henry Newcomer at \$5 per day, but the resolution is silent as to the date of the commencement of this compensation.

Mr. R. R. Dutton was on December 18, 1889 appointed Assistant Janitor and Door Keeper of the cloak rooms at \$5 per day.

Upon this record I feel constrained to say that the salaries of Messrs. Gleason and Newcomer appear to have been fixed at \$2 per day from November 26, to December 18, 1889, inclusive, and at \$5 per day thereafter.

If the House will direct the issue of vouchers in accordance with the House record thereon, I will be pleased to honor the same. I am

Very respectfully your obedient servant,
J. P. BRAY,
State Auditor.

Mr. Ink moved

That it be made a special order for to-morrow at 4 o'clock,
Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 145,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown,

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 the State University, and to fix the salaries of the president and professors of the same,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 169,

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

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Was read the second time, and referred to the Committee on Education.

By unanimous consent, the Committee on Public Printing made the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the public printing and for use in the Legislature and State offices.

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

1. Strike out the title and substitute the following therefor, viz.:

A bill for an act to provide for the purchase of stationer's supplies for the use of the Legislative Assembly and the various State officers, and making an appropriation therefor.

2. That all after the enacting clause be stricken out and the following substituted therefor:

SECTION 1. The Commissioners of Printing, consisting of the Secretary of State, State Auditor and State Treasurer, are hereby authorized to purchase all stationer's supplies required for the use of the Legislative Assembly and the various State officers, and the Secretary shall issue the same from time to time as required on requisition of the proper State and Legislative officers.

SEC. 2. It shall be the duty of the Commissioners of Public Printing to make an estimate of the amount and kind of stationer's supplies required for the use of the State officers and the Legislative Assembly annually hereafter, on or before the first day of October in each year, and advertise for bids for furnishing the same. The board herein named shall fix the maximum rate on each article required and the bidder or bidders shall specify at what per cent. below the maximum rates so established the bidder will furnish the articles named; *Provided*, That the Commissioners of Printing may contract for such supplies as may be required prior to the letting of the contract for the first annual period.

SEC. 3. It shall be the duty of the Commission herein named to give public notice, for at least four consecutive weeks, by advertisement in four daily newspapers printed in this State, one of which shall be published at the capital of the State. that sealed proposals will be received until——(naming the

day, month and hour), at the office of the Secretary of State, for furnishing such quantities of stationers' supplies, describing the same, required. To secure the faithful performance of said contracts, the Commissioners of Printing shall take from the contractor or contractors, a bond payable to the State of North Dakota, with good and sufficient security, to be approved by the Secretary of State, in the penal sum of not less than double the amount to be paid such contractors, by virtue of such contracts; *Provided*, That the said Commission shall have power, and it shall be their duty, to reject any or all bids that may be considered exorbitant or against the interests of the State.

SEC. 4. Said bond shall be filed and retained in the office of the Secretary of State, and for any failure to comply with any of the conditions therein contained may be prosecuted in the name of the State in any court of competent jurisdiction, and the amount of damages when collected shall be paid into the State Treasury.

SEC. 5. The Commissioners of Printing shall certify to the State Auditor, from time to time, the amount due to such contractors, for stationer's supplies furnished under said contract, who shall issue his warrant upon the State Treasury for the amount so certified; and there is hereby appropriated annually out of any moneys in the treasury not otherwise appropriated a sufficient sum to meet the requirements of this act; *Provided*, That said Auditor shall not give his warrant for an amount to exceed 75 per cent. of the amount certified until said contract shall be fully completed and fulfilled.

SEC. 5. The Commissioners of Printing shall report to the Legislative Assembly, on the first day of each regular session, an itemized account of all stationer's supplies purchased by them with prices paid for same.

SEC. 7. Whereas, an emergency exists, in that there is no law providing for the purchase of stationer's supplies for the State; therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

D. P. THOMAS,
Chairman.

Mr. Ueland moved

That the reading of the report be dispensed with until printed,
Which motion prevailed.

Mr. McCormick moved

That House Bill No. 300 be referred to the Committee on State
Affairs.

Mr. Williams moved

That it be made a special order for Thursday next at 4 o'clock
p. m.,

Which motion prevailed, and
The bill was so referred.

Mr. McCormick moved

That all Janitors take their respective places until to-morrow,
Which motion prevailed.

Mr. Hankinson moved

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

J. G. HAMILTON,
Chief Clerk.

NINETY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1890.

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

The Speaker *pro tem.* presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker. excused.

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

MR. SPEAKER:

Your Committee on Correction of Journal have examined House Journal of the ninety-eighth day and find the same correct.

L. A. UELAND.
Chairman.

Messrs. Roney and Norton were excused for the day.

Mr. Bye was excused for three days.

Mr. Thompson of Cass, was excused for the day.

MOTIONS, RESOLUTIONS, ETC.

Mr. Currier moved

That Senate Bill No. 142 be returned to the Committee on State Affairs,

Which motion prevailed, and

The bill was recommitted.

Mr. Barlow moved

That House Bill No. 11 and House Bill No. 288 be made a special order for to-morrow at 3 o'clock p. m.,

Which motion prevailed, and

The bills were made a special order.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Moore introduced—

House Bill No. 307,

A bill for an act making it a misdemeanor for any person to ask or request for himself or another to be placed upon any jury, and making it a misdemeanor for any sheriff, constable or other person, when asked so to do, to select or place any such person upon the jury, and providing punishment therefor.

Mr. Williams introduced—

House Bill No. 308,

A bill for an act to prohibit fictitious and gambling transactions in grain and other agricultural products, stocks and bonds.

Mr. Currier introduced—

House Bill No. 306,

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

Which was read the first and second times, and referred to the Committee on Agriculture.

THIRD READING OF HOUSE BILLS.

House Bill No. 290,

A bill for act making an appropriation for the payment of the stationery and supplies purchased for the Legislative Assembly,

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

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Ræd,
Renaud,
Richardson,
Selby,
Stadleman,
Stevens,
Strom,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
Lutz,

Messrs—

McCullough,
McDonald,
Norton,
Roney,

Messrs—

Tandberg,
Thompson of Cass,
Walsh,
Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor;

And the title of the bill was agreed to.

Mr. Ink moved

To reconsider the vote by which House Bill No. 290 was passed and to lay the motion to reconsider upon the table,

Which motion prevailed.

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889,"

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

The roll being called there were ayes 39, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Pinkham,
Beard,	Haugen,	Reed,
Belden,	Haugerud,	Richardson,
Bowen,	Hoyt,	Selby,
Brittin,	Ingebretson,	Stadleman,
Buchanan,	Ink,	Stevens,
Christianson,	Jahr,	Strom,
Cole,	Lilly,	Thomas,
Court,	McCormick,	Tyler,
Currier,	McIntyre,	Ueland,
Foss,	Milsted,	Walton,
Green,	Moore,	Watt,
Gronli,	Nedrud,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Johnson,	Murphy,	Renaud,
Langer,	Olgard,	Thomson of Walsh,
Montgomery,	Rawlings,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McCullough,	Thompson of Cass,
Bye,	McDonald,	Walsh,
Estabrook,	Norton,	Wickham,
Heglie,	Roney,	Mr. Speaker.
Lutz,	Tandberg,	

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 105,

A bill for an act requiring the registration of births and deaths,

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

The roll being called there were ayes 37, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Rawlings,
Beard,	Hangerud,	Reed,
Belden,	Hoyt,	Richardson,
Bowen,	Ingebretson,	Selby,
Brittin,	Langer,	Stadleman,
Buchanan,	Lilly,	Strom,
Christianson,	McCormick,	Thomas,
Cole,	McIntyre,	Thomson of Walsh,
Court,	Milsted,	Tyler,
Currier,	Moore,	Ueland,
Foss,	Montgomery,	Watt.
Gronli,	Nedrud,	Zimmer.
Hankinson,	Olsgard,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Green,	Murphy,	Stevens,
Ink,	Pinkham,	Walton,
Jahr,	Renaud,	Williams.
Johnson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McCullough,	Thompson of Cass,
Bye,	McDonald,	Walsh,
Estabrook,	Norton,	Wickham,
Heglie,	Roney,	Mr. Speaker.
Lutz,	Tandberg,	

Messrs. Belkan, Bye, Eastbrook, Heglie, Lutz, McDonald, McCollough, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

So the bill passed, a majority of the members elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 119,

A bill for an act to amend Section 49, Chapter 4, of the Penal Code, in reference to punishment for Sabbath breaking,

Was read the third time, and

Mr. Ingebretson asked unanimous consent to amend the bill as follows:

Add after the word "offense" the following words: *Provided*, That this act shall not apply to any labor necessary to be performed on the Sabbath.

Which consent the House voted, and

Mr. Buchanan moved

That the amendment be laid upon the table.

Mr. Hoyt moved

That the further consideration of the bill be indefinitely postponed,

Roll call demanded.

The roll being called there were ayes 15, nays 32.

Those who voted in the affirmative were:

Messrs—

Allen,
Buchanan,
Court,
Currier,
Green,

Messrs—

Hoyt,
Ink,
Langer,
McIntyre,
Milsted,

Messrs—

Moore,
Murphy,
Renaud,
Stadleman,
Walton.

Those who voted in the negative were:

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Christianson,
Cole,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Ingebretson,
Jahr,
Johnson,
Lilly,
McCormick,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Richardson,
Selby,
Stevens,
Strom,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Watt,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
Lutz,

Messrs—

McCullough,
McDonald,
Norton,
Roney,
Tandberg,

Messrs—

Thompson of Cass,
Walsh,
Wickham,
Williams,
Mr. Speaker.

Mr. Zimmer explaining his vote.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the motion to indefinitely postpone was lost, and
The question being on the final passage of the bill,

The roll call being called there were ayes 31, nays 18.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Christianson,
Cole,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Ingebretson,
Jahr,
Johnson,
Lilly,
McCormick,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Richardson,
Selby,
Stevens,
Strom,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Watt.

Those who voted in the negative were:

Messrs—

Allen,
Buchanan,
Court,
Currier,
Green,
Hoyt,

Messrs—

Ink,
Langer,
McIntyre,
Milsted,
Moore,
Murphy,

Messrs—

Renaud,
Stadleman,
Walton,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McCullough,	Tandberg,
Bye,	McDonald,	Thompson of Cass,
Estabrook,	Norton,	Walsh,
Heglie,	Roney,	Mr. Speaker.
Lutz,		

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

So the bill was lost, a majority of the members-elect not voting therefor.

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation,

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

The roll being called there were ayes 38, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Pinkham,
Beard,	Ingebretson,	Rawlings,
Belden,	Ink,	Reed,
Bowen,	Jahr,	Richardson,
Brittin,	Johnson,	Stadleman,
Buchanan,	Langer,	Thomas,
Christianson,	Lilly,	Thomson of Walsh,
Cole,	McCormick,	Tyler,
Court,	McIntyre,	Ueland,
Currier,	Milsted,	Walton,
Foss,	Moore,	Watt,
Green,	Montgomery,	Zimmer.
Haugerud,	Nedrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gronli,	Olsgard,	Stevens,
Hankinson,	Renaud,	Strom,
Haugen,	Selby,	Williams.
Murphy,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McCullough,	Thompson of Cass,
Bye,	McDonald,	Walsh,
Estabrook,	Norton,	Wickham,
Heglie,	Roney,	Mr. Speaker.
Lutz,	Tandberg,	

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Thompson of Cass, Walsh and Mr. Speaker being excused.

Mr. Strom explaining his vote.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties,

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

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Reed,
Beard,	Ink,	Renaud,
Belden,	Jahr,	Richardson,
Bowen,	Johnson,	Selby,
Britten,	Langer,	Stadleman,
Buchanan,	Lilly,	Stevens,
Christianson,	McCormick,	Strom,
Cole,	McIntyre,	Thomas,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tyler,
Foss,	Montgomery,	Ueland,
Green,	Murphy,	Walton,
Gronli,	Nedrud,	Watt,
Hankinson,	Olsgard,	Wickham,
Haugerud,	Pinkham,	Williams,
Hoyt,	Rawlings,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Tandberg,
Bye,	McCullough,	Thompson of Cass,
Estabrook,	McDonald,	Walsh,
Haugen,	Norton,	Mr. Speaker.
Heglie,	Roney,	

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Speaker called Mr. Moore to the Chair.

Mr. Selby moved

That House Bill No. 291 be made a special order for to-morrow afternoon at 2:30 o'clock.

Which motion prevailed.

House Bill No. 200,

A bill for an act to authorize the board of township supervisors to let township funds out on interest,

Was read the third time, and

Mr. McCormick moved

That the rules be suspended for the purpose of permitting the introduction and consideration of amendments to the bill,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 25, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 155,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements.

Also,

Senate Bill No. 179,

A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883.

Also,

Senate Bill No. 174,

A bill for an act providing for the election of certain county officers named,

All of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. McCormick moved

To amend the bill as follows:

In Section 4, after the word "bond" in line 3 insert the following: "Executed by the person, firm or corporation with whom such funds are to be deposited;" also, after the word "sureties" in line 6 of Section 2 insert the following words, "and filed with the town clerk."

Which motion prevailed, and

The bill was so amended.

Mr. Ink moved

To further amend the bill by adding after the word "reliable" in the fourth line of the substitute as printed in the Journal, the word "individual,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 23, nays 26.

Those who voted in the affirmative were:

Messrs—

Allen,
Brittin,
Christianson,
Cole,
Currier,
Foss.
Gronli,
Haugerud,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Milsted,
Nedrud,
Olsgard,

Messrs—

Selby,
Strom,
Tyler,
Ueland,
Walton,
Watt,
Wickham.

Those who voted in the negative were:

Messrs—

Beard,
Belden,
Bowen,
Buchanan,
Court,
Green,
Hankinson,
Haugen,
Hoyt,

Messrs—

Langer,
Lilly,
McCormick,
Moore,
Montgomery,
Murphy,
Pinkham,
Rawlings.
Reed,

Messrs—

Renaud,
Richardson,
Stadleman,
Stevens,
Thomas,
Thomson of Walsh,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
Lutz,

Messrs—

McCullough,
McDonald,
McIntyre,
Norton,
Roney,

Messrs—

Tandberg,
Thompson of Cass,
Walsh,
Mr. Speaker.

Messrs. Balkan, Bye, Heglie, Lutz, McCormick, McDonald, McIntyre, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill as amended was lost, a majority of the members-elect not voting therefor.

Mr. Nedrud (by unanimous consent) made the following report of the Committee on Agriculture:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 306,

A bill for an act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers residents therein," approved February 14, 1890,

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

A. C. NEDRUD,
Chairman,

House Bill No. 254,

A bill for an act to license express companies.

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

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick
McIntyre,
Milsted,
Moore,

Messrs—

Rawlings,
Renaud,
Richardson,
Selby,
Stevens,
Strom,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walton,

Messrs—

Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Absent and not voting:

Messrs—

Balkan,
Bye,
Eastabrook,
Heglie,
Lutz,

Messrs—

Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,

Messrs—

McCullough,
McDonald,
Norton,
Reed,
Roney,

Messrs—

Watt,
Wickham,
Williams,
Zimmer.

Messrs—

Stadleman,
Tandberg,
Thompson of Cass,
Walsh,
Mr. Speaker.

Messrs. Balkan, Bye, Eastabrook, Heglie, Lutz, McCullough, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

So the bill passed, a majority of the members elect voting therefor,

And the title of the bill was agreed to.

Mr. Zimmer moved

That the vote by which House Bill No. 254 was passed, be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 251,

A bill for an act to amend Section 2, of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws,

Was read the third time, and

Mr. Thomas moved

That the rules be suspended to permit the presentation and consideration of amendments to the bill,

Which motion prevailed, and

Mr. Thomas moved

To amend the bill by adding the following section:

Sec. 3. Whereas, official newspapers should be designated long prior to July 1st, therefore an emergency exists; therefore, this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed, and

The bill was so amended.

Mr. Zimmer moved

To further amend the bill by striking out wherever they occur in the bill the words "three newspapers" and inserting in lieu thereof the words "two newspapers,"

Which motion prevailed, and

The bill was so amended.

Mr. Montgomery moved

To further amend the bill as follows:

In Section 2, line 5, insert the word "one" where the word "three" now appears at end of line,

Which amendment was withdrawn.

Mr. Cole moved

To further amend the bill as follows:

In line 16, printed bill strike out the word "the" after the word "at" and insert the letter "a" instead.

In the same line strike out the word "of" after the word "rate" and insert the word "not" instead.

Mr. Wickham moved

That further consideration of the bill be postponed until next Friday at 3 o'clock,

Which motion prevailed.

Mr. Currier (by unanimous consent) made the following report of the Committee on State Affairs:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 305,

A bill for an act for the establishment and government and maintenance of a Soldiers' Home,

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

C. A. CURRIER,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 25, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 14,

A bill for an act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,

Which the Senate has passed with the following amendments:

CREDITS, HOW LISTED AND ASSESSED.] Any person who is required to list credits, either for himself or for any other person, firm or corporation, may deduct from the gross amount thereof, the amount of all *bona fide* indebtedness of himself or of any such person, firm or corporation; but no acknowledgment of indebtedness not founded on actual consideration to the full amount of such acknowledgment at the time when the same was given, and no acknowledgment made for the purpose of being so deducted, shall be considered a debt in the meaning of this section, and every person so claiming any deductions shall furnish the assessor with a list containing; 1st. The amount of all book accounts. 2d. The amount of all notes due to him, and also a list of the amount of all book accounts owing by him, and of the amount of all notes owing by him, and he shall be required to verify the same by oath administered by the assessor. Nothing in this section shall be so construed as to apply to any bank, banker or corporation exercising banking powers or privileges; *Provided, however,* That any person, company or corporation in making up the amount of personal property required to be listed for himself, company or corporations shall be allowed to deduct from the gross amount thereof any indebtedness of himself, company or corporation if the same be owned or held

within this State; *Provided, further,* That grain held by the producer of the same, actually sold or contracted to be sold but not delivered, shall be classed as credits.

Amend Section 55, line 4, after the word "March" by inserting the words "in each and every year."

Amend Section 57, line 13, by inserting after the word "costs" the following: "And such taxes shall, from the date of docketing of such judgment, and not before, become a lien upon any real estate in the county which the judgment debtor shall own, or the title to which he may subsequently acquire."

Amend Section 103 by striking out all after the word "shall" in line 10 down to the word "come" in line 19, and after the word "cause" strike out the words "such notice."

Also, strike out all of line 23 after the word "State" down to the word "the" in line 26.

Amend Section 46 by striking out Subsections 3, 4 and 5.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That the message from the Senate be received without being read,

Which motion prevailed.

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code,

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

The roll being called there were ayes 44, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,
Selby,
Stadleman,
Stevens,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
McCormick,
McCullough,

Messrs—

McDonald,
Norton,
Roney,
Tandberg,
Thomas,

Messrs—

Thompson of Cass,
Walsh,
Wickham,
Williams,
Mr. Speaker.

Messrs. Moore and Strom voting in the negative.

Messrs. Balkan, Bye, Estabrook, Heglie, McCullough, Mc-

Donald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Speaker called Mr. Pinkham to the Chair.

House Bill No. 125,

A bill for an act declaring the maintenance of mill dams across the flowing streams and natural water courses of this State unlawful when not used to furnish power for public mills,

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

The roll being called there were ayes 22, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	McIntyre,	Renaud,
Beard,	Milsted,	Richardson,
Belden,	Moore,	Selby,
Cole,	Montgomery,	Walton,
Court,	Nedrud,	Watt,
Hoyt,	Pinkham,	Wickham,
Langer,	Rawlings,	Williams.
Lilly,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bowen,	Haugen,	Reed,
Brittin,	Haugerud,	Stadleman,
Buchanan,	Ingebretson,	Stevens,
Christianson,	Jahr,	Strom,
Currier,	Johnson,	Thompson of Walsh,
Foss,	McCormick,	Tyler,
Green,	Murphy,	Ueland,
Gronli,	Olsgard,	Zimmer.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Tandberg,
Bye,	McCullough,	Thomas,
Estabrook,	McDonald,	Thompson of Cass,
Heglie,	Norton,	Walsh,
Ink,	Roney,	Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

The Speaker *pro tem.* announced his signature to Senate Bill No. 85,

A bill for an act amending Chapter 42 of the acts of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act authorizing and empowering organized counties of Dakota to erect county buildings for court house

and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds.

Also,

Senate Bill No. 9,

A bill for an act to amend Sections 16 and 18 of Subchapter 2 of Chapter 112 of the General Laws of 1883 of the Territory of Dakota, entitled "An Act to provide for the organization of civil townships and the government of the same."

Also,

Senate Bill No. 109,

A bill for an act granting power to county courts to direct the mortgaging of real estate belonging to the estate of deceased persons and the estate of minor and incompetent persons.

Also,

Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of the Legislative Assembly of the State of North Dakota, and to provide for the compensation and payment of the same.

COMMUNICATION FROM THE STATE TREASURER.

The following communication was received from the State Treasurer:

TREASURER'S OFFICE,
BISMARCK, February 25, 1890.

To the Honorable Members of the House of Representatives:

I beg leave to call your attention to the following facts: That there is no money in the treasury with which to pay the *per diem* of the members of the Legislature upon adjournment.

We have floated funding warrants to the extent of our limit, fifty thousand dollars.

If funds are provided immediately this limit will have to be increased, or the money can be provided within sixty days if immediate action is taken upon Senate Bill No. 57. Awaiting your pleasure,

I am, your obedient servant,

L. E. BOOKER,
Treasurer.

Mr. Cole moved

To refer the communication to the Committee on Judiciary.

Mr. Zimmer moved

As a substitute that the communication be referred to the Committee on Appropriations.

Mr. Thompson of Cass, moved

To amend by striking out the word "Appropriations" and inserting in lieu thereof the words "Ways and Means,"

Which amendment prevailed, and

The substitute motion as amended prevailed.

Mr. Williams moved

That the consideration of the communication from the State

Auditor, made a special order for 4 o'clock be postponed until tomorrow at 4 o'clock,

Which motion was lost.

Mr. Hankinson moved

That vouchers be issued for the Janitors in accordance with the recommendations of the State Auditor.

Mr. Williams moved

That the entire matter be referred to the Committee on State Affairs,

Which motion was lost, and

The question recurring on the original motion,

The original motion prevailed.

Mr. Ink moved

That the four Janitors be reinstated for the balance of the session, and that their compensation be \$2.50 per day each.

Mr. Zimmer moved

As a substitute that two Janitors be employed at a salary of \$2.50 each per day.

Roll call demanded.

Mr. Pinkham demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Balkan, Bye, Estabrook, Green, Heglie, Lutz, McCullough, Mc Donald, McIntyre, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh, and Mr. Speaker, excused.

Mr. McIntyre was excused.

Mr. Ink moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

The question being on the substitute motion of Mr. Zimmer,

The roll being called there were ayes 14, nays 31.

Those who voted in the affirmative were:

Messrs—

Allen,
Christianson.
Cole,
Gronli,
Hankinson

Messrs—

Jahr,
Johnson,
Montgomery,
Murphy,
Renaud,

Messrs—

Stadleman,
Stevens,
Thomson of Walsh,
Zimmer.

Those who voted in the negative were:

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Messrs—
 Beard,
 Belden,
 Brittin,
 Buchanan,
 Court,
 Currier,
 Foss,
 Haugen,
 Haugerud,
 Hoyt,
 Ingebretson,

Messrs—
 Ink,
 Langer,
 Lilly,
 McCormick,
 Milsted,
 Moore,
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings.
 Reed,

Messrs—
 Richardson,
 Selby,
 Strom,
 Thomas,
 Tyler,
 Ueland,
 Walton,
 Watt,
 Wickham,
 Williams.

Absent and not voting:

Messrs—
 Balkan,
 Bowen,
 Bye,
 Estabrook,
 Green,
 Heglie,

Messrs—
 Lutz,
 McCullough,
 McDonald,
 McIntyre,
 Norton,

Messrs—
 Roney,
 Tandberg,
 Thompson of Cass,
 Walsh,
 Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

So the substitute motion was lost.

The question then recurring on the original motion,
 The original motion prevailed.

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

Be it Resolved by the House of Representatives of the State of North Dakota, That the Speaker of this House appoint two Janitors at \$2.50 per day, and said Janitors shall be under the direction, control and supervision of the Speaker of this House, and he shall be empowered to discharge the same for any dereliction of duty.

Which motion was lost, and
 The resolution was lost.

Mr. Hankinson moved

That the four Janitors of the House be under the direction of the House, and that the Speaker have power to discharge any of them when derelict in their duty, and that notice of such discharge be given to the House,

Which motion prevailed.

Mr. Speaker called Mr. Jahr to the Chair.

House Bill No. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code, of the Revised Code of 1877, being Section 6098 of the Compiled Laws,

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

The roll being called there were ayes 34, nays 4.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Christianson,
Cole,
Currier,
Foss,
Hankinson,
Hoyt,
Ingebretson,

Messrs—

Jahr,
Johnson,
Langer,
Lilly,
McCormick,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Pinkham,

Messrs—

Rawlings,
Reed,
Selby,
Stadleman,
Strom,
Thomas,
Tyler,
Ueland,
Watt,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—

Gronli,
Haugen,

Messrs—

Haugerud,

Messrs—

Olsgard.

Absent and not voting:

Messrs—

Balkan,
Buchanan,
Bye,
Court,
Estabrook,
Green,
Heglie,
Ink,

Messrs—

Lutz,
McCullough,
McDonald,
McIntyre,
Norton,
Renaud,
Richardson,
Roney,

Messrs—

Stevens,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Zimmer,
Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, McIntyre, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor.

And the title of the bill was agreed to.

Mr. Hoyt moved

That the privileges of the floor be extended to Messrs. M. B. Green and Aaron McDonald, constituents of Representative Green,

Which motion prevailed.

House Bill No. 176,

A bill for an act to prevent deception in the sale of dairy products, and to preserve the public health, and to prohibit and prevent the sale or manufacture of unhealthy or adulterated dairy products,

Was read the third time, and

Mr. Lilly asked unanimous consent to amend the bill as follows:

In Section 3, line 7 strike out after the word "manufactory" the words "That is sour" and insert the same after the word "milk" in same line.

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Beard,	Ink,	Richardson,
Belden,	Jahr,	Selby,
Bowen,	Johnson,	Stadleman,
Brittin,	Lauger,	Stevens,
Cole,	Lilly,	Strom,
Court,	McCormick,	Thomas,
Currier,	Milsted,	Thomson of Walsh
Foss,	Moore,	Tyler.
Green,	Montgomery,	Ueland,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Watt,
Haugen,	Olsgard,	Wickham,
Haugerud,	Pinkham.	Williams.
Hoyt,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Roney,
Buchanan,	McCullough,	Tandberg,
Bye,	McDonald,	Thompson of Cass,
Christianson,	McIntyre,	Walsh,
Estabrook,	Norton,	Zimmer,
Heglie,	Reed,	Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, McIntyre, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Speaker called Mr. Foss to the Chair.

House Bill No. 277,

A bill for an act authorizing and empowering the organized counties of the State of North Dakota to issue and dispose of bonds to provide funds to pay the outstanding indebtedness, and to provide for the payment of the principal and interest thereof; and to repeal Chapter 13 of the Session Laws of 1887, and all conflicting laws,

Was read the third time, and

Mr. Moore asked unanimous consent to amend the bill as follows:

In Section 7, line 7, after the word "issued" insert the words "the purpose for which they are to be issued."

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Bowen,	Jahr,	Selby,
Brittin,	Johnson,	Stadleman,
Christianson,	Langer,	Strom,
Cole,	Lilly,	Thomas,
Court,	McCormick,	Thomson of Walsh,
Currier,	Milsted,	Tyler,
Foss,	Moore,	Ueland,
Green,	Montgomery,	Walton,
Gronli,	Murphy,	Watt,
Hankinson,	Nedrud,	Wickham,
Haugen,	Olsgard,	Williams.
Haugerud,	Pinkham,	Zimmer,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McCullough,	Roney,
Buchanan,	McDonald,	Tandberg,
Bye,	McIntyre,	Thompson of Cass,
Estabrook,	Norton,	Walsh,
Heglie,	Reed,	Mr. Speaker.
Lutz,		

Mr. Stevens voting in the negative.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, McIntyre, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Jahr was excused during sickness in his family.

Mr. Speaker called Mr. Brittin to the Chair.

House Bill No. 177,

A bill for an act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, and to prevent fraud and to preserve the public health,

Was read the third time, and

Mr. Ueland asked unanimous consent to amend the bill as follows:

Strike out in Section 5, line 3, the words "State Dairy Commissioners Fund" and insert the words, "common school fund."

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 41, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Rawlings,
Beard,	Ink,	Renaud,
Belden,	Jahr,	Richardson,

Messrs—	Messrs—	Messrs—
Bowen,	Johnson,	Selby,
Brittin,	Langer,	Stevens,
Christianson,	Lilly,	Strom,
Cole,	McCormick,	Thomas,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tyler,
Foss,	Montgomery,	Ueland,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Wickham,
Haugen,	Olsgard,	Williams,
Haugerud,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Stadleman,
Buchanan,	McCullough,	Tandberg,
Bye,	McDonald,	Thompson of Cass,
Estabrook,	McIntyre,	Walsh,
Green,	Norton,	Zimmer,
Heglie,	Reed,	Mr. Speaker.
Hoyt,	Roney,	

Mr. Watt voting in the negative.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, McIntyre, Norton, Roney, Tandberg, Thompson of Cass, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

That when the House adjourn it be to meet again at 7:30 o'clock this evening,

Which motion prevailed.

Mr. Williams moved

That the House do now adjourn,

Which motion was lost.

Mr. Ink moved

To reconsider the vote by which the House decided to meet at 7:30 this evening,

Which motion was lost.

Mr. Williams moved

That the House do now adjourn,

Which motion was lost.

Mr. Haugerud moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned until 7:30 p. m.

EVENING SESSION.

The House re-assembled at 7:30 o'clock p. m., pursuant to adjournment.

Mr. Ink moved

To dispense with the roll call,
Which motion prevailed.

Mr. Williams moved

That the rules be suspended, and that the House proceed to the first and second reading of Senate bills,

Which motion prevailed, and
Senate Bill No. 155,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck, and for making needed permanent improvements,

Was read the first and second times, and

Mr. Williams moved

That the bill be referred to General Orders, to be considered at the same time as the House bill on the same subject,

Which motion prevailed, and
The bill was so referred.

Mr. Speaker called Mr. Christianson to the Chair.

Senate Bill No. 174,

A bill for an act providing for the election of certain county officers named,

Was read the first and second times, and referred to the Committee on Counties.

Senate Bill No. 179,

A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883, entitled "An Act to provide for the appointment of an agent to receive service for a non-resident executor, administrator or guardian, and for other purposes,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Thomson of Walsh, was excused for this session.

Mr. Ueland moved

That the House take an informal recess for five minutes,

Which motion prevailed, and

The House took an informal recess.

House re-assembled.

Mr. McCormick moved

That the Sergeant-at-Arms be instructed to bring in the absent members,

Which motion prevailed.

Mr. Williams demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Allen, Balkan, Belden, Bowen, Brittin, Buchanan, Bye, Currier, Estabrook, Foss, Heglie, Hoyt, Ingebretson, Jahr, Langer, Lutz, McCullough, McDonald, McIntyre, Milsted, Moore, Montgomery, Norton, Reed, Renaud, Richardson, Roney, Selby, Stadleman, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Walsh and Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Lutz, McCullough, McDonald, Norton, Roney, McIntyre, Tandberg, Thompson of Cass, Thomson of Walsh, Walsh and Mr. Speaker being excused.

Mr. Allen was excused for this session.

Mr. Richardson moved

That further proceedings under the call of the House be dispensed with,

Which motion was lost.

Mr. Lilly moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

COMMITTEE OF THE WHOLE.

Mr. Williams moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed, and

Mr. Speaker called Mr. Williams to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors,

And recommend that the following amendments proposed by the Committee on Agriculture be adopted:

At the end of Section 1 add the following: "Such inspector may appoint as many deputies as he may deem necessary."

And that when so amended the bill do pass.

Also,

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code relating to chattel mortgages,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

In line 3, Section 1, of printed bill, immediately before the first word therein, viz.: "any" insert the following: "The original mortgagee and mortgagor, his heirs or assigns and against."

Add the following as Section 3:

SEC. 3. That there exists a difference of opinion and a doubt as to the meaning and interpretation of the existing law relating to the renewal of chattel mortgages; therefore, this act shall take effect and be in force from and after its passage and approval.

That the preamble be stricken out.

That the title be stricken out, and the following inserted in lieu thereof: "An act to amend Section 1, Chapter 25, of the General Laws of 1881, being Section 4383, of the Compiled Laws."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 170,

A bill for an act to preserve the waters of the Red river, Missouri and James rivers and their tributaries,

And recommend that the following amendments proposed by the Committee on Public Health be adopted:

In Section 1, lines 4 and 5, strike out the words "Red river, Missouri river or the James river or any of their tributaries," and insert the words "into any river flowing through, or in, or on the boundary line of the State of North Dakota or any stream tributary to any such river."

Amend title so as to conform with amendment to Section 1.

Add as Section 3: Chapters 70 of Laws of 1883, 103 of Laws of 1881, 94 of Laws of 1883, 102 of Laws of 1887 are hereby repealed.

And that when so amended the bill do pass.

Also,

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session Laws of 1887,

And recommend that the following amendments proposed by the Committee on Military affairs be adopted:

In the preamble strike out the words "to read as follows:"

In Section 1, line 14, strike out the word "fifteenth" and insert in lieu thereof the word "twentieth." Add the following at the end of Section 1, "and it shall be unlawful for any person to hunt prairie chicken, pinnated grouse, sharp-tailed grouse or ruffled grouse with dog or dogs for a period of three years after the passage and approval of this act."

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. Nothing in this act shall be construed to prohibit persons from hunting in season with dog or dogs on their own premises.

Strike out all of Section 3.

And that when so amended the bill do pass.

Also,

House Bill No. 244,

A bill for an act to amend the Insurance Laws of the Territory of Dakota,

And recommend that the following amendments proposed by the Committee on Insurance be adopted:

That the following be substituted for Section 16:

SEC. 16. That Section 16 of Chapter 69 of the General Laws of 1885 be amended to read as follows: "Section 16. Every insurance company doing business in this State must transmit the Commissioner of Insurance a statement of its condition and business for the year ending on the preceding 31st day of December, which shall be rendered on the 1st day of January in each year or within one month thereafter, except that foreign insurance companies shall transmit their statements of business other than that taken in the United States prior to the following 1st day of May. Such statement must be published at least three times in a newspaper of general circulation printed and published in each judicial district of the State in which said insurance company shall have an agency, and a duplicate thereof upon which shall be endorsed the names of the attorneys on whom process of law can be served as required by this act, shall be filed in the office of the register of deeds of the county wherein the agency may be established, but the provisions of this section as to the appointment of attorney shall not apply to companies organized within this State. Statements for publication shall be made out on blanks furnished by the Commissioner of Insurance, and the Commissioner of Insurance's certificate of authority for the company to do business in this State shall be published in connection with said statement of such company doing business in this State. Proof of publication, to-wit: The printer's affidavit of the fact shall be filed with the Commissioner of Insurance in all cases, which affidavit shall state that said insurance company has paid said newspaper one-half of the authorized rate for publishing legal notices, and that the full amount named inures to the sole benefit of the publisher or publishers thereof, and that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that every affidavit of publication shall state in plain terms the full amount authorized herein has been charged and collected for such publication; *Provided*, The Commissioner of Insurance shall select three newspapers of general circulation published in each of the judicial districts, from which said company shall select one in which said statement shall be published. In each district where there are one or more newspapers publishing daily and weekly editions, one of such daily and weekly newspapers shall be selected and said statement shall be published one time in the daily edition and two times in the weekly edition of the newspaper so selected and designated to publish said statement, and the charge for such publication shall be the same as if three continuous insertions of said statement had been made in either the daily or weekly edition only. That Section 10, of Chapter 69, of the General Laws of 1889, entitled "Insurance" be amended so as to read as follows: "SEC. 10. That Section 16, Chapter 69, Laws of 1885, be and the same is hereby amended by adding to said section the following words: "And the proof of publication herein required shall be filed with the Commissioner of Insurance within four months from the time of the filing of the annual statement." This law is intended to define the lawful rate for the publication of insurance statements and repeal Sections 1, 3 and 4, of Chapter 51, of the General Laws of 1887, in so far as said sections have been held to refer to the publication of insurance statements."

Also, recommend that the bill be further amended as follows:

On page 28, printed bill, Section 40, line 4, strike out the words "twenty-five" and insert the words "one hundred" instead.

And that when so amended the bill do pass.

Also,
House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions

and proceedings, both civil and criminal now pending in the eighth Subdivision of the Sixth judicial district to the proper counties,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Amend the title by striking out present title and substituting the following in lieu thereof:

"An act to provide for the clerks of court to transcribe and deliver all papers and records pertaining in any manner to any civil and criminal action now pending in any county, to the clerk of court of the county in which such action or actions properly belong."

Strike out Sections 1 and 2 of the bill and insert the following instead:

SECTION 1. That all actions and proceedings, both civil and criminal, now pending in any subdivision in any judicial district, heretofore created by act or acts of the Legislature of the Territory of Dakota, which do not properly belong therein under the provisions of the Code of Civil Procedure and the Code of Criminal Procedure of the Territory of Dakota, now State of North Dakota, by reason of the change in the judicial districts and subdivisions thereof heretofore existing by law, said change made and established by Section 105 of the Constitution of the State of North Dakota, shall be tried, heard and determined in the district court held in the district and in the county wherein the cause of action arose, or the offense was committed, or the venue is laid.

SEC. 2. That the clerk of the court of any county having within his custody any papers or records pertaining in any manner to any action or proceeding, either civil or criminal, which does not properly belong to his county according to the provisions of Section 1 of this act, shall, and he is hereby required, under his hand and seal, where a seal is required by law to be used, transcribe and deliver all such papers and records to the clerk of the county to which the same properly belongs; *Provided, however,* That such clerk of the court may retain possession of all such papers and records until such time as all accrued fees in the action or actions to be transferred are fully paid.

SEC. 3. An emergency exists in that by constitutional provision the boundaries of judicial districts have been changed, and actions are now pending in counties in which they do not properly belong, therefore this act shall be in force and effect from and after its passage and approval.

And that when so amended the bill do pass.

Also,

House Bill No. 233,

A bill for an act amending Section 1397 of the Compiled Laws of 1887, Section 1, Chapter 6, of the Revised Code of 1877,

And recommend that the following amendments proposed by the Committee on Judiciary be adopted:

Strike out present title and insert the following in lieu thereof:

A bill for an act to amend Section 1, Chapter 6 of the Revised Code of 1877, being Section 1397 of the Compiled Laws.

Amend Section 1 by striking out all of lines 1, 2 and 3 of printed bill, and insert the following in lieu thereof:

That Section 1, Chapter 6 of the Revised Code of 1877, being Section 1397 of the Compiled Laws be amended to read as follows:

And that when so amended the bill do pass.

Also,

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

And recommend that the following amendments proposed by the Committee on Public Health be adopted:

In Section 3, line 3 of printed bill, strike out the word "sustained" and insert the word "passed."

In Section 4 strike out all the words after the word "the" in line 1, before the words "North Dakota," as far as the word "Governor" in line 3.

Also, strike out the words "the said three pharmacists duly elected and appointed," in lines 4 and 5, and insert the following: "Reputable and practicing pharmacists doing business in this State who."

In line 8, same section, strike out all the words after the word "qualified," as far as the word "Governor," in lines 10 and 11.

In line 15, Section 4, strike out all the words after the word "pharmacist," as far as the words "to serve," and insert the words "reputable and duly qualified" before the word "pharmacist" in line 15.

In Section 8, line 9, after the word "board" strike out all the words to end of section, and insert the words "within one year without paying any additional fee."

In Section 8, line 7, strike out the words "be attempted." Also, in line 7, after the word "before," insert the words "submitting himself to."

In Section 10, line 5, strike out the word "two" and insert the word "one" before the word "dollars."

In Section 15, line 6, strike out all the words after the word "all" to the end of the section in line 8.

And that when so amended the bill do pass.

Also,

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

And recommend that the following amendment proposed by the Committee on Corporations Other Than Municipal be adopted:

Amend Section 1 by adding the following:

Provided, That the aggregate amount of such license shall not exceed the amount of \$5,000 per annum.

And that when so amended the bill do pass.

Also,

Senate Bill No. 154,

A bill for an act regulating the construction of artesian wells in townships, and the purchase of machinery to construct the same, and authorizing the borrowing of money and issuing of bonds in aid thereof,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 36,

A bill for an act regulating the filing of chattel mortgages,

And recommend that further consideration of the bill be indefinitely postponed.

Also,

Senate Bill No. 125,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized.

And recommend that the following amendments proposed by the Committee on Municipal Corporations be adopted:

Strike out the word "in" before the words "such term" in line 14. of the original bill and insert the word "upon" in lieu thereof.

And when so amended recommend that the bill do pass.

E. A. WILLIAMS,
Chairman.

Mr. Hankinson moved

To adopt the report.

Mr. Ueland moved

To adopt the report with the exception of Senate Bill No. 154,

Mr. McCormick moved

To further amend by also excepting Senate Bill No. 78,

Which motion prevailed, and

The question recurring on the motion of Mr. Ueland,

The motion was lost.

Mr. Ink moved

To amend the original motion by excepting House Bill No. 36,

Which motion was lost, and

The question recurring on the motion to adopt the report,

The motion prevailed, and

The report of the Committee of the Whole was adopted.

Mr. Hankinson moved

That the House do now resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion was lost.

Mr. Haugen moved

That the House do now adjourn,

Which motion was lost.

Mr. Williams moved

That the House do now adjourn,

Which motion was lost.

Mr. McCormick demanded a call of the House.

Call seconded.

Mr. Haugen moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Pinkham moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDREDTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 26, 1890.

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

The Speaker *pro tem.* presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker, excused.

Mr. Olsgard moved

That the reading of the Journal be dispensed with, and that a committee of three be appointed to revise and correct the same and report to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Olsgard, Ueland and Green.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
House Bill No. 299,

A bill for an act requiring railroad companies to fence their line of road and prescribing penalties for neglect thereof,

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

Strike out of Section 1 the following: "County commissioners of the several counties through which the same may run," and insert the following instead, "the Commissioners of Railroads may prescribe."

Amend by striking out of Section 4 of the original bill the following: "In case such action shall be pending in the district court," also strike out of Section 4 the following: "And in case such action be maintained before a justice of the peace, the sum of \$10 cost shall be recovered against such company."

Amend by striking out Sections 6 and 7 and renumbering the sections of said bill to correspond.

And when so amended recommend that said bill do pass.

R. N. STEVENS,
Chairman.

Mr. McCormick moved

That the rules be suspended, and that House Bill No. 299 be considered as engrossed, and that it be now placed upon its third reading and final passage,

Which motion prevailed, and
House Bill No. 299,

A bill for an act requiring railroad companies to fence their line of road, and prescribing penalties for neglect thereof,

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

The roll being called there were ayes 33, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Stevens,
Beard,	Ink,	Strom,
Bowen,	Johnson,	Thomas,
Brittin,	Langer,	Thompson of Cass,
Buchanan,	McCormick,	Thomson of Walsh,
Christianson,	McIntyre,	Tyler,
Cole,	Milsted,	Ueland,
Court,	Nedrud,	Walton,
Foss,	Renaud,	Watt,
Green,	Richardson,	Williams,
Gronli,	Roney,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Lilly,	Reed,
Hankinson,	Montgomery,	Selby,
Haugen,	Pinkham,	Stadleman,
Haugerud,	Rawlings,	Wickham.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Norton,
Bye,	McCullough,	Olgard,
Currier,	McDonald,	Tandberg,
Estabrook,	Moore,	Walsh,
Heglie,	Murphy,	Mr. Speaker.
Jahr,		

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, Norton, McCullough, McDonald, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Green moved

That the vote by which House Bill No. 299 passed, be reconsidered, and that the bill be made a special order for to-morrow afternoon at 3 o'clock,

Which motion was lost.

The Committee on Engrossed Bills made the following report:

Mr. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 306,

A bill for an act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers residents therein," approved February 14, 1890,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Currier moved

That the rules be suspended and that House Bill No. 306 be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 306,

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

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

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Hovt,

Messrs—

Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,

Messrs—

Jahr,
Lutz,
McCullough,
McDonald.

Messrs—

Norton,
Tandberg,
Walsh,
Mr. Speaker.

Mr. Stevens voting in the negative.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Lilly moved

To reconsider the vote by which House Bill No. 306 was passed,
Which motion prevailed.

Mr. Williams moved

To lay the bill on the table,
Which motion prevailed.

CONSIDERATION OF SPECIAL ORDERS.

Mr. Selby moved

That House Bill No. 291, made a special order for 2:30 o'clock
be now read the third time, and placed upon its final passage,

Which motion prevailed, and

House Bill No. 291,

A bill for an act to provide for the changing and relocating of
county seats,

Was read the third time, and

Mr. Haugerud moved

That the rules be suspended to permit the presentation and con-
sideration of amendments to the bill,

Which motion was lost.

Mr. Selby asked unanimous consent to amend the bill by strik-
ing out the words "three-fifth" where they occur in the bill, and
insert in lieu thereof the words "two thirds,"

Objection made.

The question being on the passage of the bill,

The roll being called there were ayes 35, nays 13.

Those who voted in the affirmative were:

Messrs—

Allen,
Brittin,
Christianson,
Court,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Hoyt,
Ingebretson,
Ink,

Messrs—

Johnson,
McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Olsgard,
Reed,
Renaud,
Richardson,
Roney,
Selby,

Messrs—

Stadleman,
Stevens,
Strom,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walton,
Watt.
Wickham,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Beard,
Belden,
Bowen,
Buchanan,
Cole,

Messrs—

Haugerud,
Langer,
Lilly,
Montgomery,

Messrs—

Pinkham,
Rawlings,
Thomas,
Tyler.

Absent and not voting:

Messrs—

Balkan,
Bye,

Messrs—

Jahr,
Lutz,

Messrs—

Norton,
Tandberg,

Messrs—

Currier,
Estabrook,
Heglie,

Messrs—

McCullough,
McDonald,
McCormick,

Messrs—

Walsh,
Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Selby 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.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 26, 1890. }

MR. SPEAKER:

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

A bill for an act to attach certain townships to the Third Legislative District,

Which the Senate has passed with the following amendments:

By adding to Section 1 the following:

And said Third Legislative District shall, until otherwise provided by law, be comprised of the following townships, viz.: Perth, Latonia, Adams, Silvester, Cleveland, Norton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Ops, Prairie Center, Fertile, Park River, Glenwood, and townships 155, 156, 157 and 158 of Range 59 in the county of Walsh, and shall be entitled to one Senator and two Representatives.

Strike out the word "of" in line 2, Section 1, and insert in lieu thereof the word "in."

Strike out Section 2.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Foss moved

That the rules be suspended and that the House concur in the Senate amendments to House Bill No. 5,

Which motion prevailed, and

The question being, shall

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District,

Pass, as amended by the Senate,

The roll being called there were ayes 47, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Hoyt,
Ingrebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
Jahr,

Messrs—

Lutz,
McCullough,
McDonald,
Moore,
Norton,

Messrs—

Strom,
Tandberg,
Walsh,
Mr. Speaker.

Mr. Stevens voting in the negative.

Messrs. Balkan, Bye, Eastabrook, Heglie, Jahr, Lutz, McCullough, McCormick, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

That the consideration of House Bill No. 40 and House Bill No. 259 made a special order for to-day at 3 o'clock be postponed, and that they be made a special order for Friday at 3 o'clock,

Which motion prevailed.

Mr. Bowen demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Balkan, Bye, Estabrook, Heglie, Hankinson, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker were excused.

Mr. Williams moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

House Bill No. 11, which was made a special order for 3 o'clock, was considered.

Mr. Milsted moved

That the rules be suspended to permit the presentation and consideration of amendments to the bill,

Which motion prevailed, and

Mr. Currier moved

To amend the bill as follows:

Strike out in Section 1, line 5, all after the word "of" down to the word "for" in line 6, and insert in lieu thereof the words "three hundred dollars per annum,"

Mr. Roney moved

As a substitute that the bill be amended as follows:

In Section 1, line 5, strike out all after the words "per annum" down to the word "for" in line 6,

Which substitute was lost.

Mr. Speaker called Mr. Pinkham to the Chair.

The question then recurring on the motion of Mr. Currier,

The motion prevailed, and

The bill was so amended.

Mr. Zimmer moved

To amend the bill as follows:

In line 7, Section 1, strike out the figures "\$100" and insert in lieu thereof the figures "\$50."

In line 9, Section 1, strike out the figures "\$50" and insert in lieu thereof the figures "\$25."

Which motion was lost, and

The amendment was lost.

The question being on the passage of the bill as amended,

The roll being called there were ayes 34, nays 14.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Cole,
Court,
Currier,
Foss,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Hoyt,
Ingebretson,
Ink,
Johnson,
McCormick,
McIntyre,
Milsted,
Montgomery,
Murphy,

Messrs—

Nedrud,
Pinkham,
Rawlings,
Renaud,
Strom,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Watt,
Williams.

Those who voted in the negative were:

Messrs—

Christianson,
Green,
Langer,
Lilly,
Moore,

Messrs—

Olsgard,
Reed,
Roney,
Selby,
Stevens,

Messrs—

Thomson of Walsh,
Walton,
Wickham,
Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Stadleman,
Bye,	McCullough,	Tandberg,
Estabrook,	McDonald,	Walsh,
Heglie,	Norton,	Mr. Speaker.
Jahr,	Richardson,	

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Bowen moved

That the vote by which House Bill No. 11 was passed, be reconsidered and that the motion to reconsider be laid on the table, Which motion prevailed.

Mr. Belden moved

That the further consideration of House Bill No. 288 be indefinitely postponed,

Which motion prevailed.

The Committee on Labor made the following report:

MR. SPEAKER:

Your Committee on Labor to whom was referred

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another,

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

J. A. STADLEMAN,
Chairman.

The Committee on Insurance made the following report:

MR. SPEAKER:

Your Committee on Insurance to whom was referred

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State,

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

P. B. WICKHAM,
Chairman.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

House Bill No. 295,

A bill for an act making an appropriation to pay for the publication of the Constitution of North Dakota in the newspapers of the State,

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

Also,

House Bill No. 296,

A bill for an act providing for the organization and fixing, and defining the power and duties of the Board of University and School Lands, and making an appropriation therefor,

And recommend that said bill do pass.

R. N. INK,
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 Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties,

Have had the same under consideration and recommend that said bill do pass without amendment.

JNO. MILSTED,
Chairman.

The Committee on Education made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

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

All references are to printed bill as amended, and passed by the Senate.

In Article 1, Section 1, strike out all after the word "take" in line 8 to and including the word "shall" in line 11, and insert the following in lieu thereof: "the oath of office of civil officers and."

In Section 8 strike out all after the word "issue" in line 6.

In Section 15, line 6, strike out the word "district" and insert the word "board."

In Article 2, Section 5, strike out all after the word "and" in line 2 down to and including the word "over" in line 3, and insert the following words: "oftener if he shall deem it necessary to increase its usefulness."

In Section 17 strike out all after the word "follows" in line 2 down to and including the word "school" in line 6 and insert the following in lieu thereof: "For the first ten schools or less, three hundred dollars; for the next ten schools an additional sum of twenty-five dollars for each school; for the next ten schools, an additional sum of twenty dollars for each school; for the next ten schools, an additional sum of fifteen dollars for each school; for the thirty schools, an additional sum of ten dollars for each school; and for each school over seventy in number, an additional sum of five dollars for each school."

In Article 3, Section 2, line 3, after the word "distinct" insert the word "school."

In Section 3, line 16, after the word "number" insert the word "of," and strike out all after the word "lines" in line 22.

In Section 6, line 2, strike out the period (.) after the word "act" and insert a comma (,).

In Article 4, Section 3, line 6, after the word "to" insert the word "the."

In Section 11, line 2, insert the word "they" before the word "shall."

In Article 5, Section 3, insert at end of section the following: "Each member of the school board shall be paid the sum of eight (8) dollars, less two (2) dollars for each regular meeting which he fails to attend."

In Section 5 strike out all after the word "board" in line 4 and insert the following: "He shall receive such compensation as shall be fixed by the board, not less than five (5) nor more than twenty-five (25) dollars per annum."

In Section 12, line 3, strike out the word and figures "forty (40)" and insert the words and figures "twenty-five (25)."

In Article 6, Section 10, strike out all after the word "district" in line 5, and insert the words "nor shall any furniture which is fastened to the floor be removed."

In Section 13, line 2, strike out the word "twelve" and insert the word "nine," and after the word "children" in line 8, insert a period (.) and the words "If such petition be signed by the persons charged with the support and having the custody and care of twelve or more of such children, the board shall organize a school and employ a teacher therefor as provided above in this section."

In Section 14, strike out all after the word "four" in line 11, down to the end of line 13 and insert at the end of the section the following: "And all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teachers from the date of such discontinuance."

In Article 7, Section 8, line 10, after the word "apportioned" insert the word "to."

In Section 10, lines 12 and 13, strike out the words "except moneys apportioned by the county superintendent." Also, after the word "clerk in line 13, insert the words "of the school board."

In Section 12, at the beginning of line 4 insert the words "to him."

In Article 11, Section 3, line 11, after the word "State" insert the word "Provided," and in line 14 after the word "Provided" insert the word "further."

In Section 6, Subdivision (b), line 6, strike out the word "shall."

After Article 13 insert the following as Article 14:

SECTION 1. Until one or more State Normal Schools shall have been established and opened for pupils, the State Superintendent of Public Instruction may designate not to exceed three private colleges or academies in which at the expense of the State as hereinafter provided, professional instruction and training in the science of education and the art and practice of teaching shall be given to persons preparing to teach in the schools of the State. Such professional instruction and training shall be given only by teachers who as to qualifications are approved by the State Superintendent. A class of not less than ten at any one time shall be so instructed and trained in any such institution, and for not less than ten weeks in any one school term.

SEC. 2. A person to be admitted to such class shall be at least sixteen years of age, of good moral character and studious habits, and must sign a pledge in prescribed form to teach at least twelve months in the public schools of the State.

SEC. 3. The State Superintendent shall prescribe the course of professional studies and training under which such instruction shall be given, and the regulations for examinations of applicants for admission to such institution for such professional instruction and training, or of pupils pursuing such course therein.

SEC. 4. The State Treasurer shall pay semi-annually to the treasurer, or if there be no treasurer, to the governing board or principal of such institution, from the State Treasury on the warrant of the State Auditor, \$1 a week for every pupil receiving in such institution such professional teaching and training, and all necessary expenses for the examinations provided for in this article. Such warrant shall be issued only for bills for tuition and expenses

verified by the president or principal of such institution and approved by the State Superintendent.

Renumber Article 14 as Article 15.

Strike out Article 15 of the bill, for the reason that the committee have already introduced a bill on the subject of "free text books," and they recommend that said bill be acted upon separately.

In Article 16, Section 3, lines 1 and 2, strike out the words "or sell," and in line 4 strike out the word "not" and insert the word "but."

In Article 17, Section 1, line 4, after the word "district" and before the word "at" insert the word "present."

In Article 18, Section 1, line 1, after the word "cities" insert the words "and incorporated."

In Section 13, Subdivision 8, lines 27 and 28, strike out the words "at its pleasure" and "in its opinion" and insert after the word "remove" in line 27, the words "for cause."

In Section 19, strike out all after the word "thereof" in line 2.

In Section 20, line 3, strike out the word "monthly" and insert the word "quarterly."

In Section 23 add at the end of line 12: "Towns and villages not incorporated, but heretofore organized under the general school laws and provided with a board of education, shall become a part of the school district in which they are severally located, and the determination and division of the property, debts and assets shall be made by arbitration as aforesaid."

In Section 24, after the word "years" in line 14, insert the words "beginning with the second Tuesday in July following his election."

In Section 33, at the end of line 19 add: "Except for a different amount, and then only upon the written petition of a majority of the school voters of the special district."

And when so amended recommend that said bill do pass.

GEO. W. LILLY,
Chairman.

Mr. Ueland moved

That the reading at length of the report be dispensed with until the same shall be printed,

Which motion prevailed.

Mr. Lilly moved

That Senate Bill No. 143 be made a special order for next Saturday at 2:30 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

The Committee on Penal Institutions made the following report:

MR. SPEAKER:

Your Committee on Penal Institutions to whom was referred House Bill No. 304,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions,

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

E. D. McINTYRE,
Chairman.

Mr. Speaker called Mr. Green to the Chair.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 264,

A bill for an act to repeal Sections 2 and 3 of Chapter 55 of the Laws of 1883, entitled "An Act to amend Sections 377, 381 and 382 of the Code of Civil Procedure,

Have had the same under consideration, and recommend that said bill be amended as follows, to-wit:

Strike out the present title of bill and insert the following in lieu thereof:

"A bill for an act to regulate the costs and disbursements in certain actions."

Strike out Section 1 and insert the following as a substitute:

SECTION 1. In an action for assault, battery, false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction, if the plaintiff recover less than \$50 damages, he shall recover no more costs than damages. And in an action to recover the possession of personal property, if the plaintiff recover less than \$50 damages, he shall recover no more costs than damages, unless he recovers also property, the value of which, with the damages, amounts to \$50, or the possession of property be adjudged to him, the value of which, with the damages, amounts to \$50; such value must be determined by the jury, court, or referee, by whom the action is tried. When several actions shall be brought on one bond, recognizance, promissory note, bill of exchange, or other instrument in writing, or in any other case for the same cause of action, against several parties who might have been joined as defendants in the same action, no costs shall be allowed to the plaintiff in more than one of such actions, which must be at his election; *Provided*. That the party or parties proceeded against in such action or actions, shall at the time of commencement of the previous action or actions, have been openly within this State and not secreted.

SEC. 2. In all actions where there are several defendants, not united in interests, and making separate defenses, by separate answers, and the plaintiff fails to recover judgment against all, the court may award costs to such of the defendants as have judgment in their favor.

SEC. 3. That Sections 2 and 3 of Chapter 55 of the General Laws of 1883, and all acts or parts of laws in conflict with this act are hereby repealed.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Ueland moved

To reconsider the vote by which the report of the Committee of the Whole was adopted last night,

Which motion prevailed, and

Mr. Ueland moved

That the report be adopted with the exception of that part relating to Senate Bill No. 154,

Which motion prevailed, and

The report of the Committee of the Whole of last evening's session was adopted with the exception of that part relating to Senate Bill No. 154.

Mr. Ueland moved

That Senate Bill No. 154 be referred to the Committee on Irrigation,

Which motion prevailed, and
The bill was recommitted.

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

Resolved, That during the remainder of the present session of the Legislative Assembly, this House shall sit from 10 a. m. till 12 noon, and from 2 p. m. till adjournment each day.

Mr. Haugerud moved

To amend by fixing the hours of the morning session at from 9:30 to 11:30.

Mr. Thompson of Cass, moved

To further amend by adding "and no committee shall be required to sit during the continuance of this order,"

Which motion prevailed, and
The amendment was so amended.

The question recurring on the amendment as amended,

The amendment as amended prevailed, and

The question recurring on the resolution as amended,

Mr. Thompson of Cass, moved

To lay the resolution and amendments on the table.

Roll call demanded.

The roll being called there were ayes 24, nays 21.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Court,
Currier,
Green,

Messrs—

Hoyt,
Ingebretson,
Ink,
McIntyre,
Moore,
Nedrud,
Rawlings,
Reed,

Messrs—

Roney,
Stadleman,
Thomas,
Thompson of Cass,
Tyler,
Walton,
Watt,
Wickham.

Those who voted in the negative were:

Messrs—

Allen,
Christianson,
Cole,
Foss,
Gronli,
Haugen,
Haugerud,

Messrs—

Langer,
Lilly,
McCormick,
Milsted,
Olsgard,
Pinkham,
Richardson,

Messrs—

Selby,
Stevens,
Strom,
Thompson of Walsh,
Ueland,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Hankinson,
Heglie,
Jahr,

Messrs—

Johnson,
Lutz,
McCullough,
McDonald,
Montgomery,
Murphy,

Messrs—

Norton,
Renaud,
Tandberg,
Walsh,
Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the motion to lay on the table prevailed.

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

Resolved, That the Speaker of the House and the Chief Clerk thereof be and is hereby instructed to make out a voucher for fourteen dollars in favor of Henry Newcomer for services rendered as Janitor from November 19 to November 26, he having performed the service as Janitor.

Which motion prevailed, and
The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cole introduced—

• House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890,

And asked unanimous consent to have the bill read the first and second times and referred to General Orders, and made a special order for to-morrow immediately after the reading of the Journal,

Which consent was given, and

House Bill No. 309 was read the first and second times, and made a special order for to-morrow immediately after the reading of the Journal.

Mr. Thomas introduced—

House Bill No. 310,

A bill for an act to regulate the disposal of mortgaged property belonging to the estate of deceased persons.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 26, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,
Which was recalled from the Governor, and the following
amendment as an addition to Section 4:

"Which bond shall be approved by the Governor, and filed with
the State Auditor,"

Was adopted and the bill passed as amended, and your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Selby moved
That the Senate amendments to Senate Bill No. 91 be concurred in,

Which motion prevailed, and

The question being shall

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,
Pass as amended by the Senate,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Haugen,
Haugerud,
Hoyt,

Messrs—

Ingebretson,
Ink,
Johnson,
Lauger,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Hankinson,
Heglie,

Messrs—

Jahr,
Lutz,
McCullough,
McDonald,
Montgomery,

Messrs—

Norton,
Tandberg,
Thomson of Walsh,
Walsh,
Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill as amended passed, and the title of the bill was agreed to.

Mr. Haugen moved

That the consideration of the Senate amendments to House Bill No. 14 be made a special order for to-morrow morning at 9 o'clock.

Mr. Williams moved

As an amendment that the Senate amendments to House Bill No. 14 be made a special order for to-morrow at 4 o'clock,

Which motion prevailed, and

The original motion as amended prevailed.

Mr. Williams moved

That the rules be suspended, and that Senate Bill No. 161 be now read the third time, and placed upon its final passage,

Which motion was lost.

Mr. Williams moved

That the rules be suspended and that House Bill No. 306 be taken from the table, and placed upon its final passage,

Which motion prevailed.

Mr. Lilly moved

That the rules be suspended to permit the introduction and consideration of amendments to the bill on its third reading,

Which motion prevailed, and

House Bill No 306,

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

Was placed upon its final passage, and

Mr. Currier moved

To amend the bill as follows:

That in Section 1, line 1, the word and figure "eight (8)" be stricken out and the word and figure "seven (7)" be inserted in lieu thereof.

That the following be added as Section 2:

SEC. 2. Whereas, an emergency exists, in that there are persons who are unable to procure feed for their stock for the putting in of their seed the coming spring, this act shall take effect and be in force immediately after its passage and approval by the Governor.

Which motion prevailed, and

The bill was so amended.

Mr. Thompson of Cass, moved

To amend the amendment by striking out the words "by the Governor" in the last line of the emergency clause,

Which motion prevailed.

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed.

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
Jahr,

Messrs—

Lutz,
McCullough,
McDonald,
McIntyre,
Norton,

Messrs—

Tandberg,
Walsh,
Watt,
Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

The Conference Committee on House Bill No. 158 made the following report:

MR. SPEAKER:

Your Conference Committee on the difference on House Bill No. 158 have had the same under careful consideration and respectfully report and recommend that the Senate recede from all amendments to said bill, and recommend the following amendments for the concurrence of the Senate and House:

1. Amend Section 1 by inserting after the word "highway" in line 7 of the engrossed bill the words "in use."
2. Amend Section 2 by inserting after the word "be" in the ninth line of the engrossed bill the words "as near as practicable."
3. Amend Subdivision 2 of said Section 2 by striking out all after the word "be" in line 12 of said subdivision to the word "upper" in line 13 and inserting in lieu thereof the words "three inches and so laid that the."
4. Amend Section 3 by striking out in line 5 of the engrossed bill after the word "or" the words "section foreman" and inserting in lieu thereof the word "superintendent."
5. Amend Section 5 by striking out all after the word "neglect" in line 6 of said section in the engrossed bill down to and including the word "act" in line 10 of section.
6. Amend Section 6 in line 1 by striking out the word "any" and inserting the word "all."
7. Strike out all of Section 7 of the engrossed bill.

Your committee recommend that the bill amended in accordance with this report pass.

R. H. HANKINSON,
J. F. SELBY,
E. W. BOWEN,
On part of House.
JUDSON LAMOURE,
JOHN E. HAGGART,
R. D. COWAN,
On part of Senate.

Mr. Bowen moved

To adopt the report,

Which motion prevailed, and

The report of the Conference Committee was adopted.

The question being on the passage of the bill as amended by the adoption of the report of the Conference Committee,

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

Those who voted in the affirmative were:

Messrs—
 Allen,
 Beard,
 Belden,
 Bowen,
 Britten,
 Buchanan,
 Christianson,
 Cole,
 Court,
 Currier,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,

Messrs—
 Hoyt,
 Ink,
 Johnson,
 Langer,
 Lilly,
 McCormick,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,

Messrs—
 Renaud,
 Richardson,
 Roney,
 Selby,
 Stadleman,
 Stevens,
 Strom,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walton,
 Wickham,
 Williams,
 Zimmer.

Absent and not voting:

Messrs—
 Balkan,
 Bye,
 Estabrook,
 Heglie,
 Ingebretson,

Messrs—
 Jahr,
 Lutz,
 McCullough,
 McDonald,
 Norton,

Messrs—
 Tandberg,
 Walsh,
 Watt,
 Mr. Speaker.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

So the bill as amended by the Conference Committee passed,
 And the title of the bill was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 307,

A bill for an act making it a misdemeanor for any person to ask or request for himself or another to be placed upon any jury, and making it a misdemeanor for any sheriff, constable or other person, when asked so to do, to select or place any such person upon the jury, and providing punishment therefor,

Was read the first time.

House Bill No. 308,

A bill for an act to prohibit fictitious and gambling transactions in grain and other agricultural products, stocks and bonds,

Was read the first time.

Mr. Haugerud moved

That all House bills on their first reading to-day, that have been printed, be also read the second time and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 307,

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

House Bill No. 308,

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

Mr. Hankinson moved

That the rules be suspended, and that substitute for House Bill No. 24 be now read the first and second times,

Which motion prevailed, and

Substitute for House Bill No. 24,

A bill for an act indemnifying the owners of sheep in case of damage by dogs, creating a fund to pay for the same by a tax on dogs,

Was read the first and second times.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 26, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 175,

A bill for an act to amend Chapter 109 of the General Laws of 1889 relating to aid in construction of railroads.

Also,

Senate Bill No. 176,

A bill for an act to amend Section 340 of the Probate Code,
Which the Senate has passed, and your favorable consideration is requested.

Also,

House Bill No. 196,

A bill for an act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature,
Which was passed unchanged.

Also,

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners,

Which the Senate has passed with the following amendments:

Amend Section 2, line 3, by striking out the word "provide" and inserting the word "proceed" in lieu thereof.

Amend Section 2, line 10, by striking out the word "term" and inserting in lieu thereof the word "tenure."

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen (by unanimous consent) introduced—

House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing.

Mr. Speaker called Mr. Wickham to the Chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 105,

A bill for an act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock,

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

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Beard,	Ink,	Richardson,
Belden,	Johnson,	Roney,
Bowen,	Langer,	Selby,
Brittin,	Lilly,	Stadleman,
Buchanan,	McCormick,	Strom,
Christianson,	McIntyre,	Thomas,
Cole,	Moore,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Currier,	Murphy,	Tyler,
Green,	Nedrud,	Ueland,
Gronli,	Olsgard,	Walton,
Hankinson,	Pinkham,	Wickham,
Haugen,	Rawlings,	Williams.
Haugerud,	Reed,	Zimmer.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Stevens,
Bye,	McCullough,	Tandberg,
Estabrook,	McDonald,	Walsh,
Foss,	Milsted,	Watt,
Heglie,	Norton,	Mr. Speaker.
Jahr,		

Messrs. Balkan, Bye, Estabrook, Heglie, Norton, Jahr, Lutz, McCullough, McDonald, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to

Mr. Speaker announced an informal recess.

House reassembled.

Senate Bill No. 6,

A bill for an act authorizing railroad companies to take, acquire, purchase, sell or guarantee the payment of the bonds and other securities of any other railroad company,

Was read the third time, and

Mr. McCormick moved

To suspend the rules to permit the presentation and consideration of the following amendments to the bill:

Strike out after the word "or" in line 6 of the printed bill the words "by lease, traffic, contract, or otherwise" and add the following proviso at the end of said bill:

Provided, That no railroad corporation shall consolidate with, or lease or purchase, or in any way become owner of, or control any other railroad corporation, or any stock, franchises, bonds, securities, rights or property thereof, which owns or controls a parallel or competing line; and the question whether such railroad is a parallel or competing line shall be determined by a jury.

Which motion was lost, and

The question being on the passage of the bill,

The roll being called there were ayes 38, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Roney,
Beard,	Langer,	Selby,
Belden,	Lilly,	Stadleman,
Bowen,	McIntyre,	Stevens,
Brittin,	Milsted,	Thomas,
Buchanan,	Moore,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Currier,	Murphy,	Tyler,
Green,	Pinkham,	Walton,
Hankinson,	Rawlings,	Wickham,
Hoyt,	Reed,	Williams,
Ingebretson,	Renaud,	Zimmer.
Ink,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Haugerud,	Olsgard,
Foss,	McCormick,	Strom,
Gronli,	Nedrud,	Ueland.
Haugen.		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Jahr,	Tandberg,
Bye,	Lutz,	Walsh,
Cole,	McCullough,	Watt,
Estabrook,	McDonald,	Mr. Speaker.
Heglie,	Norton,	

Mr. Pinkham explaining his vote.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigation companies and to aid the same,

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

The roll being called there were ayes 42, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Renaud,
Beard,	Johnson,	Richardson,
Belden,	Langer,	Roney,
Bowen,	Lilly,	Selby,
Brittin,	McIntyre,	Stadleman,
Buchanan,	Milsted,	Stevens,
Christianson,	Moore,	Thomas,
Court,	Montgomery,	Thompson of Cass,
Currier,	Murphy,	Thomson of Walsh,
Green,	Nedrud,	Tyler,
Hankinson,	Olsgard,	Walton,
Haugerud,	Pinkham,	Wickham,
Hoyt,	Rawlings,	Williams,
Ingebretson,	Reed,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cole,	Haugen,	Strom,
Foss,	McCormick,	Ueland.
Gronli,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Tandberg,
Bye,	McCullough,	Walsh,
Estabrook,	McDonald,	Watt,
Heglie,	Norton,	Mr. Speaker.
Jahr,		

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Speaker called Mr. Haugerud to the Chair.

Senate Bill No. 151,

A bill for an act providing for a lien upon threshing engines and separators for repairing the same,

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

The roll being called there were ayes 28, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Richardson,
Belden,	Ingebretson,	Selby,
Bowen,	Johnson,	Strom,
Brittin,	Lilly,	Thomas,
Buchanan,	McCormick,	Thompson of Cass,
Christianson,	Milsted,	Thomson of Walsh,
Foss,	Moore,	Tyler,
Green,	Montgomery,	Ueland,
Gronli,	Nedrud,	Williams.
Haugerud,		

Those who voted in the negative were:

Messrs—

Beard,
Cole,
Court,
Currier,
Hankinson,
Haugen,
Ink,

Messrs—

Langer,
McIntyre,
Murphy,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Roney,
Stadleman,
Stevens,
Walton,
Wickham,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Bye,
Estabrook,
Heglie,
Jahr,

Messrs—

Lutz,
McCullough,
McDonald,
Norton,

Messrs—

Tandberg,
Walsh,
Watt,
Mr. Speaker.

Mr. Stevens explaining his vote.

Messrs. Balkan, Bye, Estabrook, Heglie, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,
Was read the third time by its title, and

Mr. Beard moved

That the bill be made a special order for next Tuesday at 3 o'clock,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the House do now adjourn,
Which motion was lost.

Mr. Williams moved

That the rules be suspended, and that all bills that have been passed to-day be transmitted to the Senate forthwith,

Which motion prevailed.

Mr. Buchanan moved

That the House do now adjourn,
Which motion was lost.

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883,

Was read the third time by its title, and

Mr. Thompson of Cass, moved

That the bill be recommitted to the Committee on Judiciary,
Which motion prevailed.

Mr. Thompson of Cass, moved

That the House do now adjourn,
Which motion was lost.

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

MR. SPEAKER:

Your Committee on Correction of Journal have examined House Journal of the ninety-ninth day and recommend the following correction: On page 1 insert after the word "recommended," in line 19, the name of Mr. Bowen instead of Mr. Barlow; also, on page 27, line 12, strike out the word "prevailed" and insert in lieu thereof the words "was lost."

O. E. OLSGARD,
Chairman.

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

Mr. Bowen moved
That the House do now adjourn,
Which motion was lost.

Mr. Thompson of Cass, moved
That the House do now adjourn,
Which motion was lost.

Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases,

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

The roll being called there were ayes 35, nays 6.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Cole,
Court,
Currier,
Foss,
Green,
Gronli,
Haugen,
Haugerud,

Messrs—

Ingebretson,
Johnson,
Lilly,
McCormick,
McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Strom,
Thomas,
Ueland,
Walton,
Wickham,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Allen,
Ink,

Messrs—

Langer,
Stevens,

Messrs—

Thompson of Cass,
Tyler.

Absent and not voting:

Messrs—

Balkan,
Buchanan,
Bye,
Christianson,
Estabrook,
Hankinson,
Heglie,

Messrs—

Hoyt,
Jahr,
Lutz,
McCullough,
McDonald,
Montgomery,
Norton,

Messrs—

Reed,
Stadleman,
Tandberg,
Thomson of Walsh,
Walsh,
Watt,
Mr. Speaker.

Mr. Thompson of Cass, explaining his vote.

Messrs. Balkan, Bye, Estabrook, Jahr, Lutz, McCullough, McDonald, Norton, Tandberg, Walsh and Mr. Speaker being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Ingebretson moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1890.

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

The Speaker presiding.
Prayer by the Chaplain.
Roll called.

All members present except Messrs. Jahr and Lutz, excused.
The Journal was referred to the Committee on Revision and Correction.

CONSIDERATION OF SPECIAL ORDERS.

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890,

Made a special order for this hour, was considered.

Mr. Cole moved

To amend Section 1 of the bill to read as follows:

SECTION 1. Section 2 of an act entitled "An Act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890, is hereby amended to read as follows:

SEC. 2. Any person desiring to procure seed grain upon credit, under the provisions of this act, shall file his application therefor on or before the 15th day of April in the year in which he desires to procure such seed grain, with the auditor or clerk of the county, in which is situated the land he desires to seed. Said applications shall be in writing, or partly in print and partly in writing; shall be subscribed and sworn to before the county auditor or county clerk, or some other officer authorized to administer oaths, and shall contain, among other things, a statement of the number of acres the applicant has plowed and prepared for seeding; how many acres the applicant intends to have plowed and ready for seeding; how many bushels and what kinds of grain he will require to seed the ground so prepared or to be prepared; a true statement of all the real and personal property owned by the applicant and of the incumbrances thereon; the nature of his title to the realty which is to be sown to crop. That the applicant, by making and filing his said application, intends to agree and does thereby agree to and with any person, copartnership, association or corporation that may furnish him seed grain pursuant to his said application, that such party shall have a first lien upon the crop produced from said seed grain; that if the indebtedness incurred in the purchase of said seed grain, together with interest thereon at 7 per cent., be not paid on or before the first day of October next after the furnishing of such seed grain, the amount of said indebtedness and accrued interest shall be taxable against all the real and personal property of said applicant; that the county auditor or county clerk may, and shall, enter and levy the amount of said indebtedness as tax upon the tax lists of said county against all the property of the applicant; that the collection thereof may be enforced in manner and form as the collection of State and county taxes are enforced; that at any time on or before October 15th the party furnishing said seed grain may by himself or agent file with the county auditor or county clerk of the proper county a verified statement of the amount due from any applicant under the provisions of this act, stating the name of the applicant and the number of his application, and thereupon it shall be the duty of said auditor or clerk to cause the amount of such indebtedness to be entered upon the tax lists of said county for that year as a tax against the real and personal property of said applicant and of the county treasurer of the county to collect the same in manner and form as other taxes are collected; *Provided, however,* That said tax shall be entered in a column separate and distinct from all other taxes, and all moneys collected by the county treasurer under the provisions of this act shall be kept separate from all other moneys, and shall be paid over by him to the party for whose benefit it is collected or to his order.

Which motion prevailed, and

The bill was so amended.

Mr. Selby moved

That the bill be now placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890,

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,

Messrs—

Heglie,
Hoyt,

Messrs—

Rawlings,
Reed.

Messrs—	Messrs—	Messrs—
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Roney,
Bowen,	Johnson,	Selby,
Brittin,	Langer,	Stadleman,
Buchanan,	Lilly,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McCullough,	Thomas,
Cole,	McDonald,	Thomson of Walsh,
Court,	McIntyre,	Tyler,
Currier,	Milsted,	Ueland,
Estabrook,	Moore,	Walsh,
Foss,	Montgomery,	Walton,
Gronli,	Murphy,	Watt,
Hankinson,	Olsgard,	Zimmer,
Haugen,	Pinkham,	Mr. Speaker.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	Norton,	Thompson of Cass,
Jahr,	Richardson,	Wickham,
Lutz,	Stevens,	Williams.
Nedrud,		

Messrs. Jahr and Lutz being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Hankinson moved

That the vote by which Senate Bill No. 151 was lost, be reconsidered,

Which motion prevailed.

Mr. Cole moved

That the vote by which House Bill No. 309 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

PETITIONS, COMMUNICATIONS, ETC.

Mr. McCormick presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned residents of North Dakota, do respectfully pray that your honorable body may pass a joint resolution urging Congress to pass the following laws:

That large appropriations of money may be made by Congress, to be expended by such hands or ways as may be deemed best, for the geological survey, and for the sinking of artesian wells, and for building irrigation canals or ditches, storage works of all kind, and canal-rivers in North Dakota, and the arid regions of the country, and for irrigating the lands with waters thus and in other ways derived.

That a National Forestry Commission be created to consist of persons possessing ample experience and culture who shall have the care and management of all tree and forest lands belonging to the nation, and shall also have the superintendence of all lands whereon the national government may require trees to be raised, by the settlers thereof; and alone, as national officers, or co-

working with the State, territorial, county and township tree and forest cultivators, shall give such thorough practical and scientific instruction, and aid as will most surely result in raising trees in the arid regions of the country.

That a Forestry, Meteorological and Water Supply Department be created to be under the jurisdiction of one commissioner, whose assistants, all subject to his authority, shall be composed of nine competent and intelligent persons five of whom shall be chemists and scientists of the highest degree of scholarship, originality and ability, whose duties—limited only by the impossible or utmost range of natural law and the farthest bounds of scientific, mental and spiritual attainments—shall be as follows:

To discover and make plain all the causes and conditions involved in the production or formation of rainfalls, resulting from artificial, scientific and natural methods; how to prevent or avoid drouths, frost, hail and all injurious atmospheric disturbances; how to augment surface water; how to gather moisture, in any form, from all sources, and by means of canals, or other ways, conduct or bring water from the ocean, seas, or other large bodies, and store and utilize the same for irrigation and the many needs of the people; to have the care and jurisdiction of and give all necessary information upon the whole national systems of artesian wells and all irrigation movements; to take charge of the present government signal service work and increase its usefulness; to have authority over and control of the National Forestry Commission; to have the full and complete jurisdiction and superintendence of the entire national work of meteorology and water supply, in way of rain and all other forms, from the atmosphere and the earth, together with all other devices, machinery, appliances, plans, operations and systems, whether mechanical, electrical, chemical or otherwise, operated or to be operated by or through artificial, scientific or natural methods, making one complete national water supply system, for the benefit of vegetation and the necessities of mankind.

That said commission shall continue its duties until it shall be merged into the national forestry, meteorological and water supply university and its chain of scientific schools, the colleges and academies of which shall be built in model cities of the States and Territories. And, that a committee be appointed which, at the next session of Congress, shall report upon the plans and designs and point out the necessity and utility of such a line of schools, the whole system of which shall constitute a distinct national department, having a cabinet secretary therefor.

That Congress make an appropriation of all lands belonging to the national government in Section 6 of all surveyed or to be surveyed congressional township in the union for the building and maintenance of said institutions.

And that Congress offer large rewards and "medals of honor" for the best, cheapest, most desirable and the most scientific systems for producing, by artificial, scientific or natural ways, a full and needful supply of rain falls in their seasons, abundant precipitations of dew upon the land and vegetation and necessary snow falls in winter or other times, all when and where most needed, and for preventing drouths, frost, hail, blizzards, tornados, cyclones and all manner of dangerous atmospheric changes, and for artesian wells, irrigation canals, water-baisins, aqueducts, water storage, canal-rivers and irrigation works.

W. W. BARRETT and 1,000 others.

Also, the following communication:

BISMARCK, N. D. February 18, 1890.

To the Honorable, the Senate and House of Representatives of the State of North Dakota:

Realizing the necessity of a concert of action in the interest of irrigation, the Forestry, Meteorological and Water Supply Association was organized last November in Ramsey county, N. D., having for its aims the dissemination through the press of information bearing upon it and kindred subjects, and also the circulation of petitions relating to the same. The movement, having been brought prominently to view by said association, has been most emphatically and widely endorsed by the press of the commonwealth and the union. And

the following intelligent and influential citizens of our State have earnestly commended the undertakings and most freely signed said petitions: The mass of farmers, business and professional men and nearly every county and city official of much of the most populous parts of the State; all the United States land officers; all the judges of the Supreme and district courts, except three not yet seen; all the Senators of the Legislative Assembly; all the Representatives of the Legislative Assembly; the Governor and all the State officers, except two who have not yet seen the petition.

And in view of the great need of irrigation and ample water supply for the benefit of agriculture, and all forms of vegetation and the best welfare of the people, and the long list of worthy petitioners, numbering near 1 000 names, on behalf of our association, I respectfully pray that your honorable body may pass a Joint Memorial to Congress which is asked for by the many prominent citizens of our State, whose names are enrolled upon the petition which I now have to the pleasures to present for your favorable consideration.

Very respectfully,

W. W. BARRETT,

President of the Forestry, Meteorological and Water Supply Association.

Mr. McCormick introduced the following Joint Memorial:

JOINT MEMORIAL TO THE CONGRESS OF THE UNITED STATES.

In the interest of forestry, irrigation, water supply and other matters favorable to the more practical development and benefit of agriculture and the welfare of the people,

Be it Resolved by the House of Representatives, the Senate concurring: That our Senators and Representative of Congress be requested to use their best endeavors to secure the enactment of laws for the following purposes:

That large appropriations of money may be made by Congress, to be expended by such hands or ways as may be deemed best, for the geological survey for and the sinking of artesian wells and for building irrigation canals or ditches, storage works of all kinds and canal-rivers in North Dakota and the arid regions of the country, and for irrigating the lands with waters thus and in other ways derived.

That a National Forestry Commission be created to consist of persons possessing ample experience and culture who shall have the care and management of all tree and forest lands belonging to the nation, and shall also have the superintendence of all lands whereon the National Government may require trees to be raised, by the settlers thereof; and alone, as national officers, or co-working with the State, territorial, county and township tree and forest cultivators, shall give such thorough practical and scientific instruction and aid as will most surely result in raising trees in the arid regions of the country.

That a national forestry, meteorological, water supply and scientific department be created, to be under the jurisdiction of one commissioner, whose assistants, all subject to his authority, shall be composed of nine competent and intelligent persons, five of whom shall be chemists and scientists of the highest degree of scholarship, originality and ability, whose duties, as far as possible within the bounds of natural law and human attainments, shall be as follows:

To investigate and make plain all the causes and conditions involved in the production or formation of rainfalls and precipitation or moisture in any form, and how to generate and control the same by or through artificial, scientific or natural methods; to point out the causes and how to most surely prevent or avoid drouths, frost, hail and all injurious atmospheric disturbances; to teach the best methods for augmenting surface water, and how, by means of canals or other ways, to conduct or bring water from large bodies and store and utilize the same for irrigation and the many needs of the people; to have the care and jurisdiction of and give all necessary information upon the whole national systems of artesian wells and all irrigation movements; to take charge of the present government signal service work and increase its usefulness; to have authority over and control of the National Forestry Commission; to have

the full and complete jurisdiction and superintendence of the entire national work of meteorology and water supply, in way of rain and all other forms, from the atmosphere and the earth, together with all devices, machinery and systems of whatever nature and however operated, making one complete national water supply and scientific system for the benefit of agriculture and all the varied forms of vegetation and the necessities, prosperity and happiness of mankind.

That said department shall be continued until it shall be merged into the National Forestry, Meteorological Water Supply and Scientific University and its chain of scientific schools, the colleges and academies of which shall be built in model cities of the states and territories. And, that a committee be appointed, which, at the next session of Congress, shall report upon the plans and designs and point out the necessity and utility of such a line of schools, the whole system of which shall constitute a distinct national department, having a cabinet secretary thereof.

That Congress make an appropriation of all lands belonging to the national government in Section 6 of all surveyed or to be surveyed congressional township in the union for the building and maintenance of said institutions.

And that Congress offer large rewards and "medals of honor" for the best, cheapest, most desirable and the most scientific systems for producing, by artificial, scientific or natural ways, a full and needful supply of rainfalls in their seasons, abundant precipitations of dew upon the land and vegetation and necessary snow falls in winter or other times, all when and where most needed, and for preventing drougts, frost, hail, blizzards, tornadoes, cyclones and all manner of dangerous atmospheric changes, and for artesian wells, irrigation canals, water basins, aqueducts, water storeage, canal rivers and irrigation works.

Mr. Stevens moved
To adopt the memorial,
Which motion prevailed, and
The Joint Memorial 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. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors,

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

F. J. THOMPSON,
Chairman.

CONSIDERATION OF SPECIAL ORDERS.

Senate Bill No. 82 made a special order for 3 o'clock, was considered.

Mr. Haugen moved

That the bill be now read the third time, and placed upon its final passage,

Which motion prevailed.

Mr. Pinkham moved

That the rules be suspended to permit the presentation and consideration of amendments to the bill,

Which motion was lost.

Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture,

Was read the third time.

Mr. Speaker called Mr. Hankinson to the Chair.

Mr. McIntyre moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 15, nays 39.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Bye,	McIntyre,
Balkan,	Court,	Milsted,
Beard,	Green,	Pinkham,
Belden,	Johnson,	Roney,
Bowen.	Langer,	Thomas.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brittin,	McCormick,	Stadleman,
Buchanan,	McCullough,	Strom,
Christianson,	McDonald,	Tandberg,
Currier,	Moore,	Thompson of Cass,
Estabrook,	Montgomery,	Thompson of Walsh,
Foss,	Murphy,	Tyler,
Gronli,	Nedrud,	Ueland,
Hankinson,	Olsgard,	Walsh,
Haugen,	Rawlings,	Walton,
Haugerud,	Reed,	Watt,
Heglie,	Renaud,	Wickham,
Ingebretson,	Richardson,	Zimmer,
Ink,	Selby,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Lilly,	Stevens,
Hoyt,	Lutz,	Williams.
Jahr,	Norton,	

Messrs. Bowen and Milsted explaining their votes.

Messrs. Jahr, Lutz and Norton being excused.

And so the motion to indefinitely postpone was lost.

Mr. Bowen asked unanimous consent to offer an amendment to the bill.

Objection made.

Mr. Bowen moved

That the rules be suspended to permit the presentation and consideration of amendments to the bill,

Which motion was lost.

Mr. McIntyre demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Hoyt, Jahr, Lutz, Norton and Williams.

Messrs. Jahr and Lutz were excused.

Mr. Stevens moved

To dispense with further proceedings under call of the House,

Which motion was lost.

Mr. Bowen moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

The question being on the final passage of the bill,

The roll being called there were ayes 41, nays 17.

Those who voted in the affirmative were:

Messrs—

Brittin,
Buchanan,
Christianson,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Ingebretson,
Ink,
McCormick,

Messrs—

McCullough,
McDonald,
Moore,
Montgomery,
Murphy,
Nedrud.
Norton,
Olsgard,
Rawlings,
Reed,
Renaud,
Richardson,
Selby,
Stadleman,

Messrs—

Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,

Messrs—

Cole,
Court,
Green,
Johnson,
Langer,
Lilly,

Messrs—

McIntyre,
Milsted,
Pinkham,
Roney,
Thomas.

Absent and not voting:

Messrs—

Hoyt,
Jahr,

Messrs—

Lutz,

Messrs—

Williams.

Messrs. Hoyt, Jahr and Lutz being excused.

Mr. Stevens explaining his vote.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 148,

A bill for an act to prescribe the bond, oath and duties of the Attorney General,

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

Also,

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax,

And recommend that said bill be amended as follows:

That Section 1 of said bill be amended by striking out of line 2, printed bill, the words "by sample;" also, strike out of line 6, same section, the words "or any samples thereof."

Strike out Section 4 of the bill, and change the number of Section 5 to read "Section 4."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 303,

A bill for an act to provide for amending articles of incorporation of building and loan associations,

And recommend that said bill do pass.

Also,

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party,

And recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Joint Committee to whom was referred the petition of W. W. Barrett and others made the following report:

MR. SPEAKER:

Your Committee of Conference to whom was referred the petition of W. W. Barrett and others asking the Senate and House of Representatives to memorialize Congress praying that it may enact laws so further the interest of irrigation,

Have had the same under consideration and recommend that the petition be granted.

F. G. BARLOW,
C. B. LITTLE,
S. A. FISHER,
R. D. COWAN,
On part of Senate.

JAMES McCORMICK,
A. C. NEDRUD,
W. B. ALLEN,
JNO. H. McCULLOUGH,
On part of House.

The Committee on Public Buildings made the following report:

MR. SPEAKER:

Your Committee on Public Buildings to whom was referred
House Bill No. 283,

A bill for an act to locate and provide for the government of a
State Reform School at Mandan, Morton county, North Dakota,

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

E. A. WILLIAMS,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing
and handling of grain,

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

"Railroad Commissioners" to read wherever it occurs in the bill "Commis-
sioners of Railroads."

In Section 2, line 8, printed bill, after the word "same" change the word
'of' to "if."

In Section 13, line 11, printed bill, insert after the word "storage" a comma
(,) and the word "insuring."

In Section 14, line 15 of printed bill, strike out the word "removing" and
insert in lieu thereof the word "moving." Strike out the word "while"
in same line, and strike out all of same section after the words "safe keeping"
in line 16 of printed bill.

In Section 19, lines 4 and 5 of printed bill, strike out the words "Board of
Railroad and Warehouse Commissioners" and insert in lieu thereof the words
"Commissioners of Railroads."

In Section 47, line 1 of printed bill, strike out the words "one thousand"
and insert in lieu thereof the figures and words "(500) five hundred."

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

The Committee on Elections and Privileges made the following
report:

MR. SPEAKER:

Your Committee on Elections and Privileges to whom was re-
ferred

Senate Bill No. 5,

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

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

In Section 26, line 4, after the word "of" insert the word "inability.

In Section 74, line 11, strike out the word "Territory" and insert the word
"State."

In Section 75 strike out line 25 and insert the words "election, sheriff, constable and justice."

And when so amended recommend that said bill do pass.

W. W. BEARD,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred
House Bill No. 212,

A bill for an act to revise the law in relation to boards of health, to establish county and township boards of health, and fix the compensation thereof,

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

Amend the title to read as follows:

A bill for an act to amend Section 7 of Chapter 63 of Session Laws of 1885, relating to boards of health, being Section 198 of Compiled Laws of 1887.

Also, strike out all after the enacting clause and insert the following:

SECTION 1. That Section 7 of Chapter 63 of the Session Laws of 1885, being Section 198 of Compiled Laws, be amended to read as follows:

SEC. 7. There is hereby established a county board of health, composed of president, vice president and superintendent. The State's attorney in each county shall be president of said county board. The board of county commissioners shall appoint some suitable person who is a resident of the county, vice president; and they shall also appoint said superintendent of public health for the county, who shall be learned in medicine and hold a license to practice medicine and surgery within the State, and the several persons thus appointed shall hold their offices for two years and until their successors are elected and qualified.

And when so amended recommend that the bill do pass.

J. MONTGOMERY,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 132,

A bill for an act to regulate the collection of attorneys' fees in foreclosure of real estate mortgage; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure, and Chapter 16 of the General Laws of 1889, and to amend Sections 622, 623 and 633 of the Code of Civil Procedure.

Also,

House Bill No. 170,

A bill for an act to preserve the purity of the waters of all streams flowing in, through or on the boundary line of the State of North Dakota.

Also,

House Bill No. 194,

A bill for an act entitled "An Act to amend Sections 1, 2, 3 and 4 of Chapter 135 in relation to sheep inspectors.

Also,

House Bill No. 233,

A bill for an act amending Section 1397 of the Compiled Laws of 1887, Section 1, Chapter 6, of the Revised Code of 1877.

Also,

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code relating to the removal of chattel mortgages.

Also,

House Bill No. 305,

A bill for an act for the establishment and government and maintenance of a Soldiers' Home.

Also,

House Bill No. 295,

A bill for an act making an appropriation to pay for the publication of the Constitution of North Dakota in the newspapers of the State.

Also,

House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the eighth Subdivision of the Sixth judicial district to the proper counties.

Also,

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another.

Also,

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State.

Also House amendments to

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars.

Also, House amendments to

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

Also House amendments to

Senate Bill No. 125,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized.

Also House amendments to
Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session
Laws of 1887.

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred
House Bill No. 302,

A bill for an act to prevent the spread of contagious and in-
fectious diseases among domestic animals,

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

In Section 2, line 4 of original bill, strike out the word "and" after mules,
and insert the following after the word "asses," "and other domestic animals."

After the word "this" at end of line 4, insert the word "State."

On page 4, Section 4, original bill, after the word "shall" insert the word
"call," on first line.

On page 10, written bill, Section 8, line 20, after the word "appointments"
insert the word "either," and in line 24 after the word "practice" insert the fol-
lowing: "or has been engaged in actual veterinary practice, not less than six
years in this State."

Strike out the whole of Section 10.

In Section 8, line 3, strike out the word "five" and insert the word "two."

And when so amended recommend that said bill do pass.

J. MONTGOMERY,
Chairman.

Mr. Selby was excused for the remainder of the day.

CONSIDERATION OF SPECIAL ORDERS.

House Bill No. 14, and the Senate amendments thereto, made a
special order for 4 o'clock, was considered.

Mr. Walsh moved

That the House concur in the following amendments to the bill:

CREDITS, HOW LISTED AND ASSESSED.] Any person who is required to
list credits, either for himself or for any other person, firm or corporation, may
deduct from the gross amount thereof, the amount of all *bona fide* indebted-
ness of himself or of any such person, firm or corporation; but no acknowledg-
ment of indebtedness not founded on actual consideration to the full amount
of such acknowledgment at the time when the same was given, and no ac-
knowledgment made for the purpose of being so deducted, shall be considered
a debt in the meaning of this section, and every person so claiming any deduc-
tions shall furnish the assessor with a list containing; 1st. The amount of all
book accounts. 2d. The amount of all notes due to him, and also a list of the
amount of all book accounts owing by him, and of the amount of all notes
owing by him, and he shall be required to verify the same by oath adminis-
tered by the assessor. Nothing in this section shall be so construed as to ap-
ply to any bank, banker or corporation exercising banking powers or privileges;
Provided, however, That any person, company or corporation in making up
the amount of personal property required to be listed for himself, company or

corporations shall be allowed to deduct from the gross amount thereof any indebtedness of himself, company or corporation if the same be owed or held within this State; *Provided, further*, That grain held by the producer of the same, actually sold or contracted to be sold, but not delivered, shall be classed as credits.

Amend Section 55, line 4, after the word "March" by inserting the words "in each and every year."

Amend Section 57, line 13, by inserting after the word "costs" the following: "And such taxes shall, from the date of docketing of such judgment, and not before, become a lien upon any real estate in the county which the judgment debtor shall own, or the title to which he may subsequently acquire."

Amend Section 103 by striking out all after the word "shall" in line 10 down to the word "come" in line 19, and after the word "cause" strike out the words "such notice."

Also, strike out all of line 23 after the word "State" down to the word "the" in line 26.

Amend Section 46 by striking out Subsections 3, 4 and 5.

Mr. Ueland moved

As a substitute that the Senate amendments be not concurred in, and that a Conference Committee be appointed.

Roll call demanded.

The roll being called there were ayes 23, nays 30.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Buchanan,
Bye,
Gronli,
Haugen,
Ingebretson,
Johnson,

Messrs—

Langer,
McCormick,
McCullough,
McIntyre,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Renaud,
Richardson,
Roney,
Strom,
Tandberg,
Thomas,
Ueland.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Cole,
Court,
Currier,
Estabrook,
Hankinson,
Haugerud,

Messrs—

Heglie,
Ink,
Lilly,
McDonald,
Milsted,
Moore,
Montgomery,
Norton,
Reed,
Stadleman,

Messrs—

Stevens,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Christianson,
Foss,
Green,

Messrs—

Hoyt,
Jahr,
Lutz,

Messrs—

Murphy,
Selby,
Mr. Speaker.

Messrs. Jahr and Lutz being excused.

And so the substitute motion was lost.

The question recurring on the motion to concur,

The motion prevailed, and

The Senate amendments were concurred in, and

The question then being, shall
House Bill No. 14,

A bill for an act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,

Pass, as amended by the Senate,

The roll being called there were ayes 53, nays 1.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Christianson,
Green,

Messrs—

Jahr,
Lutz,
Murphy,

Messrs—

Selby,
Wickham,

Mr. Thomas voting in the negative.

Messrs. Jahr, Lutz and Selby being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 27, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 108.

Also, to transmit herewith
House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators, on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith,

Which the Senate has passed unchanged.

Also,

Senate Bill No. 182,

A bill for an act to regulate political caucuses.

Also,

Senate Bill No. 183,

A bill for an act to reduce the expenses of the State, and to suspend the State militia laws.

Also,

Senate Bill No. 198,

A bill for an act to require the Secretary of State to keep a record of bonds of the State officers and to regulate the depository of the bonds of all the State officers of the State of North Dakota.

Also,

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for county purposes.

Also,

Senate Bill No. 180,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889.

Also,

Senate Bill No. 163,

A bill for an act defining school holidays,

All of which the Senate has passed, and your favorable consideration thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Pinkham moved

That the rules be suspended, and that House Bill No. 281 be now read the third time, and placed upon its final passage,

Which motion prevailed.

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

Resolved, That the Secretary of State be instructed to have printed 1,500 copies of House Bill No. 14 for distribution to assessors and auditors and county clerks, in pamphlet form.

Which motion prevailed, and

The resolution was adopted.

Mr. Stevens moved

That 500 copies of House Bill No. 15 be printed for distribution,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McDonald introduced—

House Bill 312,

A bill for an act authorizing and empowering cities to surrender their charters, and providing for reorganizing as a town.

• Also,

House Bill No. 313,

A bill for an act to provide for decreasing and restricting the limits of incorporated cities.

Mr. Walsh (by request) introduced—

House Bill No. 314,

A bill for an act relating to building and loan associations.

Mr. Lutz introduced—

House Bill No. 315,

A bill for an act amending Section 345, Chapter 13, of the Code of Civil Procedure.

Also,

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court.

Mr. Ueland introduced—

House Bill No. 317,

A bill for an act exempting practicing pharmacists from jury duty.

Mr. Stevens moved

That the rules be suspended and that House Bill No. 305 be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home,

Was read the third time, and

Mr. Stevens moved

That the rules be suspended, and that the bill be amended as follows:

In line 15, Section 10, strike out the words "General Assembly" and insert in lieu thereof the words "Legislative Assembly,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Pinkham,
Rawlings,

Messrs—

Reed,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams.
Zimmer.

Absent and not voting:

Messrs—

Gronli,
Jahr,
Lutz,
McDonald,

Messrs—

Murphy,
Olsgard,
Renaud,

Messrs—

Richardson,
Selby,
Mr. Speaker.

Messrs. Jahr, Lutz and Selby being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That the bill be considered engrossed, that the vote by which the bill passed be reconsidered and that the motion to reconsider be laid upon the table, and that the bill be immediately transmitted to the Senate,

Which motion prevailed.

Mr. Williams moved

That the rules be suspended, and that Senate Bill No. 151 be now placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same,

Was placed upon its final passage.

The roll being called there were ayes 40, nays 14.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Buchanan,
Christianson,

Messrs—

Haugerud,
Heglie,
Hoyt,
Johnson,
Lilly,
McCormick,
McCullough,

Messrs—

Rawlings,
Richardson,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,

Messrs—	Messrs—	Messrs—
Cole,	McDonald,	Thomson of Walsh,
Estabrook,	Milsted,	Ueland,
Foss,	Montgomery,	Walsh,
Green,	Nedrud,	Walton,
Gronli,	Norton,	Williams.
Hankinson,	Olsgard,	Mr. Speaker.
Haugen,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brittin,	Ink,	Roney,
Bye,	Langer,	Stadleman,
Court,	McIntyre,	Tyler,
Currier,	Pinkham,	Zimmer.
Ingebretson,	Reed,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Jahr,	Murphy,	Watt,
Lutz,	Renaud,	Wickham.
Moore,	Selby,	

Mr. Stevens explaining his vote.

Messrs. Jahr, Lutz and Selby being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 27, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 184,

A bill for an act providing for the payment of fees for the transportation of insane persons to the hospital, or convicts to the penitentiary,

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

C. C. BOWSFIELD,
Secretary.

FIRST READING OF HOUSE BILLS.

House Bill No. 310,

A bill for an act to regulate the disposal of mortgaged property belonging to the estate of deceased persons,

Was read the first time, and

Mr. Lilly moved

That all House bills that have been printed and are on their first reading to-day be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 310

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

House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing,

Was read the first and second times, and referred to the Committee on Public Printing.

Mr. Strom (by unanimous consent) introduced—

House Bill No. 318,

A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road and bridge fund, or penalty and interest fund to the general fund.

Mr. Wickham was excused until next Monday.

Mr. Stevens moved

That the rules be suspended, and that Senate Bill No. 118 be taken from General Orders, and placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges within the county limits wherein the cost of the construction of same exceeds the sum of \$100,

Was read the third time, and

Mr. Ueland moved

To adopt the following amendments proposed by the Committee on Counties:

Amend Section 1, line 3, by striking out the word "locality" and inserting in lieu thereof the words "a majority of freeholders living within a radius of three miles of the proposed location."

Also, report the amendment referred by the Committee of the Whole.

Insert the following as Section 3:

SEC. 3. After any bridge built by the county, according to the provisions of this act, said bridge shall be under the supervision of the township board; and all repairs not exceeding \$25 shall be borne by the township or townships in which said bridge is located. All repairs exceeding \$25 and less than \$100 shall be divided equally between the county and township or townships. All repairs exceeding \$100 shall be paid by the county.

Renumber Section 3 of the original bill to be Section 4 of said bill.

Which motion prevailed, and

The bill was so amended.

Mr. Pinkham moved

That the following proviso recommended to be adopted by the Committee on Counties be not adopted:

Provided, however, That the board of county commissioners may, at their quarterly meetings in the month of April, advertise in the official paper of the county for sealed proposals for the building of all bridges to be built by the county during the year, and the person or persons who shall be the lowest bidder by lineal feet of such bridge, and who shall enter into good and sufficient bonds, shall be awarded the contract for the building of the bridges of the county during the year without further advertisement at the price agreed upon in his bill.

Which motion prevailed,
And the proviso was not adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 27, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigating companies, and to aid the same,

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

C. C. BOWSFIELD,
Secretary.

Mr. Hankinson moved

That as soon as Senate Bill No. 118 is disposed of Senate Bill No. 11 be immediately read the first and second times and referred to its appropriate committee,

Which motion prevailed.

Mr. Ueland moved

To amend the title and body of the bill by striking out wherever they occur the words "one hundred and fifty dollars" and inserting in lieu thereof the words "one hundred dollars,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 51, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Balkan,	Ink,	Roney,
Beard,	Johnson,	Stadleman,
Belden,	Langer,	Stevens,
Bowen,	Lilly,	Strom,
Brittin,	McCormick,	Tandberg,
Buchanan,	McCullough,	Thomas,
Bye,	McDonald,	Thompson of Cass,

Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Haugerud,
Heglie,
Hoyt,

Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Green,
Haugen,

Messrs—
McIntyre,
Richardson,

Messrs—
Williams.

Absent and not voting:

Messrs—
Christianson,
Hankinson,

Messrs—
Jahr,
Lutz,

Messrs—
Norton,
Selby.

Messrs. Jahr, Lutz and Selby being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Ueland moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigation companies and to aid the same,

Was read the first and second times, and referred to the Committee on Railroads.

Mr. Williams moved

The rules be suspended and that Senate Bill No. 161 be taken from General Orders, and placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 161,

A bill for an act authorizing a private corporation to change the place where its principal business is to be transacted,

Was read the third time, and

Mr. Reed moved

That the following amendments proposed by the committee be adopted:

Amend Section 1 by adding after the word "consecutively" in line 25 of written bill, the following words: "Immediately prior to the time of such meeting."

Also, add the following as Section 3 of the bill:

SEC. 3. An emergency exists in that there is no law allowing corporations to change their principal place of business in this State; therefore, this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed.

Mr. Williams moved
To reconsider the vote by which the report of the Judiciary
Committee was adopted,

Which motion prevailed, and

Mr. Williams moved

To adopt all the amendment except the emergency clause,

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 55, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Hangerud,

Messrs—

Heglie,
Ingebretson,
Ink,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Hovt,
Jahr,

Messrs—

Lutz,
Norton,

Messrs—

Selby.

Messrs. Langer and Stevens voting in the negative.

Messrs. Jahr, Lutz and Selby being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. McCullough moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Brittin, Buchanan, Jahr, Lutz, Moore, Norton and Wickham, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
February 28, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate, by motion adopted, recalls House Bill No. 14.

Also,

I have the honor to transmit herewith

Substitute for House Bill No. 238,

A bill for an act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota,

Which the Senate has passed, with the following amendments:

Amend line 11, Section 1, by inserting after the word "which" the words "mine or."

Strike out all after the word "further," in line 22, Section 1, up to and including the word "spur," in line 6, page 2, written bill, and insert in lieu thereof the following:

That any person, company or corporation opening a coal mine within two miles of any station, may petition for a side track or spur, and by executing an indemnity bond, in favor of said railroad company, in the sum of \$2,000 conditioned on the agreement that said person, company or corporation will ship within one year after the completion of such spur or side track, not less than 100 carloads of coal, and when such bond is duly executed with two sureties, approved by the county judge of the county wherein such side track

is situated or attached for judicial purposes, the said railroad company shall, within sixty days, build, equip and operate such side track or spur as provided for in this section.

And your concurrence is respectfully requested.

Also,

House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota.

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Nedrud moved

That the House concur in the Senate amendments to Substitute for House Bill No. 238,

Which motion prevailed, and

The question being shall

Substitute for House Bill No. 238,

A bill for an act compelling railroad companies to put in side-tracks adjacent to coal mines in the State of North Dakota,

Pass as amended by the Senate,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Langer,
Lilly,
McCormick,
McDonald,
McIntyre,
Milsted,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Renaud,
Richardson,
Roney,

Messrs—

Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Hankinson,
Hangerud,
Ink,

Messrs—

Jahr,
Johnson,
Lutz,
McCullough,
Moore,

Messrs—

Murphy,
Norton,
Reed,
Walton,
Wickham.

Messrs. Brittin, Buchanan, Lutz, Jahr, Moore, Norton and Wickham being excused.

And so the bill as amended by the Senate passed

And the title of the bill was agreed to.

Mr. Bowen moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Ueland moved

That the vote by which House Bill No. 14 was passed, be reconsidered.

Mr. Stevens moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 36, nays 15.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Cole,
Court,
Currier,
Estabrook,
Green,
Hankinson,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Langer,
Lilly,
McDonald,
Milsted,
Montgomery,
Nedrud,
Rawlings,
Reed,
Renaud,
Roney,

Messrs—

Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thompson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Belden,
Bye,
Christianson,
Gronli,
Haugen,

Messrs—

McCormick,
McCullough,
McIntyre,
Olsgard,
Pinkham,

Messrs—

Richardson,
Selby,
Thomas,
Ueland,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Foss,
Ink,

Messrs—

Jahr,
Johnson,
Lutz,
Moore,

Messrs—

Murphy,
Norton,
Wickham.

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore, Norton and Wickham being excused.

And so the motion to lay upon the table prevailed.

Mr. Stevens moved

That the request of the Senate be not granted, and that the Enrolling and Engrossing Clerk be instructed to prepare the bill for transmission to the Governor at once,

Which motion prevailed.

Mr. Ueland moved

That the reading of the Journals of to-day and yesterday be dispensed with, and that they be referred to a committee to revise and correct the same and report to the House.

Mr. Stevens moved

To amend by making the motion cover also the next ten days,
Which amendment was accepted, and
The original motion as amended prevailed.

Mr. Speaker appointed as such committee Messrs. McCormick,
Beard and Murphy.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred
Senate Bill No. 168,

A bill for an act making an appropriation for the State University, and to fix the salaries of the president and professors of the same,

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

In line 15 of original bill insert the word "three" in lieu of the word "two."

In lines 17 and 18 of original bill insert "2,000" in lieu of "1,800."

In line 30 of original bill insert the word "dormitory" in lieu of the word "laboratory."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 145,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown,

And recommend that said bill be amended as follows:

In line 7, page 2, insert the figures "\$2,000" in lieu of the figures "\$6,000."

And when so amended recommend that said bill do pass.

R. N. INK,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 174,

A bill for an act providing for the election of certain county officers named,

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

Add at the end of Section 1 the following: "Provided, That the sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession."

And when so amended recommend that said bill do pass.

JAMES MCCORMICK,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 157,

A bill for an act to define and limit the homestead, the conveyance and incumbrance thereof,

Have had the same under consideration and report it back agreeably to the action of the House to consider all bills relative to homestead exemptions at the same time.

Also,

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883,

Have had the same under consideration and recommend that said bill be considered at the same time that House Bill No. 148 comes before the House.

Also,

House Bill No. 86,

A bill for an act relative to the admission and practice of attorneys,

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

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
That the report of the committee be adopted,
Which motion prevailed, and
The further consideration of House Bill No. 86 was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 235,

A bill for an act prescribing the bond, oath and duties of State's attorneys,

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

F. J. THOMPSON,
Chairman.

Mr. Cole moved
To adopt the report,
Which motion prevailed, and
The further consideration of House Bill No. 235 was indefinitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 271,
 A bill for an act fixing the salaries of States attorneys,
 Have had the same under consideration and recommend that
 said bill be indefinitely postponed.

F. J. THOMPSON,
 Chairman.

Mr. Cole moved
 To adopt the report,
 Which motion prevailed, and
 The further consideration of House Bill No. 271 was indefi-
 nitely postponed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
 House Bill No. 267,
 A bill for an act to amend an act entitled "An Act to give pub-
 licity to chattel mortgage sales,"
 Have had the same under consideration and recommend that
 said bill do pass.

F. J. THOMPSON,
 Chairman.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
 Senate Bill No. 166,
 A bill for an act relating to the use of brands and ear-marks on
 domestic animals and live stock, and repealing Chapter 61 of the
 Session Laws of 1881,
 Have had the same under consideration and recommend that
 said bill be amended as follows:

In Section 10, line 6, original bill, strike out the word "county" and in-
 sert in lieu thereof the words "school fund"; also, insert after the word "in,"
 same line, the words "the county."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 63,

A bill for act to protect stock raisers and promote the breeding
 of improved live stock in the State of North Dakota,

And recommend that said bill be amended as follows:

In Section 3, line 2, original bill, add after the word "with" the words "the
 provisions of"; also, in line 8, same section, strike out the words "six months"
 and insert in lieu thereof the words "one year."

And when so amended recommend that said bill do pass.

A. C. NEDRUD,
 Chairman.

Mr. Tyler moved

That Senate Bill No. 140 be taken from General Orders and re-
 committed to the Committee on Public Buildings,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Williams introduced—

House Bill No. 319,

A bill for an act for the protection of employes and laborers by making them preferred creditors for certain claims.

The Judiciary Committee introduced—

House Bill No. 320,

A bill for an act to regulate the admission of attorneys at law to practice.

Mr. Tyler introduced—

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota.

Mr. Lilly introduced—

House Bill No. 322,

A bill for an act to provide for the levy of State taxes.

Also,

House Bill No. 323,

A bill for an act to amend an act entitled "An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'" approved January 10, 1890.

Mr. Ink introduced—

House Bill No. 324,

A bill for an act to locate, establish and maintain the North Dakota School of Science, and to provide for the government thereof.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Williams moved

That the House concur in the following Senate amendments to House Bill No. 73:

Amend Section 2, line 3, by striking out the word "provide" and inserting the word "proceed" in lieu thereof.

Amend Section 2, line 10, by striking out the word "term" and inserting in lieu thereof the word "tenure."

Which motion prevailed, and

The question being shall

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners,

Pass as amended by the Senate,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,

Messrs—

Hoyt,
Ingebretson,
Ink,

Messrs—

Richardson,
Roney,
Selby,

Messrs—	Messrs—	Messrs—
Belden,	Johnson,	Stadleman,
Bowen,	Langer,	Strom,
Bye,	Lilly,	Tandberg,
Christianson,	McCormick,	Thomas,
Cole,	McCullough,	Thompson of Cass,
Court,	McIntyre,	Tyler,
Currier,	Milsted,	Ueland,
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Walton,
Green,	Nedrud,	Watt,
Gronli,	Olsgard,	Williams,
Haugen,	Pinkham,	Zimmer,
Haugerud,	Rawlings,	Mr. Speaker.
Heglie,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Lutz,	Reed,
Buchanan,	McDonald,	Stevens,
Hankinson,	Moore,	Thomson of Walsh,
Jahr,	Norton,	Wickham.

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore, Norton and Wickham being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Bowen Moved

That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 41,
Which motion prevailed, and
Mr. Speaker called Mr. Roney to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration
Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

And recommend that the bill be immediately placed upon its third reading with the same privileges of amendment and discussion as in the Committee of the Whole.

W. H. H. RONEY.
Chairman.

Mr. Speaker called Mr. Selby to the Chair.

Mr. Cole moved

To adopt the report, and proceed immediately to consider
Senate Bill No. 41,

Which motion prevailed, and

The report of the Committee of the Whole was adopted, and
the third reading of

Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

Section by section, together with the reports of the Railroad Commissioners thereon, was proceeded with.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 28, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate, by motion adopted, has appointed a Conference Committee to confer with a like committee from the House on House Bill No. 14. The President has appointed upon the part of the Senate Messrs. Swanston, Barlow and Cowan.

Also, to recall Senate Bill No. 168.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

To adopt the following amendment proposed by the Railroad Committee:

Amend Section 2 by inserting the following proviso after the letter "a" in first proviso: "That the Commissioner of Railroads shall not at any time fix a higher rate for the transportation of freight or passengers than that fixed by law."

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To adopt the following amendment:

Amend Section 3, Subdivision (c) on page 6 of the original bill, in line 1, after the word "demanded" by inserting the following: *Provided*, No railroad company shall charge a greater rate of passenger tariff than three cents for each mile of actual travel.

Mr. Milsted moved

As a substitute that the amendment be not adopted.

Roll call demanded.

The roll being called there were ayes 4, nays 46.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Hankinson,	Thompson of Cass,	Ueland.
Milsted,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Reed,
Balkan,	Ingebretson,	Renaud,
Beard,	Ink,	Richardson,
Belden,	Johnson,	Roney,

Messrs—	Messrs—	Messrs—
Bowen,	Langer,	Selby,
Bye,	Lilly,	Stevens,
Christianson,	McCormick,	Strom,
Cole,	McCullough,	Tandberg,
Currier,	McDonald,	Thomas,
Estabrook,	McIntyre,	Thomson of Walsh,
Foss,	Montgomery,	Tyler,
Green,	Nedrud.	Walsh,
Gronli,	Olgard,	Walton,
Haugen,	Pinkham,	Williams,
Haugerud,	Rawlings,	Zimmer.
Heglie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Lutz,	Stadleman,
Buchanan,	Moore,	Watt,
Court,	Murphy,	Wickham,
Jahr,	Norton,	Mr. Speaker.

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore, Norton and Wickham being excused.

And so the substitute motion was lost.

The question recurring on the original motion,

The original motion prevailed, and

The amendment was adopted.

Mr. Bowen moved

To adopt the following proposed amendment:

Amend Section 3 in Subdivision "c" by striking out the word "fifteen" and inserting in lieu thereof the word "twelve,"

Which motion prevailed, and

The bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 28, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

Which the Senate has amended as follows and passed:

Amend Section 5, line 4, in printed bill, by striking out the words "who shall acknowledge the instrument" and inserting in lieu thereof the words "of the county where the elevator is situated."

Amend Section 9, line 9, by striking out the words "and by direction of the owner."

Amend Section 10 by adding the following:

Provided, That the warehouseman with whom the grain is stored shall pay the same price per bushel for such stored grain as is by him paid for grain of a like quality upon the market the same day, less his charges, as provided for in this act.

Amend Section 11, lines 7 and 8, by striking out all after the word "cancelled."

Strike out Section 22 and substitute the following:

SEC. 22. No public elevator or warehouse shall charge more than two cents per bushel for receiving, elevating, insuring, delivering, and thirty days' storage; and for storing and insuring for each additional thirty days or part thereof, not to exceed one-half cent per bushel. All persons, firms or corporations operating elevators or warehouses shall be responsible to any owner of grain held by them, for any and all damage thereto caused by their negligence or want of proper care.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved

To adopt the following proposed amendment to Senate Bill No. 41:

Amend said bill by striking out the words "Railroad Commissioners" wherever they occur in said bill, and insert in lieu thereof the words "Commissioners of Railroads."

Also, by adding after the word "Commissioners" wherever it occurs in said bill the words "of Railroads."

Which motion prevailed, and

The bill was so amended.

Mr. Speaker announced his signature to

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State.

Also,

Senate Bill No. 6,

A bill for an act authorizing railroad companies to take, acquire, purchase, sell or guarantee the payment of the bonds and other securities of any other railroad company.

Also,

Senate Bill No. 105,

A bill for an act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock.

Also,

Senate Bill No. 108,

A bill for an act authorizing the Governor and Secretary of State to provide furniture and supplies for the various State offices, and making an appropriation therefor.

Mr. Stevens moved

That the recommendation of the minority of the Railroad Committee as to Section 7 of Senate Bill No. 41 be adopted,

Which motion prevailed.

Mr. Walsh moved

That the Senate be requested to return to the House Senate Bill No. 133 for correction of the House message,

Which motion prevailed.

Mr. Stevens moved

To amend Senate Bill No. 41 by striking out in Section 7, Subdivision (b), the following:

The Commissioners of Railroads shall publish said rules in one newspaper in each county having a railroad station within its limits, as elsewhere provided in this act for the publishing of rates,

The motion prevailed, and

The bill was so amended.

Mr. Bowen moved

To adopt the following proposed amendments:

Amend Section 8, Subdivision (d), by inserting at the end of said Section the following:

Provided, That no rate shall be higher than that fixed by law.

Which motion prevailed, and

The bill was so amended.

Mr. Milsted moved

To adopt the following proposed amendment:

Further amend Section 8 by striking out the word "it," in line 5, Subdivision (e), and inserting the word "they."

Which motion prevailed, and

The bill was so amended.

Mr. Milsted moved

To adopt the following proposed amendment:

Further amend Section 8 by striking out of lines 6 and 7, Subdivision (e), the words "is hereby authorized and directed," and inserting in lieu thereof the words "and it is hereby made their duty."

Which motion prevailed, and

The bill was so amended.

Mr. Bowen moved

To adopt the following proposed amendment:

Strike out in line 15, Subdivision (e), Section 8, the word "recommend" and insert the word "direct."

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To amend the bill as follows:

In Section 8, Subdivision (c), line 31, strike out the words "or less."

Which motion prevailed, and

The bill was so amended.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Thompson of Cass, moved

That the vote by which Mr. Lilly's amendment was passed be reconsidered,

Which motion prevailed, and

Mr. Lilly moved

To lay the amendment on the table,

Which motion prevailed.

Mr. Stevens moved

To adopt the following proposed amendment:

Amend Subdivision (f), page 2, Section 8, line 4, after the word "Commission" by inserting the following: "But for no longer period of time than such common carrier shall fail or refuse to publish such rates as hereinbefore provided."

Which motion prevailed, and

The the bill was so amended.

Mr. Milsted moved

That the following amendment proposed by the majority of the committee be adopted:

Amend Section 8 in Subdivision (h), in line 26, beginning with the word "if" by striking out the following: "If the order appealed from does not fix the common carriers' tariff of rates, fares or charges, the district court to which appeal is taken may, in its discretion, suspend the operation and effect of the order appealed from pending such appeal."

Mr. Stevens moved

As a substitute that the minority report on this question be adopted, and that the words sought to be stricken out, be not stricken out.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 28, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 170,

A bill for an act to license peddling, and prescribing penalties for the violation thereof,

Also,

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions.

Also,

Senate Bill No. 191,

A bill for an act appropriating money for the maintenance of the public offices of the State.

Also,

Senate Bill No. 193,

A bill for an act appropriating money to pay certain newspapers for publishing the Constitution of the State of North Dakota.

Also,

Senate Bill No. 194,

A bill for an act to appropriate money to pay the amount due the militia of the Territory of Dakota.

Also,

Senate Bill No. 205,

A bill for an act providing for the holding of inquests on the bodies of persons supposed to have died by unlawful means in the unorganized counties of the State of North Dakota,

All of which the Senate has passed, and your favorable consideration is requested.

C. C. BOWSFIELD,
Secretary.

Mr. Roney moved

To appoint a committee of three to confer with a similar committee from the Senate on House Bill No. 14; also, to return to the Senate, Senate Bill No. 168, as requested by the Senate.

Mr. Walsh moved

To amend by providing that the Enrolling Clerk be instructed to permit the joint committee to examine House Bill No. 14 during engrossment.

Mr. Stevens raised the point of order that the vote by which House Bill No. 14 was ordered transmitted to the Governor must first be reconsidered,

Which point of order Mr. Speaker decided well taken.

Mr. Williams moved

To reconsider the vote by which House Bill No. 14 was ordered transmitted to the Governor,

Which motion prevailed.

The amendment of Mr. Walsh to the motion of Mr. Roney was accepted, and

The motion as amended prevailed.

Mr. Speaker appointed as the Conference Committee on House Bill No. 14 on the part of the House Messrs. Walsh, Milsted and Roney.

Mr. Cole moved

That the House do now adjourn until to-morrow morning at 10 o'clock,

Which motion was lost.

Roll call demanded on the substitute motion of Mr. Stevens relating to Senate Bill No. 41.

The roll being called there were ayes 5, nays 43.

Those who voted in the affirmative were—

Messrs—

Reed,

Thompson of Cass,

Messrs—

Tyler,

Walsh,

Messrs—

Watt.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Pinkham,
Balkan,	Heglie,	Rawlings,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Bowen,	Johnson,	Roney,
Bye,	Langer,	Stevens,
Christianson,	Lilly,	Strom,
Cole,	McCormick,	Tandberg,
Court,	McCullough,	Thomas,
Currier,	McIntyre,	Thomson of Walsh,
Estabrook,	Milsted,	Ueland,
Foss,	Montgomery,	Walton,
Gronli,	Nedrud,	Williams,
Hankinson,	Olsgard,	Zimmer.
Haugen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Lutz,	Selby,
Buchanan,	McDonald,	Stadleman,
Green,	Moore,	Wickham,
Hoyt,	Murphy,	Mr. Speaker.
Jahr,	Norton,	

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore, Norton and Wickham being excused.

And so the substitute motion was lost.

Mr. Roney moved

That when the House adjourn it be to meet to-morrow morning at 10 o'clock, and that hereafter the House hold two sessions daily beginning at 10 a. m. and 2 p. m.

Mr. Stevens moved

To amend by striking out all after "to-morrow morning at 10 o'clock,"

Which motion prevailed, and

The question recurring on the original motion as amended,

Mr. Stevens moved

As a substitute that the House do now adjourn until 10 o'clock to-morrow morning,

Which motion prevailed, and

The House adjourned until 10 o'clock a. m. to-morrow.

MORNING SESSION.

The House reassembled at 10 o'clock a. m. pursuant to adjournment.

Consideration of Senate Bill No. 41 was continued.

The question being on the motion of Mr. Milsted to adopt the recommendation of the majority of the Railroad Committee as to striking out certain words in Subdivision (h) of Section 8,

The motion prevailed, and
The bill was so amended.

Mr. Milsted moved

To adopt the following proposed amendment:

Amend Subdivision (h), page 2, Section 8, after the word "just," in line 14, by adding the following: "And upon the application of either party, it shall be the duty of the court trying the same to call a jury of not less than twelve members to hear and determine all questions of fact in said hearing, in the same manner as the court would do in case no jury is demanded," down to and including the word "hearing" in the next to the last line.

Mr. Stevens moved

As a substitute that the amendment be not adopted,
Which motion was lost, and
The question recurring on the motion to adopt,
The motion prevailed, and
The bill was so amended.

Mr. Bowen moved

To adopt the following recommendation of the minority.

Add at the close of Subdivision (h) of Section 8:

Provided, That pending the final determination of all appeals under any of the provisions of this act the order or decisions of the commission shall be and remain in full force and effect.

Which motion prevailed, and
The bill was so amended.

Mr. Lilly moved

To amend the bill by striking out the words "district attorney" wherever they occur in the bill, and inserting in lieu thereof the words "States Attorney,"

Which motion prevailed, and
The bill was so amended.

Mr. Bowen moved

To adopt the following proposed amendment:

Amend Section 9, page 1, by striking out at the end of the line the following: "Said Commissioners are hereby authorized at the request of the Attorney General, to employ such additional counsel as he may think proper to assist in the prosecution of any suit they may determine to bring under the provisions of this act, or any law of this State."

Which motion prevailed, and
The bill was so amended.

Mr. Lilly moved

To strike out the word "Legislature" wherever it occurs in the bill and insert in lieu thereof the words "Legislative Assembly,"

Which motion prevailed, and
The bill was so amended.

The third reading of
Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

Was concluded, and
Mr. Pinkham moved

To reconsider the motion of Mr. Bowen by which a portion of
Section 9 was stricken out.

Roll call demanded.

The roll being called there were ayes 33, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Norton,
Balkan,	Heglie,	Olsgard,
Beard,	Ingebretson,	Pinkham,
Bowen,	Ink,	Renaud,
Bye,	Johnson,	Roney,
Christianson.	Lilly,	Strom,
Cole,	McCormick,	Tandberg,
Estabrook,	McCullough,	Thompson of Cass,
Foss,	McDonald,	Thomson of Walsh,
Gronli,	Montgomery,	Ueland,
Haugen,	Murphy,	Walton.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Nedrud,	Thomas,
Court,	Rawlings,	Tyler,
Green,	Richardson,	Watt,
Langer,	Selby,	Williams,
McIntyre,	Stadleman,	Zimmer,
Milsted,	Stevens,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Hoyt,	Reed,
Buchanan,	Jahr,	Walsh,
Currier,	Lutz,	Wickham.
Hankinson	Moore,	

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore and Wickham being excused.

And so the motion to reconsider prevailed.

Mr. Thompson of Cass, moved

To amend the proposed amendment by striking out the word
“he” in line 2 of the portion sought to be stricken out and substituting therefor the word “they,”

Which motion prevailed, and

The bill was so amended.

The question being shall that portion of Section 9 sought to be
stricken out stand as amended by the motion of Mr. Thompson of
Cass,

Mr. Pinkham moved

That the recommendation of the committee as to Section 9 be
not adopted, but that the portion sought to be stricken out stand
as amended by the motion of Mr. Thompson of Cass,

Which motion prevailed.

Mr. Williams moved

To amend the bill as follows:

In Section 9, line 11 of the printed bill, after the word "commissioners" insert the words "with the consent of the Governor,"

Mr. Walsh moved

To amend Section 9 by striking out the words "Board of Railroad Commissioners" wherever they appear in this section, and inserting the word "Governor."

Mr. Thompson of Cass, moved

To lay the original motion and the substitute motion upon the table,

Which motion prevailed.

Mr. Estabrook moved

To amend the bill as follows: Amend Section 16, Subdivision (a) by striking out at the close of the subdivision the words "general revenue fund," and inserting the words "common school fund,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Hoyt,

Messrs—

Jahr,
Lutz,
Moore,

Messrs—

Reed,
Wickham.

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore and Wickham being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That the vote by which Senate No. 41 was passed, be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

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

MR. SPEAKER:

Your Committee on Correction of the Journal have examined House Journal of the one hundred and first day and recommend the following correction on page 21, line 12: Insert the word "not" after the word "was" and before the word "adopted."

JAMES McCORMICK,
Chairman.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined House Bill No. 296,

A bill for an act providing for the organization and fixing, and defining the power and duties of the Board of University and School Lands, and making an appropriation therefor.

Also,

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and provide a fund to reimburse the county for the same.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890.

Also,

House Bill No. 299,

A bill for an act requiring railroad companies to fence their line of road and prescribing penalties for neglect thereof.

Also,

House Bill No. 306,

A bill for an act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers residents therein," approved February 14, 1890.

Also,

House Bill No. 304,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for their being restored to citizenship upon certain conditions.

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Educational Institutions made the following report:

MR. SPEAKER:

Your Committee on Educational Institutions to whom was referred

House Bill No. 246,

A bill for an act to provide for the establishment of an industrial school and school of manual training at the city of Ellendale in the county of Dickey, agreeable to the provision made for the same in Article 19 of the Constitution of the State of North Dakota,

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

Strike out all of Section 3 of the bill.

And when so amended recommend that said bill do pass.

J. H. McCULLOUGH,
Chairman.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigation companies and to aid the same,

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

R. N. STEVENS,
Chairman.

The Committee on Public Buildings made the following supplemental report:

MR. SPEAKER:

Your Committee on Public Buildings to whom was referred

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Agricultural Experiment Station at Fargo,

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

Amend Section 3 by striking out all of the section from the commencement thereof, down to and including the words "Legislative Assembly" where they first occur in said section, and by substituting in lieu thereof the following:

SEC. 3. The board of directors shall consist of five members. The first board shall be appointed as hereinafter provided, and their term of office shall expire when their successors have been appointed and qualified during the session of the Legislative Assembly in the year A. D. 1891. During the session of the Legislative Assembly in the year A. D. 1891, and before the third Monday in February of said year the Governor shall nominate and by and with the consent and advice of the senate, appoint a full board of

directors, three of whom shall be appointed for the term of two years, and two of whom shall be appointed for the term of four years. Thereafter and at each biennial session of the Legislative Assembly, and on or before the third Monday in February during each session there shall be nominated by the Governor and by and with the consent and advice of the Senate, appointed for the term of four years, directors to fill vacancies occurring by the expiration of the term of office of those previously appointed.

Also, amend Section 3 by adding at the end thereof the following: "*Provided, further,* That in all cases where the Governor has made an appointment to fill a vacancy when the Legislative Assembly is not in session, the term of office of the director or directors so appointed shall expire at the next ensuing session of the Legislative Session."

Amend Section 8 by inserting after the word "mathematics" in line 5 of said section the words "military tactics."

Amend Section 13 by inserting after the word "shall" in the first line of said section the following: "Annually on or before the first day of February in each year make to the Governor a full and detailed report of the operations of the experiment station hereby established including a statement of the receipts and expenditures, a copy of which report shall be sent by the Governor to the Commissioner of Agriculture, and the Secretary of the Treasury of the United States; and said board of directors shall also."

And when so amended recommend that said bill do pass.

•
E. A. WILLIAMS,
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 57,

A bill for an act to repeal an act entitled "An Act to prohibit the destruction of beaver in the Territory of Dakota."

Also,

House Bill No. 15,

A bill for an act for the organization and government of State banks,

Were delivered to his Excellency, the Governor, for his approval, at the hour of 4 o'clock p. m., February 17, 1890.

GEO. H. WALSH,
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District.

Also,

House Bill No. 196,

A bill for an act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature.

Also,

House Bill No. 175,

A bill for an act providing for the erection of public grain

warehouses and elevators, on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith.

Also,

House Bill No. 274,

A bill for an act to fix the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Also,

House Bill No. 238,

A bill for an act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota.

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 196,

A bill for an act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature.

Also,

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District.

Also,

House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith.

Also,

House Bill No. 274,

A bill for an act to fix the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota.

Mr. Renaud moved

That the House do now adjourn.

Mr. Zimmer demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Brittin, Buchanan, Hoyt, Jahr, Lutz, Moore, Reed, Selby, Stadleman and Wickham.

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore and Wickham being excused.

Mr. Hankinson moved

That further proceeding under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

The question being on the motion to adjourn,

The motion was lost.

Mr. Hankinson moved

That the rules be suspended, and that the House do now proceed to the third reading of House bills,

Which motion prevailed, and

House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session Laws of 1885, relating to county mutual insurance companies,

Was read the third time by its title, and

Mr. Stevens moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 22, nays 28.

Those who voted in the affirmative were:

Messrs—

Beard,
Court,
Estabrook,
Haugerud,
Ingebretson,
Ink,
Johnson,
Langer,

Messrs—

McCormick,
McCullough,
Montgomery,
Murphy,
Rawlings,
Renaud,
Richardson,

Messrs—

Roney,
Strom,
Tandberg,
Thomas,
Ueland,
Watt,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Currier,
Foss,
Green,

Messrs—

Grouli,
Hankinson,
Haugen,
Heglie,
Lilly,
McDonald,
McIntyre,
Nedrud,
Olsgard,

Messrs—

Pinkham,
Stevens,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Hoyt,
Jahr,

Messrs—

Lutz,
Milsted,
Moore,
Norton,

Messrs—

Reed,
Selby,
Stadleman,
Wickham.

Mr. Ink explaining his vote.

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore and Wickham being excused.

And so the motion was lost.

Mr. Stevens moved

That the vote just taken be reconsidered.

Mr. Hankinson moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Renaud moved
That the House do now adjourn,
Which motion was lost.

Mr. McCormick moved
That the further consideration of House Bill No. 162 be indefinitely postponed.

Mr. Roney moved
To lay the motion upon the table,
Which motion prevailed, and
The question being on the final passage of House Bill No. 162,
The roll being called there were ayes 37, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Roney,
Bye,	Johnson,	Strom,
Christianson,	Lilly,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	McIntyre,	Thomson of Walsh.
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Walton,
Gronli,	Nedrud,	Watt,
Hankinson,	Norton,	Williams,
Haugen,	Olsgard,	Zimmer.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	McCormick,	Stevens,
Currier,	Milsted,	Tyler,
Green,	Pinkham,	Ueland.
Langer,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Lutz,	Stadleman,
Brittin,	McCullough,	Thompson of Cass,
Buchanan,	Moore,	Wickham,
Hoyt,	Reed,	Mr. Speaker.
Jahr,	Selby,	

Messrs. Brittin, Buchanan, Jahr, Lutz, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Richardson moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Jahr, Lutz, McCullough, Moore and Wickham, excused.

MOTIONS, RESOLUTIONS, ETC.

Mr. Cole moved

That Senate Bill No. 166 and Senate Bill No. 172 be made a special order for Monday next at 3 o'clock p. m.,

Which motion prevailed, and

The bills were made a special order.

Mr. Walsh moved

That the rules be suspended, and that Senate Bill No. 11 be now placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigation companies and to aid the same,

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

The roll being called there were ayes 40, nays 14.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Brittin,
Buchanan,
Christianson,
Court,
Currier,
Estabrook,

Messrs—

Johnson,
Lilly,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud.

Messrs—

Stadleman,
Stevens,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,

Messrs—
Green,
Hankinson,
Haugerud,
Hoyt,
Ingebretson,
Ink,

Messrs—
Norton,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Balkan,
Bye,
Cole,
Foss,
Gronli,

Messrs—
Haugen,
Heglie,
McCormick,
Olsgard,

Messrs—
Richardson,
Roney,
Strom,
Ueland.

Absent and not voting:

Messrs—
Beard,
Bowen,
Jahr,

Messrs—
Langer,
Lutz,
McCullough,

Messrs—
Moore,
Selby,
Wickham.

Messrs. Jahr. Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Walsh moved

That the vote by which Senate Bill No. 11 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Richardson moved

That the rules be suspended, and that Senate Bill No. 125 be now placed upon its third reading and final passage,

Which motion prevailed, and
Senate Bill No. 125.

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized,

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

The roll being called there were ayes 46, nays 3.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Belden,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,

Messrs—
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Johnson,
Langer,
Lilly,
McIntyre,
Milsted,
Montgomery,
Murphy,
Norton,

Messrs—
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,

Messrs—
Green,
Gronli,
Hankinson,
Haugen,

Messrs—
Olsgard,
Pinkham,
Rawlings,

Messrs—
Watt,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
McDonald,

Messrs—
Stevens,

Messrs—
Ueland.

Absent and not voting:

Messrs—
Beard,
Bowen,
Ink,
Jahr,
Lutz,

Messrs—
McCormick,
McCullough,
Moore,
Nedrud,

Messrs—
Reed,
Renaud,
Wickham,
Williams.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

So the bill as amended by the House passed, more than two-thirds of the members present and voting, voting therefor,
And the title of the bill was agreed to.

Mr. Lilly moved

That the consideration of Senate Bill No. 143 be postponed and that the bill be made a special order for Monday at 2:30 o'clock p. m,

Which motion prevailed.

Mr. Richardson moved

That the vote by which Senate Bill No. 125 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

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

Resolved, That commencing with next Tuesday, there be held two sessions of this House daily on Tuesdays, Thursdays and Saturdays until the end of the session. The morning session to commence at 9:30 o'clock a. m. of said days.

Mr. Thompson of Cass, moved

To amend by fixing the time for the morning session at 10 o'clock,

Which motion was lost, and

The question recurring on the motion to adopt,

The motion prevailed, and

The resolution was adopted.

Mr. Williams moved

That at 5:45 o'clock p. m. this afternoon the Speaker be instructed to declare a recess until 7:30 o'clock p. m. at which hour the House shall assemble and continue its business.

Mr. Allen moved

To lay the motion upon the table,

Which motion prevailed, and
The motion was laid upon the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 1, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate desires to have before it the engrossed copy of House Bill No. 158 as amended for final passage.

C. C. BOWSFIELD,
Secretary.

THIRD READING OF HOUSE BILLS.

Mr. Walsh moved.

That the rules be suspended, and that the House do now resolve itself into Committee of the Whole for the consideration of General Orders.

Mr. Allen moved

As a substitute that the House do now proceed to the consideration of House and Senate bills on their third reading.

Mr. Walsh withdrew his motion and the substitute motion prevailed.

Substitute for House Bill No. 24,

A bill for an act indemnifying the owners of sheep in case of damage by dogs and creating a fund to pay for the same by a tax on dogs,

Was read the third time, and

Mr. Ueland asked unanimus consent to amend the bill as follows:

Insert after the word "laws" in Section 11 the following words: "And an emergency existing,"

Which consent was given, and

The bill was so amended.

Mr. Lilly asked unanimous consent to further amend the bill as follows:

In Section 8 strike out the words and figures "one hundred (100) dollars" and insert in lieu thereof the words and figures "two hundred (200) dollars,"

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 47, nays 6.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,

Messrs—
Hangerud,
Heglie,
Hoyt,

Messrs—
Roney,
Stadleman,
Stevens,

Messrs—	Messrs—	Messrs—
Belden,	Ingebretson,	Strom,
Brittin,	Ink,	Tandberg,
Buchanan,	Lilly,	Thomas,
Bye,	McDonald,	Thompson of Cass,
Christianson,	McIntyre,	Thomson of Walsh,
Cole,	Milsted,	Tyler,
Court,	Montgomery,	Ueland,
Currier,	Murphy,	Walsh,
Estabrook,	Nedrud,	Walton,
Foss,	Pinkham,	Watt,
Green,	Rawlings,	Zimmer,
Gronli,	Renaud,	Mr. Speaker.
Hankinson,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haugen,	Langer,	Norton,
Johnson,	McCormick,	Olsgard.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCullough,	Selby,
Jahr,	Moore,	Wickham,
Lutz,	Reed,	Williams.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Milsted moved

That the vote by which substitute for House Bill No. 24 was passed, be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 294,

A bill for an act to repeal Section 3, Chapter 7, Laws of 1887, Was read the third time by its title, and

Mr. Cole moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another.

Was read the third time, and

Mr. Montgomery asked unanimous consent to amend the bill as follows:

Add after the word "homicide" at the close of Section 1 the following: "To military companies during drill, or to theatrical troupes where a use of firearms is a necessary part of their stage performance."

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 44, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Richardson,
Balkan,	Ink,	Roney,
Beard,	Johnson,	Stadleman,
Belden,	Langer,	Strom,
Brittin,	Lilly,	Tandberg,
Buchanan,	McDonald,	Thomas,
Bye,	McIntyre,	Thompson of Walsh,
Christianson,	Milsted,	Tyler,
Cole,	Montgomery,	Ueland,
Court,	Murphy,	Walsh,
Estabrook,	Norton,	Walton,
Green,	Olsgard,	Watt,
Gronli,	Pinkham,	Zimmer,
Haugen,	Rawlings,	Mr. Speaker.
Haugerud,	Renaud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Foss,	Stevens,	Thompson of Cass.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Jahr,	Nedrud,
Currier,	Lutz,	Reed,
Hankinson,	McCormick,	Selby,
Hoyt,	McCullough,	Wickham,
Ingebretson,	Moore,	Williams.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Montgomery moved

That the vote by which House Bill No. 282 was passed be reconsidered, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Speaker announced his signature to House Bill No. 238,

A bill for an act to fix the maximum rate that railroad companies may charge for the transportation within the State of North Dakota of coal mined therein, etc.

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code relating to chattel mortgages,

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

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Pinkham,
Balkan,	Heglie,	Renaud,
Beard,	Hoyt,	Roney,
Belden,	Ingebretson,	Stevens,
Brittin,	Ink,	Strom,
Bye,	Johnson,	Tandberg,
Christianson,	Langer,	Thomas,
Cole,	Lilly,	Thompson of Cass,
Court,	McDonald,	Thomson of Walsh,
Currier,	McIntyre,	Tyler,
Estabrook,	Milsted,	Ueland,
Foss,	Montgomery,	Walton,
Green,	Murphy	Watt,
Gronli,	Nedrud,	Zimmer,
Haugen,	Olsgard,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCormick,	Selby.
Buchanan,	McCullough,	Stadleman,
Hankinson,	Moore,	Walsh,
Jahr,	Rawlings,	Wickham,
Lutz,	Reed,	Williams.

Messrs. Norton and Richardson voting in the negative.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members present voting therefor,

And the question being on the title of the bill.

Mr. Lilly moved to amend the title to read as follows:

A bill for an act to amend Section 1, Chapter 25, of the Session Laws of 1881, being Section 1748 of the Civil Code, relating to the renewal of chattel mortgages,

Which motion prevailed, and

The title as amended was agreed to.

House Bill No. 233,

A bill for an act amending Section 1397 of the Compiled Laws of 1887, Section 1, Chapter 6, of the Revised Code of 1877,

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

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Reed,
Balkan,	Heglie,	Renaud,
Beard,	Hoyt,	Richardson,
Belden,	Ingebretson,	Roney,
Brittin,	Ink,	Stadleman,
Buchanan,	Johnson,	Strom,
Bye,	Langer,	Tandberg,
Christianson,	Lilly,	Thomas,
Cole,	McCormick,	Thompson of Cass,
Court,	McDonald,	Thomson of Walsh,
Currier,	McIntyre,	Tyler,

Messrs—	Messrs—	Messrs—
Estabrook,	Milsted,	Walton,
Foss,	Montgomery,	Watt,
Green,	Nedrud,	Williams,
Gronli,	Norton,	Zimmer,
Hankinson,	Olsgard,	Mr. Speaker.
Haugen,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Moore,	Stevens,
Jahr,	Murphy,	Ueland,
Lutz,	Rawlings,	Walsh,
McCullough,	Selby,	Wickham.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 170,

A bill for an act to preserve the purity of the waters of all streams flowing in, through or on the boundary line of the State of North Dakota,

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Renaud,
Balkan,	Hoyt,	Richardson,
Beard,	Johnson,	Roney,
Belden,	Langer,	Stadleman,
Brittin,	Lilly,	Stevens,
Buchanan,	McCormick,	Strom,
Eye,	McDonald,	Tandberg,
Christianson,	McIntyre,	Thomas,
Cole,	Milsted,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Currier,	Murphy,	Tyler,
Estabrook,	Nedrud,	Ueland,
Foss,	Norton,	Walton,
Green,	Olsgard,	Watt,
Gronli,	Pinkham,	Williams,
Hankinson,	Rawlings,	Zimmer,
Haugen,	Reed,	Mr. Speaker.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Lutz,	Selby,
Ingebretson,	McCullough,	Walsh,
Ink,	Moore,	Wickham.
Jahr,		

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to

Mr. Montgomery moved

That the vote by which House Bill No. 170 was passed, be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 132,

A bill for an act to regulate the collection of attorneys' fees in foreclosure of real estate mortgage; to prohibit the collection thereof in certain cases; to declare foreclosure proceedings not in conformity to this act void; to repeal Sections 597 to 615, both inclusive, of the Code of Civil Procedure, and Chapter 16 of the General Laws of 1889, and to amend Sections 622, 623 and 633 of the Code of Civil Procedure.

Was read the third time, and

Mr. Williams moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn, and

Mr. Williams moved

To amend the bill by striking out Section 4.

Roll call demanded.

The roll being called there were ayes 29, nays 24.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Brittin,
Christianson,
Cole,
Currier,
Foss,
Hankinson,
Haugen.
Haugerud,

Messrs—

Heglie,
Ink,
Johnson,
Langer,
Lilly,
McDonald,
McIntyre,
Montgomery,
Murphy,
Rawlings,

Messrs—

Renaud,
Richardson,
Stadleman,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Williams.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Buchanan,
Bye,
Court,
Estabrook,
Green,
Gronli,

Messrs—

Hoyt,
Ingebretson,
McCormick,
Nedrud,
Norton,
Pinkham,
Reed,
Roney,

Messrs—

Stevens,
Strom,
Tandberg,
Thompson of Cass,
Tyler,
Walton,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bowen,
Jahr,
Lutz,

Messrs—

McCullough,
Milsted,
Moore,

Messrs—

Olsgard,
Selby,
Wickham.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And Mr. Speaker decided that the motion had prevailed, and
The bill was so amended.

Mr. Thompson of Cass raised the point of order that the motion
involved a suspension of the rules,

Which point of order Mr. Speaker decided not well taken,
unanimous consent having been given when the consideration of
the motion was permitted.

Mr. Stevens raised the point of order that it required the con-
stitutional majority, (32) to amend a bill on its final passage,

Which point of order Mr. Speaker decided not well taken for
reason that the constitutional provision applies to bills on their final
passage and not to amendments to the bill.

The question being on the final passage of the bill as amended,
The roll being called there were ayes 47, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Pinkham,
Balkan,	Haugerud,	Rawlings,
Beard,	Hoyt,	Reed,
Belden,	Ingebretson,	Renaud,
Brittin,	Ink,	Richardson,
Buchanan,	Johnson,	Stadleman,
Bye,	Langer,	Strom,
Christianson,	Lilly,	Tandberg,
Cole,	McCormick,	Thomas,
Court,	McDonald,	Thompson of Cass,
Currier,	McIntyre,	Thomson of Walsh,
Estabrook,	Milsted,	Tyler,
Foss,	Montgomery,	Walton,
Green,	Murphy,	Watt,
Gronli,	Nedrud,	Mr. Speaker.
Hankinson,	Norton,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Ueland,	Williams,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCullough,	Selby,
Heglie,	Moore,	Stevens,
Jahr,	Olsgard,	Walsh,
Lutz,	Roney,	Wickham.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being
excused.

And so the bill as amended passed, a majority of the members-
elect voting therefor, and

The question being on the title of the bill,

Mr. Thompson of Cass moved

To amend the title by striking out all after the word "void"
down to and including the figures "1889,"

Which motion prevailed, and

The title of the bill as amended was agreed to.

Mr. Thompson of Cass, moved

That the vote by which House Bill No. 132 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 295,

A bill for an act making an appropriation to pay for the publication of the Constitution of North Dakota in the newspapers of the State,

Was read the third time, and placed upon its final passage,

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Buchanan.
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McDonald,
McIntyre,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Richardson,
Stadleman,
Stevens,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Bowen,
Foss,
Jahr,
Lutz,
McCullough,

Messrs—

Milsted,
Moore,
Norton.
Roney,

Messrs—

Selby,
Walsh,
Wickham,
Zimmer.

Mr. Strom voting in the negative.

Messrs. Jahr, Lutz, Moore, McCullough and Wickham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the eighth Subdivision of the Sixth judicial district to the proper counties,

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

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Rawlings,
Balkan,	Heglie,	Richardson,
Beard,	Hoyt,	Roney,
Belden,	Ink,	Stadleman,
Brittin,	Johnson,	Stevens,
Buchanan,	Langer,	Tandberg,
Bye,	Lilly,	Thomas,
Christianson,	McCormick,	Thompson of Cass,
Cole,	McDonald,	Thomson of Walsh,
Court,	McIntyre,	Tyler,
Currier,	Milsted,	Ueland,
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Walton,
Green,	Nedrud,	Watt,
Gronli,	Norton,	Williams,
Hankinson,	Olsgard,	Zimmer,
Haugen,	Pinkham,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCullough,	Selby,
Ingebretson,	Moore,	Strom,
Jahr,	Reed,	Wickham.
Lutz,	Renaud,	

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Roney moved

To reconsider the vote by which House Bill No. 275 was passed, and to lay the motion to reconsider on the table,

Which motion prevailed.

House Bill No. 296,

A bill for an act defining the duties and powers of the Board of University and School Lands, and making an appropriation therefor,

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

The roll being called there were ayes 50, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Renaud,
Balkan,	Hoyt,	Richardson,
Beard,	Ingebretson,	Roney,
Belden,	Ink,	Strom,
Brittin,	Johnson,	Tandberg,
Buchanan,	Langer,	Thomas,
Bye,	Lilly,	Thompson of Cass,
Christianson,	McCormick,	Thomson of Walsh,
Cole,	McIntyre,	Tyler,
Court,	Milsted,	Ueland,
Currier,	Montgomery,	Walsh,
Estabrook,	Murphy,	Walton,
Foss,	Nedrud,	Watt,

Messrs—
Green,
Gronli,
Hankinson,
Haugerud,

Messrs—
Norton,
Pinkham,
Rawlings,
Reed,

Messrs—
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Haugen,

Messrs—
Olsgard,

Messrs—
Stevens.

Absent and not voting:

Messrs—
Bowen,
Jahr,
Lutz,

Messrs—
McCullough,
McDonald,
Moore,

Messrs—
Selby,
Stadleman,
Wickham.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Thompson of Cass, moved

To reconsider the vote by which House Bill No. 296 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Hankinson moved

That House Bill No. 158 be returned to the Senate as requested,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota.

Also,

House Bill No. 267,

A bill for an act to amend an act entitled "An Act to give publicity to chattel mortgage sales."

Also,

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

And find the same correctly engrossed.

ALEX. THOMSON,
Acting Chairman.

Mr. Speaker called Mr. Williams to the Chair.

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota,

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

The roll being called there were ayes 43, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Roney,
Balkan,	Hoyt,	Stevens,
Beard,	Ingebretson,	Strom,
Belden,	Ink,	Tandberg,
Britten,	Johnson,	Thomas,
Buchanan,	McCormick,	Thompson of Cass,
Bye,	McDonald,	Thomson of Walsh,
Christianson,	Milsted,	Tyler,
Cole,	Murphy,	Ueland,
Court,	Nedrud,	Walsh,
Currier,	Norton,	Walton,
Estabrook,	Pinkham,	Watt,
Green,	Rawlings,	Williams,
Hankinson,	Reed,	Zimmer.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Montgomery,	Olsgard,	Renaud.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Lilly,	Richardson,
Foss,	Lutz,	Selby,
Gronli,	McCullough,	Stadleman,
Haugen,	McIntyre,	Wickham,
Jahr,	Moore,	Mr. Speaker.
Langer,		

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Hoyt moved

That the vote by which House Bill No. 283 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 1, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 192,

A bill for an act relating to the electors of President and Vice President.

Also,

House Bill No. 214,

A bill for an act to provide for the support of married women.

Also,

House Bill No. 241,

A bill for an act to locate and provide for the government of a State Normal School at Valley City, Barnes county, North Dakota,

All of which the Senate has passed unchanged.

Also,

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining Reports of the Supreme Court of Dakota Territory.

Amend Section 1, line 6, by striking out the word "providing" and inserting the word "provided."

Also,

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

Strike out of Section 17 the words "work or use any such stray beast, except in a prudent manner and so as not to injure the same, or shall when working such beast."

Strike out Section 18.

Renumber sections in conformity with amendments herein.

Also,

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred muskets for the use of students for drill purposes.

Amend Section 2 by adding at the close "in good condition."

Also,

House Bill No. 138,

A bill for an act to provide for the summoning of jurors as talesmen in the district courts of this State,

Which was lost.

Also,

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885.

Amend the title by adding the words "entitled an act allowing town supervisors to issue bonds."

Amend Section 1 so as to read as follows: That Chapter 144 of the Session Laws of 1885 entitled "An act allowing town supervisors to issue bonds," approved March 13, 1875, be and the same is hereby repealed.

All of which the Senate has passed as per amendments attached, and your concurrence is respectfully requested.

Also,

That the Senate by motion adopted has appointed a Conference Committee on Senate Bill No. 133, consisting of Messrs. Rowe,

Allen and Yager to confer with a like committee from the House.
 C. C. BOWSFIELD,
 Secretary.

Mr Thompson of Cass, moved
 That a conference committee be appointed on Senate Bill No. 133,

Which motion prevailed, and
 Mr. Speaker appointed as such committee Messrs. Thompson of Cass, Selby and Currier.

Mr. Strom (by unanimous consent) introduced—
 House Bill No. 325,
 A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889, so as to require county clerks or auditors and county treasurers to make out financial statements of the county twice a year.

Mr. Thompson of Cass, (by unanimous consent) introduced—
 House Bill No. 326,
 A bill for an act relating to abstracting.

Mr. Ink moved
 That the rules be suspended, and that House Bill No. 324 be now read the first and second times, and referred to its appropriate committee,

Which motion prevailed, and
 House Bill No. 324,
 A bill for an act to locate, establish and maintain the North Dakota School of Science, and to provide for the government thereof,

Was read the first and second times, and referred to the Committee on Public Buildings.

Mr. Thompson of Cass, moved
 That House Bill No. 40, and all bills on the subject of exemptions be made a special order for next Thursday at 3 o'clock,
 Which motion prevailed.

Mr. Strom moved
 That the rules be suspended and that House Bill No. 318 be now read the first and second times, and referred to its appropriate committee,

Which motion prevailed, and
 House Bill No. 318,
 A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road and bridge fund, or penalty and interest fund to the general fund,

Was read the first and second times and referred to the Committee on Counties and County Boundaries.

Mr. Rawlings (by unanimous consent) introduced—

House Bill No. 327,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of husband and wife.

Mr. Speaker announced an informal recess.

House reassembled.

House Bill No. 304,

A bill for an act to allow convicts in the Penitentiary a credit in diminution of their sentence, and for being restored to citizenship upon certain conditions,

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

Mr. Estabrook (by unanimous consent) moved

That House Bill No. 274 be recalled from the Governor,
Which motion prevailed.

The question being on the passage of House Bill No. 304,
The roll being called there were ayes 45, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingrebretson,
Ink,
Johnson,
Lilly,
McCormick,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,

Messrs—

Rawlings,
Reed,
Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Beard,
Bowen,
Currier,
Jahr,

Messrs—

Langer,
Lutz,
McCullough,
Moore,
Olsgard,

Messrs—

Selby,
Stadleman,
Thomas,
Wickham,
Mr. Speaker.

Messrs. Renaud and Ueland voting in the negative.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Hankinson moved

That House Bill No. 31 be taken from General Orders and placed upon its third reading and final passage.

Mr. Tandberg moved

To amend by also including House Bill No. 251,
Which amendment was accepted, and
The original motion as amended prevailed.

Mr. Stevens moved

That the vote by which House Bill No. 274 was recalled from
the Governor be reconsidered,

Which motion prevailed, and

Mr. Stevens moved

That the motion be laid upon the table,

Which motion prevailed.

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of
the General Laws of 1881, relating to sheep husbandry,

Was read the third time, and

Mr. Hankinson moved

To adopt the following amendments to House Bill No. 31 pro-
posed by the Committee on Agriculture:

In Section 1, line 5, printed bill, strike out the figure "5" and insert in lieu
thereof the figure "3."

Also, strike out the figure "2" in same line and insert the figure "1" in lieu
thereof.

Which motion prevailed, and

The bill was so amended.

Mr. Hankinson moved

To amend the bill by striking out in line 4 of Section 1, the
words "fifty stock raisers" and inserting in lieu thereof the words
"twenty-five free holders,"

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 1, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 291,

A bill for an act to provide for the changing and relocating the
position of county seats.

Add to Section 1 the following:

Provided, That nothing in this act shall permit the removal to or locating
of the county seat of any county at a place not located upon a line of rail-
road.

Amend the bill by adding the words "or wherein the court house and
jail now erected exceeds in value the sum of \$35,000."

Amend Section 1, line 4, by inserting after the words "one-third" the
words "in number"; also, in line 5, after the word "county" insert the words
"as shown by the vote."

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Watt was excused until next Wednesday.

Mr. Nedrud (by unanimous consent) made the following report of the Committee on Agriculture:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
House Bill No. 141,

A bill for an act restraining certain male animals from running
at large,

Have had the same under consideration and recommend that
said bill do pass as amended by the Committee on Agriculture on
January 14th.

A. C. NEDRUD,
Chairman.

Mr. Richardson asked unanimous consent to amend the bill as
follows:

Strike out in line 4 of Section 1 the words "fifty stock raisers,"
and insert in lieu thereof the words "fifty free holders."

Objection made.

Mr. Ink asked unanimous consent to amend the bill as follows:

In line 4 of section 1, strike out the words "fifty stock raisers,"
and insert the words "twenty-five stock raisers and twenty-five
free holders."

Objection made.

The question being on the passage of the bill,

The roll being called there were ayes 48, nays 6.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Buchanan,
Bye,
Cole,
Court,
Carrier,
Estabrook,
Foss,
Green,
Hankinson,
Haugen,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Johnson,
Lilly,
McCormick,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,
Rawlings,
Reed,

Messrs—

Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Williams.
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Christianson,
Gronli,

Messrs.—

Haugerud,
Langer,

Messrs—

Renaud,
Zimmer.

Absent and not voting:

Messrs—

Bowen,
Jahr,
Lutz,

Messrs—

McCullough,
Moore,
Olsgard,

Messrs—

Stadleman,
Wickham.

Messrs. Jahr, Lutz, McCullough, Moore and Wickham being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the Senate amendments to House Bill No. 291 be concurred in,

Which motion prevailed, and

The question being shall

House Bill No. 291

A bill for an act to provide for the changing and relocating of county seats,

Pass, as amended by the Senate,

The roll being called there were ayes 39, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Reed,
Balkan,	Heglie,	Renaud,
Beard,	Hoyt,	Richardson,
Brittin,	Ingebretson,	Roney,
Bye,	Ink,	Selby,
Christianson,	Johnson,	Stevens,
Cole,	Langer,	Strom,
Court,	McDonald,	Tandberg,
Currier,	McIntyre,	Thompson of Cass,
Estabrook,	Milsted,	Tyler,
Foss,	Murphy,	Ueland,
Green,	Norton,	Watt,
Gronli,	Olgard,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Montgomery,	Thomson of Walsh,
Buchanan,	Pinkham,	Walton,
Haugerud,	Rawlings,	Williams,
Lilly,	Thomas,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCormick	Stadleman,
Hankinson,	McCullough,	Walsh,
Jahr,	Moore,	Wickham.
Lutz,	Nedrud,	

Messrs. Jahr, Lutz, McCullough Moore and Wickham being excused.

So the bill as amended by Senate passed, and

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 1, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House Concurrent Resolution

CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate Concurrirg :

That the Legislative Assembly of North Dakota most respectfully memorialize and request the Congress of the United States, by proper legislation, to grant to the State of North Dakota, the consent of the United States that the said State of North Dakota appropriate and use section 36 in township 140 of range 49, west, which was granted by the United States to the State of North Dakota for school purposes by the act of Congress, approved February 22, 1889, as a site for an Agricultural College and Experimental Station :

Be it further resolved, That the foregoing resolution be forwarded to the Senators and Representative of the State of North Dakota in Congress, who are hereby requested to use their best efforts to secure the legislation specified herein.

C. C. BOWSFIELD,
Secretary.

Mr. Selby moved

That the vote by which House Bill No. 291 was passed as amended by the Senate be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Buchanan (by unanimous consent) introduced—
House Bill No. 328,

A bill for an act to amend Sections 2, 3, 4, 5 and 6 of Chapter 104 of the Laws of 1887, being Sections 1115, 1116, 1117, 1118 and 1119 of Article 4 of the Compiled Laws entitled "changing limits of cities and towns."

Mr. Speaker announced his signature to
Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture.

Also,

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds.

Also,

Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases.

Also,

Senate Bill No. 11,

A bill for an act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigation companies and to aid the same.

House Bill No. 251,

A bill for an act to amend Section 2 of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws.

Was placed upon its final passage.

Mr. Strom moved

To suspend the rules to permit the presentation and consideration of amendments to the bill,

Which motion prevailed, and

Mr. Strom moved

To amend the bill by striking out the words "three newspapers" and inserting the words "two newspapers,"

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To amend Section 1 by inserting "one" instead of "two" as the number of newspapers,

Which motion prevailed, and

The bill was so amended.

Mr. Cole moved

To amend the bill as follows:

In Section 2, line 8 of printed bill, strike out all after the word "eligible" down to and including the word "counties" in line 12.

Also, in line 16 of printed bill strike out the word "the" after the word "at" and insert the letter "a" instead.

Also, in the same line strike out the word "of" after the word "rate" and insert the words "not exceeding" instead.

The Conference Committee on House Bill No. 14 made the following report:

MR. SPEAKER:

Your Special Committee of Conference in reference to certain amendments adopted by the Senate to House Bill No. 14, beg leave to make the following report:

We find that on the 11th day of February, page 2 of Senate Journal, that Section 18 was stricken out and that the bill be renumbered to conform therewith.

Also, that Subdivision 10 of Section 5 be stricken out. (See page 3, House Journal of January 11.)

Also, February 12th, page 6, Section 32 was amended by adding thereto a proviso.

Also, same page and date, Section 48 was amended.

Also, page 5, Section 4, lines 6 and 7 was amended.

Also, page 2, Section 78 was amended

Also, page 3, Sections 83 and 86 were amended.

Also, page 4, February 11th, Section 10 was amended.

Also, page 3, February 12, Section 104 was amended.

After the adoption of the foregoing amendments, the roll call was had upon the final passage of the bill as above amended, and the bill was lost 13 to 9, not having received the requisite majority of all members-elect.

Subsequently the vote by which the bill was lost, was reconsidered, and made a special order for Friday, February 21st, at which certain other amendments were adopted, and the bill passed.

The amendments passed on February 21st were transmitted by the Secretary of the Senate with the bill to the House, and which were by this House concurred in.

The amendments adopted by the Senate prior to the time when the bill was lost, were not transmitted, it being considered by the Secretary of the Senate that as the Senate had reconsidered the bill, it carried with it all amendments, and those amendments not again being considered, they were not a part of the bill as passed February 21st.

However this may be the Senate will consider, and if decided by that body those amendments should have been transmitted with the bill, then the Secretary of the Senate will immediately be instructed to transmit a supplement message including such amendments to the bill as belong thereto.

Your committee would further report that should such supplementary message be reported to this House from the Senate, that the rules be suspended and that the vote by which House Bill No. 14 was passed be reconsidered and that the Senate amendments be concurred in, and that the bill be passed as amended.

W. H. H. RONEY,
Chairman.

Mr. Reed moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt, excused.

Mr. Ueland was excused until next Wednesday.

Mr. Williams (by unanimous consent) introduced—
House Bill No. 329,

A bill for an act regulating the organization of savings banks and savings associations.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Cole moved

That the rules be suspended, and that the House proceed to the consideration of messages from the Senate,

Which motion prevailed, and

Mr. Cole moved

That the House concur in the following Senate amendments to House Bill No. 50:

Amend Section 5, line 4, in printed bill by striking out the words "who shall acknowledge the instrument" and inserting in lieu thereof the words "of the county where the elevator is situated."

Amend Section 9, line 9, by striking out the words "and by direction of the owner."

Amend Section 10 by adding the following:

Provided, That the warehouseman with whom the grain is stored shall pay the same price per bushel for such stored grain as is by him paid for grain of a like quality upon the market the same day, less his charges, as provided for in this act."

Amend Section 11, lines 7 and 8, by striking out all after the word "cancelled."

Strike out Section 22 and substitute the following:

Sec. 22. No public elevator or warehouse shall charge more than two cents per bushel for receiving, elevating, insuring, delivering, and thirty days' storage; and for storing and insuring for each additional thirty days or part thereof, not to exceed one-half cent per bushel. All persons, firms or corporations operating elevators or warehouses shall be responsible to any owner of grain held by them, for any and all damage thereto caused by their negligence or want of proper care.

Which motion prevailed, and

The question being shall

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing,

Pass as amended by the Senate,

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud.

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Hankinson,
Jahr,
Lutz,

Messrs—

Selby,
Stadleman,
Stevens,

Messrs—

Thomson of Walsh,
Uelanå,
Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

Mr. Milsted moved

That the House concur in the following Senate amendments so House Bill No. 28:

Strike out of Section 17 the words "work or use any such estray beasts, except in a prudent manner and so as not to injure the same, or shall when working such beasts."

Strike out Section 18.

Renumber sections in conformity with amendments herein.

Which motion prevailed, and

The question being shall

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays,

Pass as amended by the Senate,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

● Heglie,
Hoyt,
Ingrebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Walton,
Wickham,
Williams,
Zimmer.
Mr. Speaker.

Absent and not voting:

Messrs—

Jahr,
Lutz,
McDonald,

Messrs—

Selby,
Thomson of Walsh,

Messrs—

Ueland,
Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill passed as amended by the Senate,

And the title of the bill was agreed to.

Mr. Strom moved

That the House concur in the following Senate amendments to House Bill No. 129:

Amend the title by adding the words "entitled an act allowing town supervisors to issue bonds."

Amend Section 1 so as to read as follows: That Chapter 144 of the Session Laws of 1885 entitled "An act allowing town supervisors to issue bonds," approved March 13, 1875, be and the same is hereby repealed.

Which motion prevailed, and

The question being shall

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885,

Pass as amended by the Senate,

The roll being called there were ayes 50, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Carrier,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Johnson,
Langer,
Lilly,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Estabrook,
Hoyt,
Ink,
Jahr,

Messrs—

Lutz,
McCormick,
Selby,
Stadleman,

Messrs—

Thomson of Walsh,
Ueland,
Watt.

Mr. Walsh voting in the negative.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill as amended by the Senate passed,

And the title of the bill was agreed to.

Mr. Williams moved

That the House concur in the following Senate amendments to House Bill No. 55:

Amend Section 1, line 6, by striking out the word "providing" and inserting the word "provided."

Which motion prevailed, and

The question being shall

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining Reports of the Supreme Court of Dakota Territory,

Pass. as amended by the Senate,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Hoyt,	Reed,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Bowen,	Johnson,	Roney,
Brittin,	Langer,	Stadleman,
Buchanan,	Lilly,	Stevens,
Bye,	McCormick,	Strom,
Christianson,	McCullough,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	McIntyre,	Thompson of Cass,
Currier,	Milsted,	Tyler,
Estabrook,	Moore,	Walsh,
Foss,	Montgomery,	Walton,
Green,	Murphy,	Wickham,
Gronli,	Nedrud,	Williams,
Hankinson,	Norton,	Zimmer,
Haugen,	Olsgard,	Mr. Speaker.
Haugerud,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Jahr,	Selby,	Ueland,
Lutz,	Thomson of Walsh,	Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill as amended by the Senate passed,

And the title of the bill was agreed to.

Mr. Walsh moved

That the House concur in the following Senate amendments to House Bill No. 100:

Amend Section 2 by adding at the close the words "in good condition,"

Which motion prevailed, and

The question being shall

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred muskets for use of students for drill purposes,

Pass as amended by the Senate,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Olsgard,
Balkan,	Heglie,	Rawlings,
Beard,	Hoyt,	Renaud,
Belden,	Ingebretson,	Richardson,
Bowen,	Ink,	Roney,
Brittin,	Johnson,	Stadleman,

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Stevens,
Bye,	Lilly,	Strom,
Christianson,	McCormick,	Tandberg,
Cole,	McCullough,	Thomas,
Court,	McDonald,	Thompson of Cass,
Currier,	McIntyre,	Tyler,
Estabrook,	Milsted,	Walsh,
Foss,	Moore,	Walton,
Green,	Montgomery,	Wickham,
Gronli,	Murphy,	Williams,
Hankinson,	Nedrud,	Zimmer,
Haugen,	Norton,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Jahr,	Reed,	Ueland,
Lutz,	Selby,	Watt.
Pinkham,	Thomson of Walsh,	

Messrs. Jahr, Lutz, Thompson of Walsh, Ueland and Watt being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

Mr. Williams moved

That the consideration of Senate Bill No. 143, made a special order for 2:30 o'clock p. m., be postponed, and that the bill be made a special order for to-morrow morning at 9:30 o'clock,
Which motion prevailed.

Mr. Hankinson moved

That the rules be suspended, and that House Bills Nos. 324 and 141 be now placed upon their reading and final passage.

Mr. McIntyre moved

To amend by also including House Bill No. 302,
Which motion prevailed, and
The original motion as amended prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 3, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

Which the Senate has passed, as per the Conference Committee report.

C. C. BOWSFIELD,
Secretary.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 301,

A bill for an act to authorize the incorporation of detective associations to provide for boards of collection of bills and rewards by, to prescribe their powers, duties and liabilities; prevent frauds by and punish false pretenders,

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

C. A. CURRIER,
Chairman.

The Committee on Public Buildings made the following report:

MR. SPEAKER:

Your Committee on Public Buildings to whom was referred
House Bill No. 324,

A bill for an act to locate, establish and maintain the North Dakota School of Science, and to provide for the government thereof,

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

Amend the title by inserting the words "North Dakota Academy of Science" in lieu of "North Dakota School of Science;" also, make the same change wherever it occurs in the bill.

In line 1 of Section 13 insert the figures "\$40,000" in lieu of the figures "\$50,000."

And when so amended recommend that said bill do pass.

E. A. WILLIAMS,
Chairman.

Mr. Hankinson moved

To adopt the report of the committee on House Bill No. 324,
Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 214,

A bill for an act to provide for the support of married women.

Also,

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners.

Also,

House Bill No. 192,

A bill for an act relating to the electors of President and Vice President,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

House Bill No. 324,

A bill for an act to locate, establish and maintain the North Dakota School of Science, and to provide for the government thereof,

Was read the third time, and

Mr. Lilly asked unanimous consent to amend the bill as follows:

In line 10 of Section 6 of the printed bill add before the word "such" the words "a member of,"

Which amendment the House voted, and

The bill was so amended.

Mr. Thompson of Cass, asked unanimous consent to amend the bill as follows:

In line 3 of Section 6 of the printed bill add after the word "swear" the words "or affirm,"

Which consent the House voted, and

The bill was so amended.

Mr. Lilly asked unanimous consent to amend the bill as follows:

In Section 10, line 3, after the word "members" insert the words "of such board."

Which consent the House voted, and

The bill was so amended.

Mr. Ink asked unanimous consent to amend the bill by striking out wherever it occurs the word "Legislature" and inserting in lieu thereof the words "Legislative Assembly,"

Which motion prevailed, and

The bill was so amended.

Mr. Ink asked unanimous consent to amend the bill as follows:

Add after the word "determine" in the third line of Section 13 the following: "And set apart by the Constitution of said State for a scientific school or or such other educational or charitable institutions as the Legislative Assembly may prescribe at the city of Wahpeton, county of Richland."

Which consent the House voted, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,
Lauger,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,

Messrs—

Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass
Tyler,

Messrs—
 Carrier,
 Estabrook,
 Gronli,
 Hankinson,
 Haugen,

Messrs—
 Milsted,
 Moore,
 Montgomery,
 Nedrud,
 Pinkham,

Messrs—
 Walton,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Foss,
 Green,
 Haugerud,
 Jahr,
 Lutz,

Messrs—
 Murphy,
 Olsgard,
 Selby,
 Stadleman,

Messrs—
 Thomson of Walsh,
 Ueland,
 Walsh,
 Watt.

Mr. Norton voting in the negative.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Hankinson moved

To reconsider the vote by which House Bill No. 324 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Speaker announced his signature to

House Bill No. 214,

A bill for an act to provide for the support of married women.

Also,

House Bill No. 192,

A bill for an act relating to the electors of President and Vice President.

Also,

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners.

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

MR. PRESIDENT:

Your Committee on Correction of the Journal have examined House Journals of the one hundred and second and one hundred and third days and find the same correct.

JAMES McCORMICK,
 Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor

EXECUTIVE OFFICE, }
 March 3, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 196,

An act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature.

Also,

House Bill No. 5,

An act to attach certain townships to the Third Legislative District.

Also,

House Bill No. 175,

An act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith.

Also,

House Bill No. 238,

An act compelling railroad companies to put in side tracks adjacent to coal mines in the State of North Dakota.

Also,

House Bill No. 274,

An act to fix the maximum rate that railroad companies may charge for the transportation of coal mined within the State of North Dakota.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Was read the third time, and

Mr. Pinkham moved

To adopt the following amendments proposed by the Committee on Public Health:

In Section 2, line 4 of original bill, strike out the word "and" after the word "mules" and insert the following after the word "asses," "and other domestic animals."

After the word "this" at the end of line 4, insert the word "State."

On page 4, Section 4, original bill, after the word "shall" insert the word "call," in first line.

On page 10, written bill, Section 8, line 20, after the word "appointments" insert the word "either," and in line 24 after the word "practice" insert the following: "Or has been engaged in actual veterinary practice, not less than six years in this State."

Strike out the whole of Section 10.

In Section 8, line 3, strike out the word "five" and insert the word "two."

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To reinstate Section 10,
Which motion prevailed, and
Section 10 was reinstated.

Mr. Stevens moved

To strike out the words "or has been engaged in actual veteri-
ary practice, not less than six years in this State," which were in-
serted in Section 8 by the adoption of the report of the Commit-
tee on Public Health,

Which motion prevailed, and
The words quoted were stricken out.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 3, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has con-
curred in the House amendments to Senate Bill No. 125.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved

To amend House Bill No. 302 as follows: Strike out all after
the word "premises" in line 5 of Section 4, down to the word
"said" in line 6,

Which motion prevailed, and
The Bill was so amended.

Mr. Thompson of Cass moved

To reconsider the vote by which the amendment prevailed,
Which motion was lost.

Mr. Bowen moved

To further amend the bill by striking out all of Section 4 after
the word "owner" in line 10 of the section.

Roll call demanded.

The roll being called there were ayes 22, nays 30.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,

Messrs—

Court,
Currier,
Hoyt,
Ingebretson,
Langer,
Lilly,
McDonald,

Messrs—

Nedrud,
Pinkham,
Rawlings,
Roney,
Thomas,
Walton,
Williams.

Those who voted in the negative were:

Messrs—

Allen,
Buchanan,
Estabrook,

Messrs—

McIntyre,
Milsted,
Moore,

Messrs—

Stadleman,
Stevens,
Strom,

Messrs—

Green,
Grouli,
Hankinson,
Haugerud,
Heglie,
Ink,
Johnson,

Messrs—

Montgomery,
Norton,
Olsgard,
Reed,
Renaud,
Richardson,

Messrs—

Tandberg,
Thompson of Cass,
Tyler,
Wickham,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Haugen,
Jahr,
Lutz,

Messrs—

McCormick,
McCullough,
Murphy,
Selby,

Messrs—

Thomson of Walsh,
Ueland,
Walsh,
Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the amendment was lost.

Mr. Richardson moved

To amend the bill as follows:

In Section 8 of line 2 of the printed bill, strike out the figures "\$1,500" and insert in lieu thereof the figures "\$1,000,"

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To further amend by inserting the word "American" before the word "college" in line 11 of Section 8,

Which motion was withdrawn.

Mr. Thompson of Cass, moved

To reconsider the vote by which all of Section 4 after the word "premises" down to the word "said" was stricken out,

Which motion was lost.

Mr. Thompson of Cass moved

The vote by which the words between the word "owner" in line 10 of Section 4, and the words "the State Veterinarian" in line 12, were stricken out be reconsidered.

Mr. Walsh moved

To amend the bill as follows:

That Section 1 shall read as follows:

SECTION 1. The board of county commissioners of the several counties of this State, shall at their regular meeting in April of each year, appoint a competent veterinary surgeon for their respective counties, who shall take an oath to well and truly perform his duties as provided by law; *Provided*, That in unorganized counties the veterinary surgeon in the organized county shall act as the veterinary for the unorganized county to which it is attached for judicial purposes.

Amend Section 2 by striking out the word "State" and inserting the word "county."

Also, strike out the word "State" wherever it occurs and insert the word "county," and that the bill be further amended to apply to counties instead of the State, and that instead of providing a yearly salary, the bill shall be so amended that the veterinary surgeon shall be paid *per diem* not exceeding \$5 per day while actually employed.

Also, amend the bill so that complaints shall be made to the board of health of the county, who shall be authorized to order the said veterinary to investigate and act upon the complaint.

Mr. McIntyre moved

To lay the motion of Mr. Walsh upon the table,

Which motion prevailed, and

The motion was laid upon the table.

Mr. Speaker called Mr. Stevens to the Chair.

Mr. Roney moved

To amend the bill by striking out the words "before such animal or animals shall be slaughtered" at the close of Section 4.

Mr. Bowen moved

As a substitute that all of Section 4 after the word "owner" in line 10 be stricken out,

Which motion prevailed,

Mr. Thompson of Cass moved

To further amend by striking out after the word "judgment" in line 3 of Section 4 the words "it is,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 27, nays 24.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Court,
Haugerud,
Ingebretson,

Messrs—

Johnson,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Pinkham,
Rawlings,
Reed,

Messrs—

Richardson,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler.

Those who voted in the negative were:

Messrs—

Allen,
Beard,
Christianson,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,

Messrs—

Heglie,
Hoyt,
Ink,
Langer,
Lilly,
McDonald,
Murphy,
Nedrud,

Messrs—

Olsgard,
Renaud,
Walsh,
Walton,
Wickham,
Williams,
Zimmer.
Mr. Speaker.

Absent and not voting:

Messrs—

Cole,
Currier,
Haugen,
Jahr,

Messrs—

Lutz,
McCormick,
McCullough,
Selby,

Messrs—

Thomson of Walsh,
Ueland,
Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

Mr. Hankinson moved

To reconsider the vote by which House Bill No. 302 was lost,

Which motion prevailed.

Mr. Walsh moved

To amend the bill as follows:

Amend Section 8 by inserting after the word "expenses" the words "not exceeding \$500 in any one year."

Mr. McIntyre moved

To amend the amendment by striking out the figures "\$500" and inserting the figures "\$1,000,"

Which motion was lost, and

The question recurring on the motion of Mr. Walsh,

The motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill,

The roll being called there were ayes 40, nays 12.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson.
Cole,
Court,
Currier,
Hankinson
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Johnson,
Langer,
Lilly,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,

Messrs—

Pinkham,
Rawlings,
Reed,
Richardson,
Roney.
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Tyler,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Estabrook,
Foss,
Green,
Gronli,
Ink,

Messrs—

Murphy,
Olsgard,
Renaud,
Thompson of Cass,

Messrs—

Walsh,
Walton,
Wickham,
Zimmer.

Absent and not voting:

Messrs—

Haugen,
Jahr,
Lutz,

Messrs—

McCormick,
McCullough,
Selby,

Messrs—

Thomson of Walsh,
Ueland,
Watt.

Mr. Wickham explaining his vote.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. McIntyre moved

To reconsider the vote by which House Bill No. 302 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

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

Resolved, That the opinion of the Attorney General be and is hereby requested upon the following questions:

1. When does the present session of the Legislative Assembly terminate by limitation of time? Should the holiday adjournment be counted as a part of the one hundred and twenty days?

2. Are members entitled to mileage for returning after the holiday adjournment?

Which motion prevailed, and

The resolution was adopted.

Mr. Thomas offered the following resolution, and moved its adoption:

Resolved, That hereafter when any member changes his vote on any question, on roll call, the records shall show that fact.

Mr. Williams raised the point of order, that the resolution is out of order,

Which point of order was decided well taken.

Mr. Thomas appealed from the decision of the Chair, and

The question being shall the decision of the Chair be sustained,

Roll call was demanded.

The roll being called there were ayes 27, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Estabrook,	Nedrud,
Beard,	Green,	Norton,
Belden,	Gronli,	Renaud,
Bowen,	Hankinson,	Strom,
Buchanan,	Hoyt,	Tandberg,
Bye,	Langer,	Walsh,
Christianson,	Lilly,	Wickham.
Court,	McDonald,	Williams.
Currier,	Montgomery,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs.—	Messrs—
Balkan,	Johnson,	Richardson,
Brittin,	McIntyre,	Roney,
Cole,	Milsted,	Stadleman,
Foss,	Moore,	Thomas,
Haugerud,	Murphy,	Thompson of Cass,
Heglie,	Pinkham,	Tyler,
Ingebretson,	Rawlings,	Walton,
Ink,	Reed,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haugen,	McCullough,	• Thomson of Walsh,
Jahr,	Olsgard,	Ueland,
Lutz,	Selby,	Watt.
McCormick,	Stevens,	

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the decision of the Chair was sustained.

The Committee on Enrolled Bills made the following report:

Mr. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District.

Also,

House Bill No. 196,

A bill for an act authorizing the exclusion of certain persons from the trial of causes of a scandalous or obscene nature.

Also,

House Bill No. 175,

A bill for an act providing for the erection of public grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto, and prescribing condemnation proceedings in connection therewith.

Also,

House Bill No. 274,

A bill for an act to fix the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:15 o'clock p. m., March 1, 1890.

GEO. H. WALSH,
Chairman.

CONSIDERATION OF SPECIAL ORDERS.

Senate Bill No. 166,

A bill for an act relating to the use of brands and ear-marks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1881,

Was read the third time.

Mr. Reed moved

To suspend the rules to allow amendments to the bill,
Which motion prevailed.

Mr. Reed moved

To amend the bill by inserting the following as Section 13.

SEC. 13. All brands or ear marks heretofore recorded in any county within this State shall have prior right in the order in which they are recorded in their respective counties; *Provided*, That such brands or ear marks shall be filed for record with the Secretary of State within four months after the taking effect of this act.

And that Section 13 be numbered Section 14.

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To adopt the following amendments proposed by the Committee on Agriculture:

In Section 10, line 6, original bill, strike out the word "county" and insert in lieu thereof the words "school fund"; also, insert after the word "in," same line, the words "the county."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Rawiings,
Balkan,	Heglie,	Reed,
Beard,	Hoyt,	Renaud,
Bowen,	Ingebretson,	Roney,
Belden,	Ink,	Stadleman,
Brittin,	Johnson,	Stevens,
Buchanan,	Langer,	Strom,
Bye,	Lilly,	Tandberg,
Christianson,	McCormick,	Thomas,
Cole,	Milsted,	Thompson of Cass,
Court,	Moore,	Tyler,
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Walton,
Green,	Nedrud,	Wickham,
Gronli,	Norton,	Williams,
Hankinson,	Olsgard,	Zimmer.
Haugen,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	McDonald,	Thomson of Walsh,
Jahr,	McIntyre,	Ueland,
Lutz,	Richardson,	Watt,
McCullough,	Selby,	Mr. Speaker.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote by which Senate Bill No. 166 was passed and to lay the motion to reconsider upon the table,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 214,

A bill for an act to provide for the support of married women.

Also,
House Bill No. 73.

A bill for an act to enable counties to regulate the number of county commissioners.

Also,
House Bill No. 192,

A bill for an act relating to electors of President and Vice-President,

Were delivered to his Excellency, the Governor, for his approval at the hour of 4:15 o'clock, p. m., March 3, 1890.

GEO. H. WALSH,
Chairman.

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties,

Was read the third time, and

Mr. Roney moved

To indefinitely postpone the further consideration of the bill.

Mr. Cole moved

To lay the motion to indefinitely postpone upon the table,
Which motion prevailed.

Mr. Walsh moved

That the rules be suspended for the purpose of offering amendments to the bill,

Which motion prevailed, and

Mr. Walsh moved

To amend the bill as follows:

In line 7 of Section 2, after the word "purposes" add the following words: "And an additional one mill upon the dollar valuation, to cover the expenses of assessment and collection,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 33, nays 23.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bowen,
Britten,
Buchanan,
Cole,
Court,
Currier,
Green,
Hankinson,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ink,
Langer,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Norton,
Rawlings,

Messrs—

Reed,
Stadleman,
Stevens,
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Balkan,
 Beard,
 Bye,
 Christianson,
 Estabrook,
 Foss,
 Gronli,
 Haugen,

Messrs—
 Ingebretson,
 Johnson,
 Lilly,
 McCormick,
 McCullough,
 Murphy,
 Nedrud,
 Olsgard,

Messrs—
 Pinkham,
 Renaud,
 Richardson,
 Roney,
 Strom,
 Tandberg,
 Zimmer.

Absent and not voting:

Messrs—
 Jahr,
 Lutz,

Messrs—
 Selby,
 Thomson of Walsh,

Messrs—
 Ueland,
 Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

Mr. Speaker decided that the bill was passed, but that the emergency clause was lost,

And the title of the bill was agreed to.

Mr. Thomas moved

To reconsider the vote last taken,

Which motion prevailed, and

The question again being on the passage of the bill,

The roll being called there were ayes 38, nays 16.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Christianson,
 Cole,
 Court,
 Currier,
 Green,
 Hankinson,
 Haugerud,

Messrs—
 Heglie,
 Hoyt,
 Ingebretson,
 Ink,
 Langer,
 Lilly,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Norton,
 Rawlings,

Messrs—
 Reed,
 Renaud,
 Stadleman,
 Stevens,
 Thomas,
 Thompson of Cass,
 Tyler,
 Walsh,
 Walton,
 Wickham,
 Williams,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Balkan,
 Bye,
 Estabrook,
 Foss,
 Gronli,
 Haugen,

Messrs—
 Johnson,
 McCormick,
 McCullough,
 Murphy,
 Nedrud,

Messrs—
 Olsgard,
 Pinkham,
 Roney,
 Strom,
 Tandberg.

Absent and not voting:

Messrs—
 Jahr,
 Lutz,
 Richardson,

Messrs—
 Selby,
 Thomson of Walsh,
 Ueland,

Messrs—
 Watt,
 Zimmer.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Wickham moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 3, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Conference Committee on House Bill No. 14, by motion adopted, request the Chief Clerk of the House to transmit a certified copy of the amendments as transmitted from the Senate with House Bill No. 14.

Also,

That the Senate has concurred in the House amendments to Senate Bill No. 161.

C. C. BOWSFIELD,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Beard moved

That the rules be suspended and that Senate Bill No. 5 be taken from General Orders and placed upon its third reading and final passage.

Mr. Strom moved

To amend by also including Senate Bill No. 62.

Mr. Hankinson moved

That Senate Bill No. 5 be made a special order for next Thursday at 9:30 o'clock a. m.,

Which motion prevailed, and

The bill was made a special order.

Mr. Williams moved

To suspend the rules and proceed to the third reading of House and Senate bills,

Which motion was lost

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

Resolved, That inasmuch as the present force of engrossing clerks is insufficient to keep up the work during the remaining days of this session, that the Speaker is hereby authorized to employ such temporary engrossing clerks as may be necessary to keep the work up.

Mr. Allen moved

To lay the resolution upon the table,

Which motion was lost, and

The question recurring on the motion to adopt, the motion prevailed, and

The resolution was adopted.

Mr. Strom (by unanimous consent) introduced—

House Bill No. 331,

A bill for an act to prohibit gaming or gambling and sale of spirituous liquors at any agricultural or mechanical, State or county fairs and prescribing the fine and penalty for violating the same.

Mr. Thompson of Cass, (by unanimous consent) introduced—

House Bill No. 332,

A bill for an act relating to terms, phrases, names or titles adopted by the Constitution.

Mr. McCullough (by unanimous consent) introduced—

House Bill No. 330

A bill for an act to declare certain persons of legal age.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill 312,

A bill for an act authorizing and empowering cities to surrender their charters, and providing for reorganizing as a town,

Was read the first time, and

Mr. Thompson of Cass, moved

That all House bills on their first reading to-day be also read the second time, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 312 was read the second time, and referred to the Committee on Municipal Corporations.

House Bill No. 313,

A bill for an act to provide for decreasing and restricting the limits of incorporated cities,

Was read the first and second times, and referred to the Committee on Municipal Corporations.

House Bill No. 314,

A bill for an act relating to building and loan associations,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 315,

A bill for an act amending Section 345, Chapter 13, of the Code of Civil Procedure,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 317,

A bill for an act exempting practicing pharmacists from jury duty,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 319,

A bill for an act for the protection of employes and laborers by making them preferred creditors for certain claims,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 320,

A bill for an act to regulate the admission of attorneys at law to practice,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota,

Was read the first and second times, and referred to the Committee on State Affairs.

Mr. Roney (by unanimous consent) introduced—

House Bill No. 333,

A bill for an act to amend an act entitled "An Act to fix the maximum rates which railroad companies may charge for the transportation of coal mined within the State of North Dakota," approved March 3, 1890,

And moved that the rules be suspended, and that the bill be now read the first and second times and referred to its appropriate committee,

Which motion prevailed, and

House Bill No. 333 was read the first and second times and referred to General Orders without printing.

House Bill No. 322,

A bill for an act to provide for the levy of State taxes,

Was read the first and second times, and referred to the Committee on Taxes and Tax Laws.

House Bill No. 323,

A bill for an act to amend an act entitled "An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'" approved January 10, 1890,

Was read the first and second times, and

Mr. Lilly moved

That the bill be made a special order for to-morrow at 2 o'clock,

Which motion prevailed, and

The bill was made a special order.

House Bill No. 325,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889, so as to require county clerks or auditors and county treasurers to make out financial statements of the county twice a year,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 326,

A bill for an act relating to abstracting,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 327,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of husband and wife,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Norton moved

That the House do now adjourn,

Which motion was lost.

House Bill No. 328,

A bill for an act to amend Sections 2, 3, 4, 5, and 6 of Chapter 104 of the Laws of 1887, being Sections 1115, 1116, 1117, 1118 and 1119 of Article 4 of the Compiled Laws, entitled "Changing Limits of Cities and Towns,"

Was read the first and second times, and referred to the Committee on Municipal Corporations.

Mr. Speaker appointed Charles H. Stanley and Andrew Thurston as temporary Enrolling and Engrossing Clerks.

Mr. Langer was excused for to-morrow.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1890.

The House assembled at 10 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer was dispensed with on account of the absence of the Chaplain.

Roll called.

All members present except Messrs. Thomson of Walsh, Ueland and Watt, excused.

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

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring Therein: That from this date for the balance of this session, the Legislative day shall commence at 12 o'clock p. m., and last for twenty-four hours."

Which motion was lost, and
The resolution was lost.

CONSIDERATION OF SPECIAL ORDERS.

Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Was considered.

Mr. Cole moved

That the bill be now placed upon its third reading, with privilege of amendment,

Which motion prevailed, and

The third reading of Senate Bill No. 143 was proceeded with.

Mr. Lilly moved

To adopt the following recommendation of the Committee on Education:

In Article 1, Section 1, strike out all after the word "take" in line 8 to and including the word "shall" in line 11, and insert the following in lieu thereof: "the oath of office of civil officers and."

Which motion prevailed, and
The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 8 strike out all after the word "issue" in line 6.

Which motion prevailed, and
The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 15, line 6, strike out the word "district" and insert the word "board."

Which motion prevailed, and
The bill was so amended.

Mr. Lilly moved

To adopt the following proposed amendment:

In Article 2, Section 5, strike out all after the word "and" in line 2 down to and including the word "over" in line 3, and insert the following words: "oftener if he shall deem it necessary to increase its usefulness."

Which motion prevailed, and
The bill was so amended.

Mr. Lilly moved

To adopt the following proposed amendment:

In Section 17 strike out all after the word "follows" in line 2 down to and including the word "school" in line 6 and insert the following in lieu thereof: "For the first ten schools or less, three hundred dollars; for the next ten schools an additional sum of twenty-five dollars for each school; for the next ten schools an additional sum of twenty dollars for each school; for the next ten schools, an additional sum of fifteen dollars for each school; for the thirty schools, an additional sum of ten dollars for each school; and for each school over seventy in number, an additional sum of five dollars for each school."

Mr. Roney moved

To amend the section of the committee report above quoted as follows:

Strike out the words "three hundred" and insert the words "two hundred."

Strike out the words "twenty-five" and insert the word "fifteen."

Strike out the word "twenty" and insert the word "ten."

Strike out the word "fifteen" and insert the word "five."

Also, strike out all after the word "for" to the end of the section and insert the words "for the remaining schools in the county shall receive \$5 for each school."

Mr. Milsted moved

To lay the amendment of Mr. Roney upon the table.

Mr. Roney withdrew his motion.

Mr. Walsh moved

To amend Section 17 as follows:

In line 6 of printed bill strike out the figures "\$1,600" and insert the figures "\$1,200."

Mr. Milsted moved

To pass Section 17 for the present,
Which motion was lost.

The motion of Mr. Walsh prevailed, and
The bill was so amended.

Mr. Williams moved

To amend the bill by adding at the end of Section 16 the following proviso:

Provided, That not more than \$125 a year shall be paid by any county for office rent, books, stationery, postage and furniture.

Mr. Thompson of Cass, moved

To lay the motion upon the table,
Which motion was lost, and

The question recurring on the motion to amend,
The motion prevailed, and
The bill was so amended.

Mr. Tyler moved

To strike out the figures "10" in Section 17, line 5, and insert the figure "5,"

Which motion prevailed.

Mr. Stevens moved

To strike out the word "five" in line 7 of Section 17 and insert the words "two and a half,"

Which motion was lost.

Mr. Walsh moved

To amend Section 11 to read as follows:

SEC. 11. All fees received by the county superintendent for the examination of teachers, shall be turned over to the county treasurer, who shall keep the same as a special fund to be known as "The Institute Fund," and which shall be used only for the expenses of holding county teachers' institutes, to be paid out upon proper warrants issued by the county auditor, upon the sworn and itemized voucher of the county superintendent.

Which motion prevailed, and
The bill was so amended.

Mr. Strom moved

To amend Section 16 by adding at the close thereof the following proviso:

Provided, further, That when an office room is furnished by the county, it shall not be allowed to exceed more than \$50 a year for stationery and postage.

Which motion prevailed, and
The bill was so amended.

Mr. Tyler moved

To amend Section 17, line 4, by striking out the figures "15" and inserting the figures "12,"

Which motion prevailed, and

The bill was so amended.

Mr. Estabrook moved

To amend the bill as follows:

In Section 17, line 24, after the word "the" strike out the words "county superintendent" and insert the words "county commissioner."

Mr. Heglie moved

To lay the amendment upon the table,

Which motion prevailed.

Mr. Milsted moved

To strike out all down to the word "county" in line 7 and insert the following:

The county superintendent shall receive a salary for his services as follows:

In counties having a population of 2,000 and under the county superintendent shall receive a salary of \$500, and for each additional 500 inhabitants or major fraction thereof \$100 additional; *Provided*, That no superintendent shall receive more than \$1,200.

Mr. McCormick moved

To lay the amendment upon the table,

Which motion prevailed.

Mr. Walsh moved

To strike out Section 18, and renumber the remaining sections to correspond thereto.

Mr. Cole moved

To lay the motion upon the table,

Roll call demanded.

The roll being called there were ayes 30, nays 20.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Estabrook,

Messrs—

Foss,
Hankinson,
Haugen,
Haugerud,
Heglie,
Ingebretson,
Ink,
Langer,
Lilly,
McCullough,

Messrs—

McDonald,
Milsted,
Montgomery,
Nedrud,
Pinkham,
Richardson,
Roney,
Strom,
Thompson of Cass,
Tyler.

Those who voted in the negative were:

Messrs—

Brittin,
Carrier,
Green,
Gronli,
McCormick,
Moore,
Murphy,

Messrs—

Norton,
Renaud,
Selby,
Stadleman,
Stevens,
Tandberg,
Thomas,

Messrs—

Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Hoyt,
Jahr,
Johnson

Messrs—

Lutz,
McIntyre,
Olsgard,
Rawlings,

Messrs—

Reed,
Thomson of Walsh,
Ueland,
Watt.

Messrs. Jahr, Lutz, Thomson of Walsh, Ueland and Watt being excused.

And so the motion to lay upon the table prevailed.

Mr. Cole moved

To adopt the following proposed amendment:

In Article 3, Section 2, line 3, after the word "district" insert the word "school,"

Which motion prevailed, and

The bill was so amended.

Mr. Walsh moved

To amend Section 1, after the word "elector" in line 5, by adding:

And shall hold a certificate of the highest grade, and be a graduate of a state university or normal school of this or some other state or foreign country.

Mr. Thompson of Cass, moved

To amend the amendment by adding after the word "University" the words "Agricultural College, or any recognized college of learning,"

Which amendment was accepted.

Mr. Lilly moved

To amend the amendment to read "and who shall be the holder of a first-class State certificate,"

Which motion was lost, and

The question recurring on the original motion as amended,

The original motion prevailed.

Mr. Hankinson moved

To amend the bill as follows:

In line 2 of Section 18, strike out all after the word "holds" and insert in lieu thereof the words "a State certificate."

Mr. Zimmer moved

To lay the amendment upon the table,

Which motion prevailed.

Mr. Walsh moved

To lay the following recommendation of the Committee on Education upon the table:

In Article 3, Section 3, line 16, after the word "number" insert the word "of," and strike out all after the word "lines" in line 22,

Which motion was withdrawn.

Mr. Lilly moved

To adopt the recommendation of the committee,

Which motion prevailed.

Mr. Strom moved

To adopt the following proposed amendment:

In Section 6 of Article 3, line 2, strike out the period (.) after the word "act" and insert a comma (,).

Which motion prevailed, and
The bill was so amended.

By unanimous consent the word "school" was inserted after the word "district" in line 2 of Section 12 of Article 3.

Mr. Speaker called Mr. McCullough to the Chair.

Mr. Pinkham moved
That the House do now take a recess until 2 o'clock p. m.,
Which motion was lost.

Mr. Stevens moved
That the House do now take a recess until 2 o'clock p. m.,
Which motion was lost.

Mr. Williams 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.

AFTERNOON SESSION.

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

Mr. Lilly moved

That the consideration of Senate Bill No. 143 be temporarily postponed and that House Bill No. 323, which was made a special order for this hour be now taken up,

Which motion prevailed, and
House Bill No. 323,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An act for the protection of the public credit," approved January 10, 1890,

Was read the third time, and

Mr. Stevens raised the point of order that Senate Bill No. 143 being a special order, its consideration must be continued without interruption until concluded,

Which point of order Mr. Speaker submitted to the House for decision, and

The House voted that the point of order was well taken.

Mr. Hankinson moved

That the consideration of Senate Bill No. 143 be postponed until Thursday morning at 10 o'clock,

Which motion was lost.

The consideration of Senate Bill No. 143 was continued.

Mr. Cole moved

To adopt the following proposed amendment:

In Article 4, Section 3, line 6, after the word "to" insert the word "the,"

Which motion prevailed, and
The bill was so amended.

Mr. McCormick moved

To amend the bill by adding at the end of Section 2 of Article 3 the following:

Provided, further, Nothing in this act shall be construed to alter the boundary lines of any school township organized prior to the passage of this act, except upon petition as hereinafter provided.

Which motion prevailed, and

The bill was so amended.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 324,

A bill for an act to locate, establish and maintain the North Dakota School of Science, and to provide for the government thereof.

Also,

House Bill No. 148,

A bill for an act to prescribe the bond, oath and duties of the Attorney General.

Also,

House Bill No. 301.

A bill for an act to authorize the incorporation of detective associations to provide for boards of collection of bills and rewards by, to prescribe their powers, duties and liabilities; prevent frauds by and punish false pretenders.

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Haugen moved

To amend the bill as follows:

In Section 6 of Article 3, strike out all commencing with the first word of the section, down to the word and including the word "act" in line 2.

Which motion was lost, and

The amendment was lost.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 11, line 2, insert the word "they" before the word "shall."

Which motion prevailed, and

The bill was so amended.

Mr. Zimmer moved

To amend Article 3 as follows:

In Section 3, line 7, strike out at the end of said line the word "not" and insert in lieu thereof the words "more or."

Also, in same Section, lines 20 and 21, strike out the words "Congressional Townships" and insert in lieu thereof the words "section lines."

Which motion was lost, and

The amendment was lost.

Mr. Roney moved

To adopt the following proposed amendment:

In Article 5, Section 3, insert at end of section the following: "Each member of the school board shall be paid the sum of eight (8) dollars, less two (2) dollars for each regular meeting which he fails to attend."

Which motion prevailed, and

The bill was so amended.

Mr. Heglie moved

To amend Article 5, Section 5, as follows:

Strike out all after the word "board" in line 4, and insert the following: "He shall receive such compensation as shall be fixed by the board on the second Tuesday of July, not less five than (5) dollars, nor more than thirty-five (35) dollars per annum."

Which motion was lost, and

The amendment was lost.

Mr. Roney moved

To adopt the following proposed amendment:

In Section 5 of Article 5, strike out all after the word "board" in line 4 and insert the following: "He shall receive such compensation as shall be fixed by the board, not less than five (5) nor more than twenty-five (25) dollars per annum."

Mr. Zimmer moved

To amend the amendment proposed by striking out the words and figures "twenty-five (25)" and inserting in lieu thereof the words and figures "fifteen (15)."

Which motion was lost, and

The question recurring on the motion of Mr. Roney,

The motion prevailed, and

The bill was so amended.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
March 4, 1890.

To the House of Representatives:

I beg leave to most respectfully call your attention to the report of the State Treasurer as shown on page 4 of the printed copy of my first message to the joint session of the Legislative Assembly. It will be seen by that report that there remains unused in the bond fund of the following institutions balances as follows:

North Dakota University.....	\$ 1,705 99
Jamestown Insane Hospital.....	2,531 59
Bimarek Penitentiary.....	7,000 00
Total.....	\$11,237 58

These balances of the various bond funds remain in the hands of the State Treasurer, and there is no authority for their use, for other purposes, without some action of the Legislature. I would, therefore, respectfully suggest the enactment of such legislation as will transfer the above balances to the general fund of the State, and thereby increase by these amounts the available resources of the Treasury.

Respectfully,

JOHN MILLER,
Governor.

Mr. Heglie moved
 To strike out the word and figure "eight (8)" in line 11 of Section 9 and insert in lieu thereof the word and figure "seven (7),"

Which motion prevailed, and
 The bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
 March 4, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 118.

C. C. BOWSFIELD,
 Secretary.

Mr. Buchanan moved

That the further consideration of Senate Bill No. 143 be temporarily postponed until the House can dispose of House Bill No. 323, made a special order for this hour.

Mr. McCormick moved

To amend the motion by including also Senate Bill No. 99,
 Which motion was lost, and
 The question recurring on the original motion,
 Roll call was demanded.

The roll being called there were ayes 35, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Montgomery,
Balkan,	Haugen,	Nedrud,
Beard,	Ingebretson,	Pinkham,
Belden,	Ink,	Reed,
Bowen,	Jahr,	Richardson,
Brittin,	Johnson,	Roney,
Buchanan,	Langer,	Tandberg,
Bye,	Lilly,	Thomas,
Cole,	McCullough,	Thompson of Cass,
Court,	McDonald,	Tyler,
Estabrook,	McIntyre,	Mr. Speaker.
Foss,	Milsted,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	McCormick,	Selby,
Currier,	Moore,	Stadleman,
Green,	Murphy,	Stevens,
Hankinson,	Norton,	Strom,
Haugerud,	Oisgard,	Walsh,
Heglie,	Rawlings,	Walton,
Hoyt,	Renaud,	Zimmer.
Lutz,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Thomson of Walsh,	Watt,	Wickham.
Ueland,	Williams,	

Messrs. Thompson of Walsh, Ueland and Watt being excused.
And so the motion to take up House Bill No. 323 prevailed.

Mr. McCormick raised the point of order that the motion involved a suspension of the rules,

Which point of order Mr. Speaker decided not well taken, and declared the motion carried.

Mr. Stevens raised the point of order that until the consideration of a special order was entered upon, until it is concluded, it cannot be dispensed with without a suspension of the rules,

Which point of order Mr. Speaker decided not well taken.

Mr. Stevens appealed from the decision of the Chair, and
The question being shall the decision of the Chair be sustained,
The decision of the Chair was sustained.

House Bill No. 323,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of the public credit," approved January 10, 1890,

Was placed upon its final passage.

The roll being called there were ayes 52, nays 5.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson.
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson
Haugen,

Messrs—
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,

Messrs—
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Richardson,
Roney,
Selby,
Stadleman,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walton,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Renaud,
Stevens,

Messrs—
Strom,
Walsh,

Messrs—
Zimmer.

Absent and not voting:

Messrs—
Thomson of Walsh,
Ueland,

Messrs—
Watt,
Wickham,

Messrs—
Williams.

Messrs. Thomson of Walsh, Ueland and Watt being excused.
And so the bill passed, more than two-thirds of the members present and voting, voting therefor,
And the title of the bill was agreed to.

Mr. McCormick moved
That Senate Bill No. 99 be made a special order for to-morrow immediately after roll call.

Mr. Stevens moved
As a substitute that the bill be taken up immediately,
Which substitute motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Stevens moved
That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 99,
Which motion prevailed, and
Mr. Speaker called Mr. Hankinson to the Chair.

When the committee arose the following report was presented:

MR. SPEAKER:
Your Committee of the Whole have had under consideration
Senate Bill No. 99,
A bill for an act granting the right of suffrage to women,
And recommend that the bill do pass.

R. H. HANKINSON,
Chairman.

Mr. Bowen moved
That the report of the committee be not adopted.
Roll call demanded.

The roll being called there were ayes 34, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Lutz,	Stadleman,
Bowen,	Milsted,	Stevens,
Brittin,	Moore,	Strom,
Buchanan,	Murphy,	Tandberg,
Currier,	Nedrud,	Thomas,
Estabrook,	Norton,	Thompson of Cass,
Gronli,	Olsgard,	Tyler,
Haugerud,	Rawlings,	Walsh,
Heglie,	Reed,	Wickham,
Hoyt,	Renaud,	Zimmer,
Johnson,	Selby,	Mr. Speaker.
Langer,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Green,	McCullough,
Balkan,	Hankinson,	McDonald,
Beard,	Haugen,	McIntyre,
Bye,	Ingebretson,	Montgomery,
Christianson,	Ink,	Pinkham,
Cole,	Jahr,	Richardson,
Court,	Lilly,	Reney,
Foss,	McCormick,	Walton.

Absent and not voting:

Messrs— Thomson of Walsh, Ueland,
 Messrs— Watt.
 Messrs— Williams.

Messrs. Thomson of Walsh, Ueland and Watt being excused.

And so the motion that the report of the Committee of the Whole be not adopted prevailed.

Mr. Walsh moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 29, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brittin,	Murphy,	Strom,
Buchanan,	Nedrud,	Tandberg,
Currier,	Norton,	Thomas,
Gronli,	Olsgard,	Thompson of Cass,
Haugerud,	Rawlings,	Tyler,
Heglie,	Reed,	Walsh,
Langer,	Renaud,	Wickham,
Lutz,	Selby.	Zimmer,
Milsted,	Stadleman,	Mr. Speaker.
Moore,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Foss,	McCormick,
Balkan,	Green,	McCullough,
Beard,	Hankinson,	McDonald,
Belden,	Haugen,	McIntyre,
Bowen,	Hoyt,	Montgomery,
Bye,	Ingebretson,	Pinkham,
Christianson,	Ink,	Richardson,
Cole,	Jahr,	Roney,
Court,	Johnson,	Walton.
Estabrook,	Lilly,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Thomson of Walsh,	Watt,	Williams.
Ueland,		

Messrs. Thomson of Walsh, Ueland and Watt being excused.

And so the motion to indefinitely postpone was lost.

Mr. Roney moved

That the vote just taken be reconsidered,
 Which motion was lost.

Mr. Cole moved

To proceed to the third reading of the bill,
 Which motion prevailed.

Mr. Stadleman demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Thomson of Walsh, Ueland, Watt and Williams.

Messrs. Thomson of Walsh, Ueland and Watt being excused.

Mr. Cole moved

That further proceedings under call of the House be dispensed with.

Mr. Tyler moved

As a substitute that the Sergeant-at-Arms be instructed to bring in the absentee,

Which motion prevailed.

Mr. McCormick moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,
Was read the third time and placed upon its final passage.

The roll being called there were ayes 24, nays 35.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Bye,
Christianson,
Cole,
Court,
Foss,
Green,

Messrs—

Hankinson,
Haugen,
Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
McCormick,

Messrs—

McCullough,
McIntyre,
Montgomery,
Nedrud,
Pinkham,
Richardson,
Roney,
Walton,

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Buchanan,
Currier,
Estabrook,
Gronli,
Haugerud,
Heglie,
Johnson,
Langer,

Messrs—

Lutz,
McDonald,
Milsted,
Moore,
Murphy,
Norton,
Olsgard,
Rawlings,
Reed,
Renaud,
Selby,
Stadleman,

Messrs—

Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Thomson of Walsh,

Messrs—

Ueland,

Messrs—

Watt.

Mr. Bowen explaining his vote.

Messrs. Thomson of Walsh, Ueland and Watt being excused.
And so the bill was lost, a majority of the members-elect not voting therefor.

Mr. Williams moved

That the House take an informal recess of five minutes,

Which motion prevailed, and

The House took an informal recess.

House reassembled.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

Also,

House Bill No. 291,

A bill for an act to provide for the changing and relocating of county seats.

Also,

House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining Reports of the Supreme Court of Dakota Territory.

Also,

House Bill No. 158,

A bill for an act requiring railroad companies to keep in repair highway crossings.

Also,

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885.

Also,

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota 100 muskets for the use of students for drill purposes.

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion was lost.

Mr. Williams moved

That the rules be suspended, and that the House proceed to the consideration of Senate bills,

Which motion was declared out of order, and

The consideration of Senate Bill No. 143 was resumed.

Mr. Lilly moved

To adopt the following proposed amendment:

In Article 5, Section 12, line 3, strike out the word and figures "forty (40)" and insert the words and figures "twenty-five (25)."

Which motion prevailed, and

The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Article 6, Section 10, strike out all after the word "district" in line 5, and insert the words "nor shall any furniture which is fastened to the floor be removed."

Mr. Roney moved

To amend by adding after the word "removed" the following:

And whoever removes any school furniture for any other purpose than repairing the same or for repairing the school room, shall be guilty of a misdemeanor, and shall be fined not less than \$5 or more than \$10 for each offense. All fines imposed and collected under the provisions of this act shall be paid into the general school funds of the State.

Which motion prevailed, and

The original motion as amended prevailed, and

The bill was so amended.

Mr. Speaker called Mr. Stevens to the Chair.

Mr. Speaker announced his signature to

House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred muskets for the use of students for drill purposes.

Also,

House Bill No. 55,

A bill for act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory.

Also,

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

Also,

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885.

Also,

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings.

Also,

House Bill No. 291,

A bill for an act to provide for the changing and relocation of county seats.

Mr. Strom moved

To adopt the following proposed amendment to Senate Bill No. 143:

In Article 6, Section 13, line 2, strike out the word "twelve" and insert the word "nine," and after the word "children" in line 8, insert a period (.), and the words "if such petition be signed by the persons charged with the support and having the custody and care of twelve or more of such children, the board shall organize a school and employ a teacher therefor as provided above in this section."

Which motion prevailed, and
The bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 4, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 290,

A bill for act making an appropriation for the payment of the stationery and supplies purchased for the Legislative Assembly,
Which the Senate has passed unchanged.

Also,
Senate Bill No. 152,

A bill for an act to establish an examining board to examine piano tuners and make such have a license after passing examination as herein provided,

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

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced his signature to
Senate Bill No. 125,

A bill for an act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized.

Also,
Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines and separators for repairing the same.

Also,
Senate Bill No. 161,

A bill for an act authorizing a private corporation to change the place where its principal business is to be transacted.

Mr. Strom moved

To adopt the following proposed amendment to Senate Bill No. 143:

In Article 6, Section 14, strike out all after the word "four" in line 11 down to the end of line 13 and insert at the end of the section the following:

"And all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teachers from the date of such discontinuance."

Which motion prevailed, and

The bill was so amended.

Mr. Tyler moved

To strike out all after the word "superintendents" in line 6 of Section 18.

Mr. Heglie moved

To lay the amendment upon the table,

Which was lost, and

The question recurring on the motion of Mr. Tyler,

The motion was lost, and

The amendment was lost.

Mr. Buchanan (by unanimous consent) introduced—

House Bill No. 334,

A bill for an act to protect farm laborers and secure the payment of their wages.

Mr. Lilly moved

To adopt the following proposed amendment:

In Article 7, Section 7, line 10, after the word "apportioned" insert the word "to."

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To adopt the following proposed amendments:

In Section 10, Article 7, lines 12 and 13, strike out the words "except moneys apportioned by the county superintendent."

Also, in same article and section after the word "clerk" in line 13 insert the words "of the school board."

Which motion prevailed, and

The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 12, Article 7, at the beginning of line 4, insert the words "to him."

Which motion prevailed, and

The bill was so amended.

Mr. Haugen moved

To amend Section 1 of Article 8, by adding at the end thereof the following:

Provided, That if the boundaries of such district shall embrace a portion of two counties, then the clerk of said district shall certify to the county auditor of the county to which such portion of the district embraced in the other county is attached to the county in which the original district is located, in addition to the tax levy above mentioned, a list and valuation of all property subject to taxation in the district, as shown by the assessor making the assessment in such county or township; and the auditor shall enter such property upon

the tax duplicate of his county and levy all taxes upon the same, and the county treasurer of the county shall collect the taxes levied thereon the same as other taxes are collected, and pay the same over to the treasurer of the district entitled thereto.

Which motion prevailed, and
The bill was so amended.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
House Bill No. 100,

A bill for an act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred muskets for use of students for drill purposes.

Also,
House Bill No. 291

A bill for an act to provide for the changing and relocating of county seats.

Also,
House Bill No. 129,

A bill for an act to repeal Chapter 144, Session Laws of 1885.

Also,
House Bill No. 158,

A bill for an act requiring railroad companies to keep in repair highway crossings.

Also,
House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

Also,
House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining reports of the Supreme Court of the Territory of Dakota,

Were delivered to his Excellency, the Governor, for his approval at the hour of 4:40 o'clock p. m., March 4, 1890.

GEO. H. WALSH,
Chairman.

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

WHEREAS, More than two-thirds of the represented assessed valuation of the State, and three-fourths of its population, are opposed to the school township system and in favor of the district system; and

WHEREAS, The bill under consideration, Senate Bill No. 143, is neither the district or township system, and its provisions being entirely objectionable, in that they are too sweeping, arbitrary and cumbersome; therefore, be it

Resolved, That the further consideration thereof be postponed, and that House Bill No. 110 be considered instead of Senate Bill No. 143, as the same embraces the district system, pure and simple.

Mr. Williams demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Currier, Ink, McCormick, McCullough, Murphy, Thomson of Walsh, Ueland and Watt.

Messrs. Thomson of Walsh, Ueland and Watt being excused.

The Sergeant-at-Arms returned with Messrs. McCormick, Ink and Currier.

Mr. Reed moved

That they be excused,

Which motion prevailed.

Mr. Williams moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Watt was excused until next Thursday.

Mr. Williams moved

To lay the resolution of Mr. Walsh upon the table.

Roll call demanded.

The roll being called there were ayes 38, nays 17.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Buchanan,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Montgomery,
Murphy,
Nedrud,

Messrs—

Olsgard,
Pinkham,
Rawlings,
Roney,
Selby,
Strom,
Thomas,
Thompson of Cass,
Tyler,
Walton,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—

Beard,
Brittin,
Christianson,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
McDonald,
Milsted,
Norton,
Reed,
Renaud,

Messrs—

Richardson,
Stadleman,
Tandberg,
Walsh,
Zimmer.

Absent and not voting:

Messrs—

McCullough,
Moore,
Stevens,

Messrs—

Thomson of Walsh,
Ueland,

Messrs—

Watt,
Mr. Speaker.

Messrs. Thomson of Walsh, Ueland and Watt being excused.

And so the motion to lay the resolution upon the table prevailed, and

The resolution was laid upon the table.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
March 4, 1890.

To the House of Representatives:

I have the honor to herewith respectfully submit the accompanying communication for your consideration and action. I am convinced that the passage of the proposed amendment to Sections 2275 and 2276 of the Revised Statutes of the United States would be of great advantage to our State. The proposed amendment grants indemnity in lieu of school lands upon which settlement was made prior to survey with a view to either pre-emption or homestead, while the present law only grants indemnity where settlement is made by pre-emption. It also grants indemnity in lieu of mineral lands and lands included within any Indian, military or other reservation, while the present law grants no such indemnity. Under the present law selections of indemnity land must be made in the land district in which the loss occurs while the proposed amendment allows the selection to be made any where in the State. This would greatly facilitate the selection of the most desirable lands. The proposed amendment grants to the State double the amount granted under the present law for loss on account of fractional townships. Therefore, in view of the above benefits which would accrue to the State by the passage of the proposed amendment I would most respectfully suggest the adoption of a concurrent resolution urging our Representatives in Washington to use their efforts to secure its passage.

JOHN MILLER,
Governor.

WASHINGTON, D. C., February 21, 1890.

To His Excellency, the Governor of North Dakota:

SIR: Being in Washington engaged in adjusting the school land interests of the State of California, I find pending in both Houses of Congress the enclosed bill to amend Sections 2275 and 2276 of the Revised Statutes.

This bill has been strongly recommended for passage by the present Commissioner of the General Land Office and Secretary of the Interior as placing the States and Territories on exact and equal footing with respect to their school land grants, and indemnity for losses therein.

Some of the States enjoy this indemnity right for practically all of the losses provided for by this bill, whilst others have it only in part. This injustice has resulted from special legislation passed from time to time, favoring a particular State or Territory. The provision for selection of indemnity, anywhere in the State or Territory where the loss occurs, is necessary, because of the restriction of the present law to the most contiguous lands within the same land district, is defeating the right of selection, because of the exhaustion of saleable lands in many of the land districts.

Your State will be benefited by the passage of this bill, and, subject to your pleasure in the premises, I suggest that it be called to the attention of your Senators and Representative in Congress, with the suggestion that they give all possible aid in securing its passage.

Very respectfully,
THEO. REICHERT,
Surveyor General of California.

S. 1395.

[In the Senate of the United States, December 17, 1889.]

A BILL

To Amend Sections 2275 and 2276 of the Revised Statutes of the United States.

Be it Enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled:

That Sections 2275 and 2276 of the Revised Statutes of the United States, be amended to read as follows:

SEC. 2275. Where settlements with a view to pre-emption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the claims of such settlers; and if such sections, or either of them have been or shall be granted, reserved or pledged for the use of schools or colleges in the State or territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected by said State or territory, in lieu of such as may be thus taken by pre-emption or homestead settlers, and other lands of equal acreage are also hereby appropriated and granted, and may be selected by said state or territory, where sections 16 or 36 are mineral lands, or are included within any Indian, military or other reservation, or are otherwise disposed of by the United States, and other lands of equal acreage are also hereby appropriated and granted, and may be selected by said state or territory, to compensate deficiencies for school purposes, where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

SEC. 2276. That the lands appropriated by the preceding section shall be selected from any unappropriated, surveyed public lands, not mineral in character, within the State or Territory where such losses or deficiencies of school sections occur; and where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to-wit: For each township or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three quarters of a section; for a fractional township containing a greater quantity of land than one-quarter and not more than one half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land; *Provided*, That the States or Territories which are or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named to compensate for deficiencies of school land in fractional townships.

Mr. Welsh moved

That the communication be referred to the Committee on State Affairs, with instructions to prepare a joint resolution in compliance therewith,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 187,

A bill for an act relating to the punishment of a father for the abandonment of his children, and a husband for the abandonment of his wife,

Which the Senate has passed,

And your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Williams moved

That when the House adjourn it be to meet again at 9:30 o'clock a. m. for the purpose of considering Senate Bill No. 143,

Which motion prevailed.

Mr. Buchanan moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1890.

The House assembled at 9:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer was dispensed with on account of the absence of the Chaplain.

Roll called.

All members present except Messrs. Thomson of Walsh and Watt excused.

Mr. Pinkham moved

That it be declared the sense of the House that hereafter the Legislative day shall commence at 9:30 o'clock a. m.

Mr. Stevens raised the point of order that the House cannot fix the Legislative day without the concurrence of the Senate.

The motion of Mr. Pinkham was lost.

Mr. Thompson of Cass, moved

That the Legislative day for to-day shall be deemed to commence at 9:30 o'clock a. m.,

Which was declared the sense of the House.

Consideration of Senate Bill No. 143 was continued.

Mr. Haugerud moved

To adopt the following proposed amendment:

In Article 11, Section 3, line 11, after the word "State" insert the word "Provided," and in line 14 after the word "Provided" insert the word "further."

Which motion prevailed, and

The bill was so amended.

Mr. McDonald moved

To amend Article 11, Section 5, line 2, by striking out the word "eighteen" and inserting the word "seventeen" in lieu thereof,

Which motion was lost, and

The amendment was lost.

Mr. Balkan moved

To amend Article 4, Section 1, line 6, as follows:

After the word "years" insert the following: "No one person shall be elected to the office of school treasurer for more than two successive terms."

Mr. Allen moved

To lay the motion upon the table,

Which motion prevailed, and

The amendment was laid upon the table.

Mr. Strom moved

To amend by adding to Article 4, Section 1 the following:

Provided, That where there are more than three schools in a district, there shall be elected one director for each school.

Which motion was lost, and

The amendment was lost.

Mr. Lilly moved

To adopt the following proposed amendment:

In Article 11, Section 6, Subdivision (b), line 6, strike out the word "shall."

Which motion prevailed, and

The bill was so amended.

Mr. Milsted moved

To amend as follows:

Insert after the word "containing," in Section 3 of Article 12, the following:

The number of visits by the county superintendent, and.

Which motion prevailed, and

The bill was so amended.

Mr. Walsh moved

That the following proposed amendment be not adopted:

After Article 13 insert the following as Article 14:

SECTION 1. Until one or more State Normal Schools shall have been established and opened for pupils, the State Superintendent of Public Instruction may designate not to exceed three private colleges or academies in which at the expense of the State as hereinafter provided, professional instruction and training in the science of education and the art and practice of teaching shall be given to persons preparing to teach in the schools of the State. Such professional instruction and training shall be given only by teachers who as to qualifications are approved by the State Superintendent. A class of not less than ten at any one time shall be so instructed and trained in any such institution, and for not less than ten weeks in any one school term.

SEC. 2. A person to be admitted to such class shall be at least sixteen years of age, of good moral character and studious habits, and must sign a pledge in prescribed form to teach at least twelve months in the public schools of the State.

SEC. 3. The State Superintendent shall prescribe the course of professional studies and training under which such instruction shall be given, and the regulations for examinations of applicants for admission to such institution for such professional instruction and training, or of pupils pursuing such course therein.

SEC. 4. The State Treasurer shall pay semi-annually to the treasurer, or if there be no treasurer, to the governing board or principal of such institution, from the State Treasury on the warrant of the State Auditor, \$1 a week for every pupil receiving in such institution such professional teaching and train-

ing, and all necessary expenses for the examinations provided for in this article. Such warrant shall be issued only for bills for tuition and expenses verified by the president or principal of such institution and approved by the State Superintendent.

Renumber Article 14 as Article 15.

Roll call demanded.

Mr. Williams demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Currier, Green, Hankinson, Hoyt, Ink, McIntyre, Moore, Murphy, Reed, Selby, Thomson of Walsh, Ueland, Watt,

Messrs. Murphy, Reed, Selby, Thomson of Walsh, Ueland and Watt being excused.

Mr. Allen moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Beard moved

To dispense with further proceedings under call of the House

Which motion was lost.

Mr. Roney moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Williams moved

That the article under consideration be passed temporarily,

Which motion prevailed.

Mr. Lutz moved

To amend Article 12, Section 9, by adding after the word "labor" in line 8 the following: "Obedience to parents, and due deference for old age,"

Which motion prevailed, and

The bill was so amended.

Mr. Tyler moved

To amend the bill as follows:

In Article 6, Section 9, line 4, change the words "fifteenth of August" to the words "twentieth of July."

In Article 9, Section 2, line 7, strike out the words "to the State Treasurer and."

In Article 7, Section 2—, strike out all of line 8 and insert the following: "With the quarterly reports on the first of December, March, June and September."

In Article 7, Section 3, line 2, change the word "May" to the word "June" and the word "November" to the word "December."

In Article 7, Section 7, add at the end of line 8 the words "and auditor," and in line 10 after the word "treasurers" insert the following: "Upon the order of the county auditor."

In Article 7, Section 10, line 1, after the word "apply" insert the words "to the county auditor," and after the word "for" in same line insert the words "an order."

In Article 7, Section 10, line 2, after the word "him" insert the words "on such order." In line 4 after the word "superintendent" insert the words "and the county auditor shall issue such order." In line 10 strike out the word "treasurer" and insert the word "auditor."

In Article 8, Section 1, line 5, strike out the words "fifteenth day of August" and insert the words "twentieth day of July."

In Article 18, Section 17, lines 1 and 2, strike out the words "fifteenth day of August" and insert the words "twentieth day of July."

Mr. Lilly moved

That the amendments proposed by Mr. Tyler be referred to the Committee on Education,

Which motion was lost, and

The question recurring on the motion of Mr. Tyler,

The motion prevailed, and

The bill was so amended.

Mr. Strom moved

To amend the amendment by adding to Section 3 of Article 5 the following:

In line 2 of said amendment strike out the figure "8" and insert the figures and words "\$1.50 per day for every day necessary spent in discharge of their duty."

Which motion was lost, and

The resolution was lost.

Mr. Roney moved

To amend the bill as follows:

In Article 4, Section 1, line 6, after the word "years" add the following:

Provided, That no school treasurer shall hold the office of school treasurer for a longer period than four years in succession.

Which motion was lost, and

The amendment was lost.

Mr. Bowen moved

To amend the report of the committee by inserting at the end of Section 1 of the part recommended to be inserted after Article 13 as Article 14 the following:

Provided, That no school shall receive any benefit under this provision that has not already been established as such under the provisions of Chapter 47, Session Laws of 1887.

Which motion was lost, and

The amendment was lost.

Mr. Walsh moved

To amend Section 1 of the committee's amendment of Article 14 by adding at the end thereof the following:

Provided, That not more than fifty students shall be so instructed at the expense of the State.

Which motion was lost, and

The amendment was lost.

Mr. Walsh moved

To add at the end of Section 4 of the committee's amendment of Article 14 the following:

Provided, That not to exceed \$500 shall be paid out for such instruction for any one year in the aggregate.

Which motion was lost, and
The amendment was lost.

Mr. Milsted moved

To strike out all down to and including the word "county" in the seventh line of Section 17 of Article 2, and insert the following:

The salary of the county superintendent shall be set by the county commissioners at there April meeting prior to the election.

Mr. McCormick moved

To lay the amendment upon the table,
Which motion prevailed, and
The amendment was laid upon the table.

Mr. McDonald moved

To amend Article 12, Section 6, line 10, by striking out the words "one-half,"

Which motion prevailed, and
The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

Strike out Article 15 and consider the House bill already introduced on the subject of free text books separately.

Which motion prevailed.

Mr. Cole moved

To adopt the following proposed amendment:

In Article 16, Section 3, lines 1 and 2, strike out the words "or sell," and in line 4 strike out the word "not" and insert the word "but."

Which motion prevailed, and
The bill was so amended.

Mr. McDonald moved

To amend Article 13, Section 2, by striking out all of the section after the word "the" in line 6, and inserting the following in lieu thereof:

The county superintendent, after consultation with the State Superintendent as to the special needs and wants of their respective counties, shall appoint the time and place and duration of the institute, and shall designate the person to act as conductor of such institute.

Which motion was lost, and
The amendment was lost.

Mr. McCormick moved

To adopt the following proposed amendment:

In Article 17, Section 1, line 4, after the word "district" and before the word "at" insert the word "present."

Which motion prevailed, and
The bill was so amended.

Mr. Speaker called Mr. Allen to the Chair.

Mr. Estabrook moved

To adopt the following proposed amendment:

In Article 18, Section 1, line 1, after the word "cities" insert the words "and incorporated."

Which motion prevailed, and
The bill was so amended.

Mr. McCormick moved

To amend Article 17, Section 6, in lines 3 and 4, as follows:

Strike out the words "ninety-five cents on the dollar of their face value" and insert in lieu thereof the word "par."

Which motion prevailed, and
The bill was so amended.

Mr. Stevens moved

That the House do now adjourn.

Mr. Walsh moved

As an amendment that the House do now take a recess until 2 o'clock p. m.,

Which amendment prevailed, and
The original motion as amended prevailed, and
The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

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

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

MR. PRESIDENT:

Your Committee on Correction of the Journal have examined the printed Journal of the one hundred and fifth day and find the same correct with the following exceptions: On page 7 strike out the dollar sign before the figures "40,000." On page 13 strike out the words "by striking out" and insert in lieu thereof the word "inserting."

JAMES McCORMICK,
Chairman.

Consideration of Senate Bill No. 143 was continued.

Mr. Ink moved

To reconsider the vote by which the amendment to Section 1 of Article 4, relating to term of office of school treasurers, was lost,
Which motion was lost.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 303,

A bill for an act to provide for amending articles of incorporation of building and loan associations.

Also,

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party.

Also,

House Bill No. 244,

A bill for an act to amend and re-enact the Insurance Laws of the State of North Dakota.

Also,

House Bill No. 24,

A bill for an act entitled "An Act indemnifying the owners of sheep in case of damage by dogs and creating a fund to pay for the same by a tax on dogs.

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Roney moved

To amend Article 17, Section 2, page 87 of printed bill as follows:

After the word "bond" in line 10, insert the following: "*Provided*, That no person shall be entitled to vote unless he or she is a taxpayer in said district."

Which motion was lost, and

The amendment was lost.

Mr. Cole moved

To adopt the following proposed amendment:

In Article 18, Section 13, Subdivision 8 lines 27 and 28, strike out the words "at its pleasure" and "in its opinion" and insert after the word "remove" in line 27, the words "for cause."

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To amend Subdivision 8 of Section 13 of Article 18, by adding thereto the following:

No person who is a father or mother, son or daughter, husband or wife, brother or sister or brother-in-law or sister-in-law to any member of such board of education shall be employed as a teacher by such board, unless elected by a unanimous vote of all the members-elect.

Mr. Thompson of Cass, moved

To amend the motion by including, also, the word "friend,"

Which amendment was lost, and

The question recurring on the motion of Mr. Stevens,

Mr. Currier moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 31, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Rawlings,
Beard,	Langer,	Reed,
Belden,	Lutz,	Richardson,
Bowen,	McCormick,	Roney,
Bye,	McCullough,	Thomas,
Court,	McIntyre,	Thompson of Cass,
Currier,	Montgomery,	Tyler,
Estabrook,	Nedrud.	Ueland,
Foss,	Olsgard,	Walsh,
Haugerud,	Pinkham,	Zimmer.
Ingebretson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Selby,
Brittin,	Ink,	Stadleman,
Buchanan,	Jahr,	Stevens,
Christianson,	Lilly,	Strom,
Cole,	McDonald,	Tandberg,
Green,	Milsted,	Walton,
Gronli,	Moore,	Wickham,
Hankinson,	Murphy,	Williams,
Haugen,	Norton,	Mr. Speaker.
Heglie,	Renaud,	

Messrs. Thomson of Walsh and Watt being absent and not voting.

Messrs. Thomson of Walsh and Watt being excused.

And so the motion to lay upon the table prevailed.

Mr. Williams moved

To amend Subdivision 8 of Section 13 of Article 18 by adding thereto the following:

Any relation without the concurrence of the entire board.

Which motion prevailed, and

The bill was so amended.

Mr. Lutz moved

To amend as follows:

Add to the third subdivision on page 98, line 13 of printed bill, the following words: "Together with such additional courses as said board of education may thereafter deem advisable to establish."

Which motion prevailed, and

The bill was so amended.

Mr. Strom moved

To strike out Subdivision 10 of Section 8, Article 18,

Which motion was lost.

Mr. Thompson of Cass, moved

To amend the bill as follows:

Add after the word "it" in line 4 of Section 9, Article 12, the following words: "Nor be present in the school room during the reading thereof."

Which motion prevailed, and
The bill was so amended.

Mr. Lilly moved

To adopt the following proposed amendment:

In Section 19 of Article 18 strike out all after the word "thereof" in line 2.

Which motion prevailed, and
The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 20 of Article 18, line 3, strike out the word "monthly" and insert the word "quarterly."

Which motion prevailed, and
The bill was so amended.

Mr. Strom moved

To amend Article 18, Section 22, line 2, as follows:

Strike out the words "at once" and insert in lieu thereof the following: "After the equalization herein provided for."

Which motion prevailed, and
The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 23 of Article 18 add at the end of line 12: "Towns and villages not incorporated, but heretofore organized under the general school laws and provided with a board of education, shall become a part of the school district in which they are severally located, and the determination and division of the property, debts and assets shall be made by arbitration as aforesaid."

Which motion prevailed, and
The bill was so amended.

Mr. Cole moved

To adopt the following proposed amendment:

In Section 24 of Article 18, after the word "years" in line 14, insert the words "beginning with the second Tuesday in July following his election."

Which motion prevailed, and
The bill was so amended.

Mr. Thompson of Cass, moved

To amend Section 24, Article 18, line 7, by striking out the words "by lot" and inserting therefor the words "by pulling matches."

Mr. Lilly moved

As a substitute that the words "by lot" be stricken out and the words "in such manner as the board may decide" be inserted in lieu thereof,

Which substitute motion prevailed, and
The bill was so amended.

Mr. Montgomery moved

To adopt the following proposed amendment:

In Section 33 at the end of line 19, add: "Except for a different amount, and then only upon the written petition of a majority of the school voters of the special district."

Which motion prevailed, and
The bill was so amended.

Mr. McCullough moved
To amend the bill as follows:

In lines 15 and 16, page 107, printed bill, strike out the figures and words "9 o'clock a. m., and close at 4 o'clock p. m.," and insert the figures and words "1 o'clock p. m., and close at 5 o'clock p. m."

Which motion was lost, and
The amendment was lost.

Mr. Strom moved
To amend the bill as follows:

In Article 6, on page 36, Section 9, line 2, strike out the word and figures "thirty (30)" and insert the word and figures "twenty (20)."

Mr. Wickham moved
To lay the motion upon the table,
Which motion prevailed, and
The motion was laid upon the table.

Mr. McDonald moved
To amend Section 34, line 2 by adding after the word "interest" the words "which shall not exceed seven per cent,"

Which motion was lost, and
The amendment was lost.

The third reading of the bill was concluded.

Mr. Lilly moved
To amend the title of the bill by adding at the end the words "and to prescribe penalties for the enforcement of the provisions thereof,"

Which motion prevailed, and
The title of the bill was so amended.

Mr. Walsh proposed to offer an amendment.

Mr. Williams moved
That the amendment be not received,
Which motion prevailed, and
The amendment was not received.

Mr. Lilly moved
To amend the bill as follows:

In Article 16, Section 2, strike out all after the word "be" at end of line 3, and insert the words "deemed guilty of felony."

Which motion prevailed, and
The bill was so amended.

Mr. Thompson of Cass moved
To amend the bill as follows:

Amend by striking out all provisions of the bill defining what the punishment shall be for misdemeanors or felonies as therein prescribed.

Which motion was lost, and
The amendment was lost.

Mr. Heglie moved
To amend the bill as follows:

In line 11 of Article 6, Section 17, strike out the word "January" and insert the word "July"; same line strike out the words and figures "December 31st" and insert the words and figures "June 30th"; in same section page 44, line 15, strike out the word "January" and insert the word "July." In line 17 strike out the word "January" and insert the word "July." In line 18 of same section strike out the word "February" and insert the word "August."

In Article 7, page 50, Section 9, line 5, strike out the word "January" and insert the word "July."

In Article 12, page 68, Section 4, line 1, strike out the word "January" and insert the word "July"; in line 2 strike out the words (thirty-first day of December) and insert the words "thirtieth day of June."

Which motion was lost, and
The amendment was lost.

Mr. Speaker called Mr. Williams to the Chair.

Mr. Roney moved
To amend the bill as follows:

In Article 4, Section 1, on page 22, after the word "years" add the following:

Provided, That no school treasurer shall hold the office of treasurer for more than three terms in succession.

Mr. Haugen moved
To lay the motion upon the table.

Roll call demanded,
The roll being called there were ayes 28, nays 26.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Ingebretson,	Rawlings,
Belden,	Langer,	Reed,
Brittin,	Lilly,	Renaud,
Estabrook,	McIntyre,	Selby,
Green,	Milsted,	Strom,
Gronli,	Moore,	Tandberg,
Haugen,	Montgomery,	Walsh,
Haugerud,	Murphy,	Walton,
Heglie,	Nedrud,	Zimmer.
Hoyt,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Pinkham,
Balkan,	Ink,	Richardson,
Bowen,	Jahr,	Roney,
Buchanan,	Johnson	Stadleman,
Bye,	Lutz,	Thompson of Cass,
Christianson,	McCormick	Ueland,
Cole,	McCullough,	Wickham,
Court,	McDonald,	Williams.
Foss,	Olsgard,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Thomas,	Watt,
Norton,	Thomson of Walsh	Mr. Speaker.
Stevens,	Tyler,	

Messrs. Thompson of Walsh, and Watt being excused.

And so the motion to lay upon the table prevailed.

The substitute of the Committee on Education for Article 14 being still pending,

Mr. Bowen moved

To amend the proposed substitute as follows:

Add at the end of Section 1, Chapter 14, the following:

Provided, That no such private universities, colleges or academies shall be so designated except those which at the time of the taking effect of this act, are giving such professional instruction and training in the science of education and art of teaching under the provisions of Chapter 47 of the Session Laws of 1887; *Provided, further*, That all such private universities, colleges or academies shall be entirely non-sectarian in character.

Which motion prevailed, and

The amendment was adopted.

Mr. Bowen moved

That the amendment proposed by the committee as amended be adopted,

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To reconsider the vote by which the amendment to Section 1 of Article 1 was adopted,

Which motion prevailed, and

Mr. Lilly moved

To adopt the following substitute amendment:

In Article 1, Section 1, line 5, after the word "elector" insert the words "and is the holder of a State certificate of the highest grade issued in some state, or is a graduate of some reputable university, college or normal school."

Which motion prevailed, and

The substitute amendment was adopted.

Mr. Ueland moved

To amend the bill as follows:

Strike out on page 12, the first part of Section 17 down to and including the word "school" in line 6 and insert in place thereof the following: "The salary of the county superintendent shall be as follows: For the first ten schools or less, three hundred dollars; for the next ten schools, an additional sum of twenty-five dollars for each school; for the next ten schools, an additional sum of twenty dollars for each school; for the next ten schools, an additional sum of fifteen dollars for each school; for the next twenty schools, an additional sum of ten dollars for each school; and for each school over sixty in number an additional sum of five dollars for each school."

Mr. Stevens moved

That the amendment be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 306,

A bill for an act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers residents therein," approved February 14, 1890,

Which the Senate has passed unchanged.

Also,

Senate Bill No. 14,

A bill for an act regulating the taking of toll and exchange in grist mills or flouring mills, and providing penalties for the violation of the same.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for the State University, and to fix the salaries of the president and professors of the same,

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

Also,

That the Senate has concurred in the House amendments to Senate Bills Nos. 166 and 172.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That Section 17 of Article 2, as amended be adopted,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has adopted the report of the Conference Committee on Senate Bill No. 133.

C. C. BOWSFIELD,
Secretary.

Mr. Estabrook moved

To amend by numbering the sections of the bill consecutively instead of numbering each article *seriatim*,

Which motion prevailed.

The question being on the passage of the bill as amended,

The roll being called there were ayes 48, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Pinkham,
Balkan,	Hoyt,	Rawlings,
Beard,	Ingebretson,	Reed,
Belden,	Ink,	Richardson,
Bowen,	Jahr,	Roney,
Brittin,	Johnson,	Selby,
Buchanan,	Langer,	Strom,
Bye,	Lilly,	Tandberg,
Cole,	Lutz,	Thomas,
Court,	McCormick,	Thompson of Cass,
Currier,	McCullough,	Tyler,
Estabrook,	McIntyre,	Ueland,
Foss,	Montgomery,	Walton,
Green,	Nedrud,	Wickham,
Gronli,	Norton,	Williams,
Hankinson,	Olsgard,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Murphy,	Walsh,
Haugen,	Renaud,	Zimmer.
McDonald,	Stevens,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Heglie,	Moore,	Thomson of Walsh,
Milsted,	Stadleman,	Watt.

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
Senate Bill No. 142,

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

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

C. A. CURRIER,
Chairman.

Mr. Roney moved

That the rules be suspended, and that House Bill No. 333 be taken from General Orders, read the third time, and placed upon its final passage,

Which motion prevailed, and
House Bill No. 333,

A bill for an act to amend an act entitled "An Act to fix the maximum rates which railroad companies may charge for the transportation of coal mined within the State of North Dakota," approved March 3, 1890,

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

The roll being called there were ayes 54, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Reed,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Bowen,
Court,
Renaud,

Messrs—

Stadleman,
Thomson of Walsh,

Messrs—

Watt,
Zimmer.

Mr. Moore voting in the negative.

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Lilly moved

That the vote by which Senate Bill No. 143 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved

That the vote by which House Bill No. 333 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved

That the Commissioners of Railroads be instructed to investigate and report to the House the reasons for the recent increase in the price of coal,

Which motion prevailed.

The Conference Committee on Senate Bill No. 133 made the following report:

MR. SPEAKER:

Your Joint Committee on Conference to whom was referred Senate Bill No. 133 have had the same under consideration and beg leave to make the following report.

1. The Joint Committee on Conference to whom was referred the House amendments to Senate Bill No. 133 reported to their respective bodies February 15th as follows: "Insert a new section as follows:"

Section 7; *Provided*, That the compensation for the officers herein named shall not apply to the present session of the Legislative Assembly, but the salaries to be fixed by resolution by the respective bodies.

The House amended Section 7, February 17th as follows: "Add to Section 7 the following:"

Provided, That this act shall not affect the number of officers and employes of the Senate and House selected and now exercising such offices or employment for the First Legislative Assembly.

2. We find that the Chief Clerk of the House in transmitting to the Senate, February 18, 1890, Senate Bill No. 133 and its amendments as passed by the House, omitted Section 7, as adopted by the Conference Committee of February 15th, and transmitted only the amendment to Section 7 as adopted by the House, February 17th.

3. We recommend the adoption of Section 7 as amended by the House February 17th, which is as follows:

Provided, That the compensation for the officers herein named shall not apply to the present Legislative Assembly, but the salaries to be fixed by resolution by the respective bodies, and that this act shall not affect the number of officers and employes of the Senate and House selected and now exercising such office or employment for the First Legislative Assembly.

ROGER ALLIN,
EDW. L. YAGER,
On part of Senate.

FRANK J. THOMPSON,
J. F. SELBY,
C. A. CURRIER,
On part of House.

Mr. Thompson of Cass moved
To adopt the report,
Which motion prevailed, and
The report of the Conference Committee was adopted.
The question then being, shall
Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of the Legislative Assembly of the State of North Dakota and to provide for the compensation and payment of the same,

Pass as amended by the Senate,
The roll being called there were ayes 48, nays 7.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Cole,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugerud,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Heglie,	McCullough,
Green,	Ink,	McDonald.
Haugen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Court,	Richardson,	Watt,
Norton,	Thomson of Walsh,	Zimmer.
Olsgard.		

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill as amended by the Conference Committee passed,
And the title of the bill was agreed to.

Mr. Hankinson moved

That the rules be suspended, and that House Bills Nos. 127 and 141 be now read the third time and placed upon their final passage.

Mr. Milsted moved

As a substitute that the House proceed to the third reading of Senate bills,

Which substitute motion prevailed, and

The original motion as amended by the substitute motion prevailed.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Langer was excused until next Wednesday.

THIRD READING OF SENATE BILLS.

Senate Bill No. 62,

A bill for an act to require all railroad corporations doing business in the State of North Dakota to file with the county clerk in which any railroad or part thereof may be located, a map showing all railroad and right of way owned by said corporation,

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

The roll being called there were ayes 51, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Rawlings,
Balkan,	Heglie,	Reed,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Bowen,	Jahr,	Roney,
Brittin,	Johnson,	Selby,
Buchanan,	Langer,	Stadleman,
Bye,	Lutz,	Stevens,
Christianson,	McCormick,	Strom,
Cole,	McDonald,	Tandberg,
Court,	McIntyre,	Thomas,
Currier,	Milsted,	Thompson of Cass,

Messrs—
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,

Messrs—
 Moore,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,

Messrs—
 Tyler,
 Ueland,
 Walton,
 Wickham,
 Williams.

Absent and not voting:

Messrs—
 Haugen,
 Hoyt,
 Lilly,

Messrs—
 McCullough,
 Montgomery,
 Norton,

Messrs—
 Thomson of Walsh,
 Watt,
 Mr. Speaker.

Messrs. Walsh and Zimmer voting in the negative.

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill passed, a majority of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 39,

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

Was read the third time, and placed upon its final passage,

The roll being called there were ayes 36, nays 19.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Buchanan,
 Christianson,
 Cole,
 Currier,
 Foss,
 Green,
 Gronli,

Messrs—
 Hankinson,
 Heglie,
 Hoyt,
 Ingebretson,
 Ink,
 Johnson,
 Lilly,
 McCormick,
 McDonald,
 McIntyre,
 Milsted,
 Nedrud,

Messrs—
 Pinkham,
 Rawlings,
 Reed,
 Richardson,
 Selby,
 Stevens,
 Thomas,
 Tyler,
 Ueland,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Balkan,
 Bye,
 Court,
 Estabrook,
 Haugen,
 Haugerud,
 Jahr,

Messrs—
 Langer,
 Lutz,
 Moore,
 Murphy,
 Norton,
 Olsgard,
 Renaud,

Messrs—
 Roney,
 Stadleman,
 Strom,
 Tandberg,
 Thompson of Cass,
 Walsh,
 Walton.

Absent and not voting:

Messrs—
 McCullough,
 Montgomery,

Messrs—
 Thomson of Walsh,
 Watt.

Messrs—
 Wickham,

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the question being on the title of the bill,

Mr. Currier moved

To amend the title to read: "A bill for an act providing for the attaching of certain townships to Ramsey county,"

Which motion prevailed, and

The title as amended was agreed to.

Senate Bill No. 142,

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

Was read the third time, and

Mr. Currier moved

To strike out the words "judge of probate" in Section 3 and insert in lieu thereof the words "county judge,"

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To reconsider the vote by which Mr. Currier's amendment was adopted,

Which motion prevailed, and

Mr. Stevens moved that the amendment be not adopted,

Which motion prevailed.

Mr. Pinkham moved

To make the bill a special order for to-morrow at 2 o'clock p. m.

Mr. Wickham moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Roney moved

To suspend the rules to permit amendments to the bill,

Which motion was lost, and

The question being on the passage of the bill,

The roll being called there were ayes 54, nays 5.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Langer,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Ueland.
Jahr,	McCullough,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Christianson.	Thomson of Walsh,	Watt.

Messrs. Thompson of Walsh, and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. McIntyre (by unanimous consent) introduced—
House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Mr. Roney moved

To suspend the rules and place Senate Bill No. 78 on its third reading and final passage,

Which motion was lost.

Mr. Hankinson moved

That the vote by which Senate Bill No. 142 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved

That the House do now adjourn,

Which motion was lost.

Senate Bill No. 141,

A bill for an act to transfer and appropriate the unexpended balances of the appropriations made for the office of Commissioner of Immigration by the Sixteenth and Eighteenth Legislative Assemblies of the Territory of Dakota,

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

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Pinkham,
Balkan,	Ingrebretson,	Rawlings,
Beard,	Ink,	Renaud,
Belden,	Jahr,	Richardson,
Bowen,	Johnson,	Roney,
Brittin,	Langer,	Selby,
Bye,	Lilly,	Stadleman,
Christianson,	Lutz,	Strom,
Cole,	McCormick,	Tandberg,
Court,	McCullough,	Thomas,
Estabrook,	McIntyre,	Thompson of Cass,
Foss,	Milsted,	Tyler,
Green,	Moore,	Ueland,

Messrs—
 Gronli,
 Hankinson,
 Haugen,
 Hangerud,
 Heglie,

Messrs—
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,

Messrs—
 Walton,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Buchanan,
 Currier,
 McDonald,

Messrs—
 Reed,
 Stevens,
 Thomson of Walsh,

Messrs—
 Walsh,
 Watt.

Messrs. Thompson of Walsh, and Watt being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Norton moved

That the House do now adjourn,

Which motion was lost.

Senate Bill No. 116,

A bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the destruction of gophers,

Was read the third time, and

Mr. Belden asked unanimous consent to amend the bill by adding the following emergency clause:

Sec. 6. The necessity for protection from the ravages of gophers during the coming spring and summer creates an emergency which must be met; therefore, this act shall take effect from and after its passage and approval.

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 41, nays 11.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,

Messrs—
 Haugen,
 Heglie,
 Hoyt,
 Ingebretson,
 Jahr,
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 McIntyre,
 Murphy,
 Nedrud,

Messrs—
 Pinkham,
 Rawlings,
 Richardson,
 Roney,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Tyler,
 Ueland,
 Walton,
 Wickham,
 Williams.

Those who voted in the negative were:

Messrs—
 Hankinson,
 Hangerud,
 Ink,
 Milsted,

Messrs—
 Moore,
 Montgomery,
 Olsgard,
 Renaud,

Messrs—
 Selby,
 Walsh,
 Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Reed,	Thompson of Walsh,
Currier,	Stadleman,	Watt,
McDonald,	Stevens,	Mr. Speaker.
Norton,		

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill passed as amended, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Olgard,
Balkan,	Hoyt,	Pinkham,
Beard,	Ingebretson,	Rawlings,
Belden,	Ink,	Richardson,
Bowen,	Jahr,	Roney,
Brittin,	Johnson,	Selby,
Bye,	Langer,	Stevens,
Christianson,	Lilly,	Strom,
Cole,	Lutz,	Tandberg,
Court,	McCormick,	Thomas,
Currier,	McCullough,	Thompson of Cass,
Estabrook,	McIntyre,	Tyler,
Foss,	Milsted,	Ueland,
Green,	Moore,	Walton,
Gronli,	Montgomery,	Wickham,
Hankinson,	Murphy,	Williams,
Haugen,	Nedrud,	Zimmer.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Renaud,	Walsh,
McDonald,	Stadleman,	Watt,
Norton,	Thomson of Walsh,	Mr. Speaker.
Reed,		

Messrs. Thomson of Walsh, and Watt being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Walton (by unanimous consent) made the following report of the Committee on Irrigation:

MR. SPEAKER:

Your Committee on Irrigation to whom was referred

Substitute for Senate Bill No. 154,

A bill for an act relating to the construction of artesian wells in townships and the purchase of machinery to construct same, and

authorize the borrowing of money and issuing of bonds in aid thereof,

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

Amend the title by striking out all after the word "township" down to and including the word "same."

Strike out in line 9, Section 1, printed bill, all after the word "flow" down to and including the word "therefor;" same section, line 14, insert after the word "evidence" the words "they shall proceed to call an election for the purpose of voting on the question of bonding such township in such an amount as shall be demanded in the petition; notices of such election to be published as required by law in other elections, at least twenty days before such election is to be held; and if two-thirds of all the votes cast shall be found to be in favor of granting the petition, then the township board."

Strike out in line 14, Section 1, printed bill, the word "they" and the word "then."

Amend Section 3, line 2 of printed bill by striking out the word "ten" and inserting in its place the word "thirty." Same section, line 3, make the word "newspapers" read "newspaper." Line 2, same section, strike out the word "three" and insert the word "one" in its place. In line 3, same section, strike out all after the word "published" down to and including the word "made" in line 7 and insert the following instead: "In either of the cities of St. Paul or Minneapolis in the State of Minnesota and."

Amend Section 3 further by striking out all of line 11.

Amend Section 4, line 11, by striking out the word "national."

Insert as Section 6 the following:

"Whereas, it is necessary to provide all means possible for a sufficient supply of moisture to insure the raising of crops in certain localities in this State; therefore an emergency exists, and this act shall take effect and be in force from and after its passage and approval."

Renumber Section 6 number 7.

And when so amended recommend that said bill do pass.

L. L. WALTON,
Chairman.

Mr. Walton moved

That the report of the Committee on Irrigation be printed in the Journal,

Which motion prevailed.

Mr. Estabrook (by unanimous consent) introduced—
House Bill No. 336,

A bill for an act to amend Chapter 205 of the General Laws of 1887, relating to the preferment for appointment in certain cases.

Mr. Stevens moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 22, nays 29.

Those who voted in the affirmative were:

Messrs—

Britten,
Green,
Hankinson,
Jahr,
Johnson,

Messrs—

McIntyre,
Milsted,
Moore,
Murphy
Nedrud,

Messrs—

Selby,
Strom,
Tandberg,
Thomas,
Thompson of Cass,

Messrs—
Langer,
Lutz,
McCormick,

Messrs—
Rawlings,
Richardson,

Messrs—
Ueland,
Wickham.

Those who voted in the negative were:

Messrs—
Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,

Messrs—
Estabrook,
Foss,
Gronli,
Haugen,
Haugerud,
Heglie,
Ingebretson,
Ink,
Lilly,
McCullough,

Messrs—
Montgomery,
Olsgard,
Pinkham,
Roney,
Stevens,
Tyler,
Walton,
Williams,
Zimmer.

Absent and not voting:

Messrs—
Buchanan,
Hoyt,
McDonald,
Norton,

Messrs—
Reed,
Renaud,
Stadleman,
Thomson of Walsh,

Messrs—
Walsh,
Watt,
Mr. Speaker.

Messrs. Thomson of Walsh, and Watt being excused.

And so the motion to adjourn was lost.

Mr. Renaud demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Buchanan, Hoyt, McDonald, Norton, Reed, Stadleman, Thomson of Walsh, Walsh and Watt.

Messrs. Thomson of Walsh, and Watt being excused.

Mr. Bowen moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Allen moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Ink moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 6, 1890.

The House assembled at 10 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Buchanan, Currier, Green, McIntyre, Rawlings, Stadleman, Thomson of Walsh, Walton, Watt and Williams, who subsequently reported present, and Mr. Langer who was excused.

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

MR. SPEAKER:

Your Committee on Correction of the Journal have examined the printed Journal of the one hundred and sixth day and find the same correct.

JAMES McCORMICK,
Chairman.

Mr. McCormick demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Buchanan, Green, Currier, Langer, McIntyre, Rawlings, Stadleman, Walsh, Walton, Watt and Williams.

Messrs. Thomson, of Walsh, Walton and Watt being excused.

Mr. Cole moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Hankinson moved
That further proceedings under call of the House be dispensed with,

Which motion was lost

Mr. Allen moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Stevens moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Lilly moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Bowen moved

To dispense with further proceedings under call of the House.
Roll call demanded,

The roll being called there were ayes 21, nays 32.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Bowen,
Brittin,
Christianson,
Cole,
Court,

Messrs—

Estabrook,
Hankinson,
Hoyt,
Lilly,
Lutz,
McCullough,
McDonald,

Messrs—

McIntyre,
Milsted,
Montgomery,
Rawlings,
Reed,
Richardson,
Ueland.

Those who voted in the negative were:

Messrs—

Balkan,
Belden,
Bye,
Currier,
Foss,
Green,
Gronli,
Haugen,
Haugerud,
Heglie,
Ingebretson,

Messrs—

Ink,
Johnson,
McCormick,
Moore,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Renaud,
Roney,

Messrs—

Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Walsh,
Wickham,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Jahr,
Langer,

Messrs—

Selby,
Stadleman,
Thomson of Walsh,

Messrs—

Walton,
Watt,
Williams.

Mr. Stevens explaining his vote.

Mr. Selby explaining his refusal to vote.

Messrs. Langer, Thomson of Walsh, Walton and Watt being excused.

And so the motion to dispense with further proceedings under call of the House was lost.

The Sargeant-at-Arms returned and reported.

Mr. Speaker called Mr. Ueland to the Chair.

Mr. Williams moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. McCormick moved

That the absentees under call of the House be arraigned before the bar of the House and required to give their excuses.

Mr. Williams moved

To lay the motion upon the table,

Which motion prevailed.

CONSIDERATION OF SPECIAL ORDERS.

Senate Bill No. 5,

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

Which was made a special order for this hour was considered.

Mr. Stevens moved

To suspend the rules to permit amendments to the bill,

Which motion prevailed.

Mr. Beard moved

To adopt the report of the Committee on Elections and Privileges on Senate Bill No. 5.

Mr. Lilly moved

As a substitute that the report of the committee be considered as the sections are reached which it amends,

Which substitute motion prevailed.

Mr. Zimmer moved

That the House do now resolve itself into Committee of the Whole for the consideration of Senate Bill No. 5,

Which motion was lost.

The third reading of the bill was proceeded with, and the bill was considered section by section.

Mr. Roney moved

To amend the bill by striking out the word "Territory" wherever it occurs in the bill, and insert in lieu thereof the word "State,"

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved
To strike out Section 2.

Mr. McCormick moved
As a substitute that the section be passed temporarily,
Which motion was lost.

The question recurring on the motion of Mr. Stevens,
The motion prevailed, and
Section 2 was stricken out.

Mr. Stevens moved
To strike out Section 3 of the bill.

Mr. McCullough moved
That the bill be read at length and that all amendments be
made at the conclusion of the reading.

Mr. Walsh moved
As a substitute that the bill be ordered printed with the House
amendments in brackets, and that it be made a special order for
Saturday immediately after the calling of the roll,
Which motion was lost

Mr. McCullough's motion was ruled out of order.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of
grain of all kinds and to regulate the grading of the same, and to
provide for the manner in which grain may be received for
storage, and the conditions on which the same may be returned to
the owner, and to regulate matters connected with the business of
warehousing and grain dealing.

Also,

House Bill No. 306,

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

Also,

House Bill No. 290,

A bill for act making an appropriation for the payment of the
stationery and supplies purchased for the Legislative Assembly.

Also,

House Bill No. 241,

A bill for an act to locate and provide for the government of a
State Normal School at Valley City,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 306,

A bill for an act to amend an act entitled "An Act authorizing

counties to issue bonds to procure seed grain for needy farmers residents therein."

Also,

House Bill No. 290,

A bill for an act making an appropriation for the payment of stationery purchased for the Legislative Assembly.

Also,

House Aill No. 241,

A bill for an act to locate and provide for the government of a State Normal school at Valley City.

Also,

House Bill No. 50,

A bill for an act to regulate the buying, selling and handling of grain of all kinds and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner, and to regulate matters connected with the business of warehousing and grain dealing.

Mr. Stevens' motion to strike out Section 3 was lost.

Mr. Stevens moved

To strike out Section 5.

Mr. Beard moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Thompson of Cass, moved

To amend Section 5 by striking out in line 11 the figures "300" and inserting the figures "200."

Mr. McCormick moved

To lay the motion upon the table,

Which motion prevailed.

Mr. Stevens moved

To take from the table the motion to strike out Section 3,

Which motion was lost.

Mr. Stevens moved

To take from the table the motion to amend Section 5.

Mr. Walsh raised the point of order that the motion was out of order,

Which point of order Mr. Speaker decided well taken and declared the motion out of order.

Mr. Stevens moved,

To strike out Section 9.

Mr. McCormack moved

As a substitute that Section 9 as read be adopted.

Mr. Thompson of Cass, moved

To lay the last motion upon the table,

Which motion was lost, and

The question recurring on the substitute motion to adopt the section,

Roll call was demanded.

The roll being called there were ayes 30, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	McCullough,
Beard,	Haugen,	McDonald,
Belden,	Haugerud,	Murphy,
Brittin,	Heglie,	Nedrud,
Bye,	Hoyt,	Pinkham,
Christianson,	Ingebretson,	Renaud,
Cole,	Ink,	Richardson,
Court,	Johnson,	Roney,
Foss,	Lilly,	Strom,
Gronli,	McCormick,	Ueland.

Those who voted in the negative were:

Messrs—	Messrs.—	Messrs—
Balkan,	Moore,	Stevens,
Bowen,	Montgomery,	Tandberg,
Estabrook,	Norton,	Thomas,
Green,	Rawlings,	Thompson of Cass,
Jahr,	Reed,	Tyler,
Lutz,	Selby,	Walsh,
Milsted,	Stadleman,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Olgard,	Wickham,
Currier,	Thomson of Walsh,	Williams.
Langer,	Watt,	Zimmer.
McIntyre,	Walton,	

Messrs. Langer, Thompson of Walsh, Walton and Watt being excused.

And so the substitute motion prevailed, and
The section as read was adopted.

Mr. Stevens moved
That the House do now adjourn,
Which motion was lost.

Mr. Walsh moved
That the House do now take a recess until 2 o'clock p. m.,
Which motion was lost.

Mr. Stevens moved
To amend Section 10 by striking out all after the word "elec-
tion" in line 10,
Which motion was lost.

Mr. Stevens moved
To amend Section 10 by striking out all of the said section up
to and including the word "however" in line 10,
Which motion was lost.

Mr. Stevens moved

That the House do now take a recess until 2 o'clock p. m.,
Which motion was lost.

Mr. Norton moved

That the House do now take a recess until 2 o'clock p. m.,
Which motion was lost.

Mr. Norton moved

That further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 15, nays 39.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bowen,	Rawlings,	Tyler,
Estabrook,	Reed,	Walsh,
Jahr,	Renaud,	Wickham,
Lutz,	Stevens,	Zimmer,
Norton,	Thompson of Cass,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Milsted,
Balkan,	Haugen,	Montgomery,
Beard,	Hangerud,	Murphy,
Belden,	Heglie,	Nedrud,
Brittin,	Hoyt,	Olsgard,
Bye,	Ingebretson,	Pinkham,
Christianson,	Ink,	Richardson,
Cole,	Johnson,	Roney,
Court,	Lilly,	Selby,
Currier,	McCormick,	Strom,
Foss,	McCullough,	Thomas,
Green,	McDonald,	Ueland,
Gronli,	McIntyre,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Stadleman,	Walton,
Langer,	Tandberg,	Watt.
Moore,	Thomson of Walsh,	

Messrs. Stadleman and Williams explaining their votes.

Messrs. Langer, Thomson of Walsh, Watt and Walton being excused.

And so the motion to indefinitely postpone was lost.

Mr. McCormick moved

To strike out in Section 10, line 12, all after the word "made"
down to the word "in" in line 13,

Which motion prevailed, and

The bill was so amended.

Mr. Walsh moved

To amend Senate Bill No. 5 by striking out all after the enact-
ing clause and inserting the following:

SECTION 1. All ballots cast in elections for public officers within this State shall be printed and distributed at public expense, as hereinafter provided. The printing of ballots and cards of instruction for the electors in each county and the delivery of the same to the election officers, as hereinafter provided, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses, but the expense of printing and delivering the ballots shall, in the case of municipal elections, be a charge upon the city in which such election shall be held.

SEC. 2. Any convention or meeting of electors, as hereinafter defined, held for the purpose of making nominations to public office, and also electors to the number and in the manner hereinafter specified, may nominate candidates for public office to be filled by election within the State. A convention or meeting of electors, within the meaning of this act, is an organized assemblage of electors, or delegates representing a political party which at the last election before the holding of such convention or meeting of electors, polled at least 1 per cent. of the entire vote cast in the State, county, or other division or district for which the nomination is made. All nominations made by such convention or meeting of electors shall be certified as follows: The certificate of nomination, which shall be in writing, shall contain the name of each person nominated, his residence, his business address and the office for which he is named, and shall designate, in not more than five words, the party or principle which such convention or meeting of electors represents.

SEC. 3. It shall be signed by the presiding officer and secretary of such convention or meeting, who shall add to their signatures their respective places of residence, their business and business addresses, and make oath before an officer qualified to administer the same, that the affiants were such officers of such convention or meeting, and that said certificate and the statement therein contained are true to the best of their knowledge and belief. A certificate that such oath has been administered shall be made by the officer before whom the same was taken.

SEC. 4. Certificates of nomination of candidates for office to be filled by the electors of the entire State, or of any division or district greater than a county, shall be filed with the Secretary of the State. All other certificates of nomination shall be filed with the auditors of the respective counties wherein the officers are to be elected.

SEC. 5. Candidates for public office may be nominated otherwise than by a convention or meeting of electors in the manner following: A certificate of nomination containing the name of a candidate for the office to be filled with such information as is required to be given in certificates, provided for by Section 3 of this act, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected, equal in number to at least 1 per cent. of the entire vote cast at the last preceding election in the State, county or other division or district for which the nomination is to be made; *Provided, however,* That the said signatures need not all be appended to one paper. Each elector, who signs a certificate, shall add to his signature, his place of residence, his business and business address, and shall before an officer duly authorized to take acknowledgments acknowledge his signature, and that he is an elector, and has truly stated his residence, business and business address. Such certificates, when executed and acknowledged as above prescribed, may be filed as provided for in Section 4 of this act, in the same manner and with the same effect as a certificate of nomination made by a party convention or meeting of electors.

SEC. 6. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating more than one person for each office to be filled, and no person shall accept a nomination to more than one office.

SEC. 7. The Secretary of the State shall cause to be preserved in his office all certificates filed therein under the provisions of this act, and each county auditor shall cause to be presented in his office all certificates of nomination filed therein under the provisions of this act. All such certificates

shall be open to public inspection under proper regulations to be made by the officer with whom the same are filed.

SEC. 8. Certificate of nomination filed with the Secretary of the State shall be filed not more than forty days, and not less than twenty days before the day fixed by law for the election of the persons in nomination. Certificates herein, directed to be filed with a county auditor, shall be filed not more than thirty days, and not less than fifteen days before election.

SEC. 9. Not less than fifteen days before an election to fill any public office, the Secretary of the State shall certify to the county auditor of each county within which any of the electors may, by law, vote for candidates for such office, the names and descriptions of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of the State.

SEC. 10. At least seven days before an election to fill any public office, the county auditor of each county shall cause to be published in at least two newspapers within the county the nominations to office certified to him under the provisions of this act. Such publication shall be made in two newspapers representing the political parties that, at the last preceding election cast the largest and next largest number of votes. The county auditor shall make not less than two such publications in each of such newspapers before election. One of such publication in each newspaper shall be upon the last day upon which such newspaper is issued before election; *Provided, however,* That if there shall be no daily newspaper published within such county one publication in each of such newspapers shall be sufficient. Such publication shall be made in type of the same size and in the precise form and order of arrangement as to names and classification of candidates as that in which the ballots shall be printed for use upon election day.

SEC. 11. The county auditor of each county shall, at least seven days before election day, send to the town clerk of each town and to the alderman of each ward in any city therein, printed lists, at least one copy for each election district in such town or ward, containing the name, residence, business, business address and party or political designation of each candidate nominated as hereinbefore provided to be voted for by the electors of the respective towns and wards. Such list shall be conspicuously posted by such town clerk or alderman in one or more public places in each election district of each town or ward.

SEC. 12. Whenever any person nominated as in this act prescribed, for public office shall, in a writing signed and executed with the formalities prescribed for the execution of an instrument to entitle it to record, notify the officer with whom the certificate nominating him is by this act required to be filed that he declines such nomination such nomination shall be void.

SEC. 13. Should any person so nominated die before election day, or decline the nomination, or should any certificate of nomination be insufficient or imperative, the vacancy or vacancies, thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention, which had delegated to a committee the power to fill vacancies; such committee may, upon the occurring of such vacancy, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed and acknowledged in the manner prescribed for the original certificate of nomination, and shall, upon being filed, have the same force and effect as an original certificate of nomination.

When such certificate shall be filed with the Secretary of the State he shall, in certifying the nomination of the various county auditors, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forward his certificate he shall forthwith certify to the auditors of the proper

counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principal he represents, and the name of the person for whom such nominee is substituted.

SEC. 14. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the State for popular vote, the Secretary of the State shall duly, and not less than fifteen days before election, certify the same to the auditor of each county of the State, and the auditor of each county shall include the same in the publication provided for in Section 10 of this act.

SEC. 15. Except as in this act otherwise provided it shall be the duty of the county auditor of each county to provide printed ballots for every election for public officers in which electors or any of the electors within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county auditor in the manner provided for in this act. Ballots other than those printed by the respective county auditors according to the provisions of this act, shall not be cast or counted at any election. Nothing in this act contained shall prevent any voter from writing or pasting upon his ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if printed upon the ballot.

SEC. 16. Except as otherwise provided in this act, every ballot printed as herein prescribed shall be printed in accordance with the existing provisions of law, and each ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this act, and no other name. The names of candidates nominated by each party shall be grouped together upon the proper ballot, and each group shall be designated by the name of the political party by which the candidates comprising said group were placed in nomination as described in the certificates of nomination. There shall be a margin on each side at least half an inch wide and one-eighth of an inch space between the names to be printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the candidate or candidates for whom he wishes to cast his ballot.

SEC. 17. Whenever the Secretary of the State has duly certified to any county auditor any question to be submitted to a vote of the people, the county auditor shall prepare and distribute ballots of such form as will enable the electors to vote upon the question in the manner hereinafter provided.

SEC. 18. The county auditor of each county shall provide for each election precinct in the county two hundred ballots of each kind to be voted in the precinct for every fifty or fraction of fifty electors registered at the last preceding election in the precinct. If there is no registry in the precinct, the county auditor shall provide ballots to the number of two hundred for every fifty or fraction of fifty electors who voted at the last election in the precinct.

SEC. 19. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the ballots, the Supreme Court of the State or any judge thereof may, upon application of any elector, by order require the county auditor to correct such error, or show cause why such error should not be corrected.

SEC. 20. Before the opening of the polls the county auditor of the county shall cause to be delivered to the judges of election of each election precinct which is within the county, and in which the election is to be held, at the polling place of the precinct, the proper number of ballots of each kind to be used in the precinct.

SEC. 21. At the same time and in the same manner as judges of election are now appointed or elected, two inspectors of election for each election precinct in the State shall be appointed or elected. Said inspectors of election shall be paid in the same manner and at the same rate as judges of election are now paid.

SEC. 22. All officers upon whom is imposed by law the duty of designating polling places shall provide in each polling place designated by

them a sufficient number of places, booths, or compartments which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which elector may mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within five feet of the ballot boxes, or the places or compartments herein provided for. The number of such places or compartments shall not be less than one for every fifty electors who voted at the last preceding election in the precinct. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot shall be permitted to be within said rail, except by authority of the judges of election. The expense of providing such places or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses. On or before the first day of September in each year the officers now charged by law with the division or alteration of election precincts shall, as far as necessary, alter or divide the existing election precinct in such a manner that each election precinct shall contain not more than 300 voters, according to the last preceding general election.

SEC. 23. It shall be the duty of the inspectors of the election to deliver ballots to qualified electors. Before delivering any ballots to an elector, the said inspectors shall write their names or initials upon the back of the ballot, immediately under the printed endorsement. Each qualified elector shall be entitled to receive from said inspectors one ballot for each of the offices for which the elector desired to vote. If said inspector or either of them shall place any distinguishing mark on any ballot, or shall so place his name or initials thereon as to identify a particular ballot, he shall be guilty of a felony, and shall upon conviction thereof be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

SEC. 24. On receipt of his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the places, booths or compartments provided to prepare his ballots. He shall prepare his ballots by making a cross after the name of the person or persons for whom he intends to vote, for example, X. In case of a ballot containing a constitutional amendment, or a question to be submitted to the vote of the people, by crossing out therefrom parts of the ballots in such a manner that the remaining parts shall express his vote upon the question submitted. In making such a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth, to assist him in marking the official ballot, but no elector shall be at liberty to use any unofficial sample ballot printed upon paper of the color and quality now required to be used for the printing of ballots under the general election laws of the State. After preparing his ballots, the elector shall fold each of them so that the face of the ballot will be concealed, and so that the printed endorsement and the signature or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place.

SEC. 25. Not more than one person shall be permitted to occupy any one booth at one time; and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than ten minutes.

SEC. 26. Any voter who shall by accident or mistake spoil his ballot may, on returning said spoiled ballot, receive another in place thereof.

SEC. 27. Any elector who declares, under oath, to the inspector of election having charge of the ballots, that by reason of physical disability he is unable to mark his ballots, shall be permitted to bring with him some person of his own selection, who shall retire with him to one of the booths or compartments, and assist such disabled elector in the preparation of his ballot by marking the same as such elector shall dictate; and shall properly fold the same in order that it may be cast by such elector as his ballot. No elector other than one who may, because of his physical disability be unable to mark his ballot, shall divulge to any one within the polling place the name of any

candidate for whom he intends to vote, or ask or receive the assistance of any person within the polling place in the preparation of his ballot.

SEC. 28. No judge of election shall deposit any ballot upon which the names or initials of the ballot clerk as hereinbefore provided for do not appear. Every person violating the the provision of this section shall be guilty of a misdemeanor.

SEC. 29. The county auditor of each county shall cause to be printed in large type on cards in English, and in such other language as he deems necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve such cards, each printed in all the languages determined upon by him, to the board of judges of election in each election precinct, at the same time and in the same manner as the printed ballots. The board of judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three such cards elsewhere in and about the polling places upon the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, (1) to obtain ballots for voting; (2) to prepare the ballots for deposit in the ballot boxes; (3) to obtain a new ballot in the place of one spoiled by accident or mistake; said cards shall also contain a copy of Sec. 31, 32 and 35 of this act, and a fac simile of each of the official ballots to be used at the election.

SEC. 30. In the canvass of the votes, any ballot which is not endorsed as provided in this act, by the signatures or initials of the inspectors of election having charge of the ballots, shall be void and shall not be counted, and any ballot or parts of a ballot from which it is impossible to determine the electors' choice shall be void and shall not be counted. Such ballots shall be treated and preserved in the same manner as defective ballots.

SEC. 31. No person shall (1) falsely make or fraudently deface, or fraudently destroy any certificate of nomination, or any part thereof; (2) file or receive for filing any certificate of nomination, knowing the same or any part thereof to be falsely made; (3) suppress any certificate of nomination which has been duly filed, or any part thereof; (4) forge or falsely make the official endorsement on any ballot. Every person violating any of the provisos of this section shall be deemed guilty of a felony.

SEC. 32. No person shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down; or deface the cards printed for the instruction of voters. Every person wilfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 33. Every public officer upon whom any duty is imposed by this act, who shall neglect or omit to perform such duty, whether by his own fault or that of his agents or representatives, shall be deemed guilty of a misdemeanor, and on conviction thereof forfeit his office.

SEC. 34. Every public officer upon whom any duty is imposed by this act who shall wilfully neglect or omit to perform such duty shall be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit his office and in addition thereto be punished by imprisonment in the county jail or penitentiary for a term of not less than six months and not more than three years, or by a fine of not less than \$250 and not more than \$3,000 or by both such fine and imprisonment.

SEC. 35. No officer of election shall do any electioneering on election day. No person whatever shall do any electioneering on election day within any polling place. No person shall remove any ballot from any polling place before the closing of the polls. No person shall apply for or receive any ballot from any polling place other than that at which he is entitled to vote. No person shall show his ballot, after it is marked, to any person in such a way as to reveal the contents thereof or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall

any person (except a judge of election) receive from any elector a ballot prepared by him for voting. No elector shall receive a ballot from any other person than one of the inspectors of election having charge of the ballots, nor shall any person other than such inspectors of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the inspectors of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. Every elector who does not vote a ballot delivered to him by the inspectors of election having charge of the ballots shall, before leaving the polling place, return such ballot to such inspector. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 36. This act shall not apply to townships having less than fifty electors at the general or annual election next preceding, except as to the printing and distribution of ballots.

SEC. 37. The judges shall appoint one of their number chairman of the board, who shall administer to the other judges, inspectors and clerks of the poll, the oath of office as prescribed by law, and the same oath shall then be administered to the chairman by one of the other judges.

SEC. 38. The judges of each precinct shall meet at the time and place when and where an election shall have been appointed to be held therein, and shall proceed to organize themselves as a board, for the purpose of presiding at and conducting such election.

SEC. 39. No person shall be eligible to the office of judge and inspector of election or clerk of the poll, or be qualified to act as such, unless he can read and write the English language.

SEC. 40. It shall be a misdemeanor for any person not possessing such qualifications to act as judge and inspector of election or clerk of the polls.

SEC. 41. The election at every poll shall be public to the watchers hereinafter provided for, from its commencement to the close of the canvass and signing of the proper returns and copies thereof.

SEC. 42. Every political organization which shall present a candidate or candidates for the suffrages of the voters of any election precinct shall have the right to appoint, not to exceed two electors as watchers at the poll of such election precinct for every election. Such appointment may be evidenced by a written or printed appointment, signed by the president or the chairman and the secretary of such political organization, but no ward or town organization shall be entitled to watchers at any poll outside the limit of such ward or town to appoint, not to exceed two electors as watchers at the poll of such election precinct for every election. Such appointment may be evidenced by a written or printed appointment, signed by the president or chairman and the secretary of such political organization, but no ward or town organization shall be entitled to watchers at any poll outside the limit of such ward or town.

SEC. 43. Only one of said watchers for each political organization shall be entitled to be present at such election in the room occupied by the judges and inspectors of election, and at the same time, and shall be entitled to be present fifteen minutes before any ballot box shall be opened, and until the close of the canvass, and the signing of the proper returns of such election, said watchers shall not be entitled to any compensation for said services.

SEC. 44. At every election immediately before any ballots are received by the judges of election, or any of them, said judges shall unlock every ballot box used, or to be used, at such election, and permit each watcher present to examine said ballot box and every part and portion thereof, until he is satisfied as to the structure thereof, and that there is, at the commencement of receiving ballots no ballots therein.

SEC. 45. Any watcher present shall have the right, from the time of so inspecting said ballot box or boxes, at any and all times until the canvass of the ballots and signing of the proper returns and copies thereof, to be in a position and place where he may fully, conveniently and comfortably watch the reception and deposit of every ballot cast at such election, and the full and final canvass of the ballots and signing of the proper returns and copies thereof;

and no ballot box or ballot cast, except it be in the ballot box, shall be removed from the constant sight and inspection of such watchers, until the canvass is closed and the proper returns and copies thereof made and completed.

Any candidate or one person authorized by him in writing shall be entitled to be present and witness the canvass of the election.

No screen or other obstruction to the view of any ballot box by the voter or any watcher shall be allowed.

If requested by any watcher or any elector present at any canvass, it shall be the duty of the judges of election, and each of them, to exhibit any and all ballots cast at such election to such watcher or elector fully opened, and in such a condition and manner that he may fully and carefully read and examine the same, though said judge shall not allow any such ballot to be taken from his hand.

Every return or statement of the result of the canvass of any election shall be made upon a single sheet of paper, or if not, each half sheet shall be signed at the end thereof by the judge.

The room used for the reception of ballots shall be of a reasonable size, so as to admit at all times at least twelve electors, including the watchers, exclusive of the judges and inspectors of election and clerks of the poll.

Any watcher or other elector may challenge the right of any person offering to vote at any election and the name of the person so challenging shall not be disclosed by any judge or inspector of election or clerk of poll unless required so to do by a court of justice or magistrate in some legal proceeding.

SEC. 46. The judges of election of each election precinct shall, within twenty-four hours after the completion of the canvass, in addition to the making and filing of the returns and statements thereof, now directed and required by law, cause a duplicate of such return or statement to be filed in the office of the auditor or clerk of the county. One of their number may be deputed by them to, and may file the same; and he shall be paid for so doing, except in cities and towns where the auditor or clerk's office is situated, the sum of five dollars, and also four cents a mile for each mile actually and necessarily traveled by the usual route in going to and returning from the said county auditor or clerk's office, to be audited, allowed and paid in the same manner as for other services of said judges.

SEC. 47. The returns or statements of election on file in county, town and city clerk's offices shall be public records and open to inspection and examination by any elector of the territory.

SEC. 48. No lager beer, ale, wine or spirituous liquors shall be allowed on any election day in any room used for election purposes.

SEC. 49. Every judge of election or clerk of the poll who shall intentionally make, or attempt to make, any false canvass of the ballots cast at an election, or shall intentionally make, or attempt to make any false statement of the result of any canvass, though not signed by a majority of the judges of election shall be guilty of a felony, and be punished by imprisonment in the penitentiary, not exceeding three years.

SEC. 50. Any person who shall induce, or attempt to induce, any judge or inspector of election, or clerk of the poll, to do any act forbidden by the last section shall be guilty of a felony, and be punished in the same manner and to the same extent.

SEC. 51. Every judge of election, or clerk of the poll, who shall intentionally omit, neglect or refuse to do any act required by this act, and every judge of election, clerk of the poll, policeman, member of any police force or other person who shall intentionally refuse to permit the doing of any act hereby allowed to be done by any watcher or elector, or shall intentionally prevent, or attempt to prevent the doing thereof, or shall intentionally do any act forbidden by this act, shall be guilty of a misdemeanor and be punished by imprisonment in the county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

SEC. 52. This act shall apply to all elections, general or special, except township elections including charter elections in all of the cities and incorporated villages of this State.

SEC. 53. Whenever the words "judge of election" appears in this act it shall be taken to include and mean all officers who under any law of this State shall be required to canvass votes.

SEC. 54. This act, so far as the same refers to the qualifications of "judges of election" and "clerks of the polls," shall take effect so as to apply to those hereafter to be appointed or elected as such judges and clerks, and in all other respects shall take effect immediately.

SEC. 55. The judges of election shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands, during an election, and during the canvass and estimate of votes, after the closing of the poll; and shall have full authority to preserve peace and good order at and around the polls of the election, and to keep the access thereto open and unobstructed; and may appoint one or more electors to communicate their orders and directions, and to assist in the performance of the duties in this section enjoined.

SEC. 56. If any person offering to vote at any election shall be challenged in relation to his right to vote at that election, by a judge of election, or by any other person entitled to vote at the same poll, one of the judges shall tender to him the following preliminary oath: "You do swear (or affirm) that you will-fully and truly answer all such questions as shall be put to you, touching your place of residence and qualifications as an elector."

SEC. 57. The judges, or one of them, shall then proceed to question the person challenged in relation to his name; his then place of residence; how long he has resided in the precinct or ward where the vote is offered; what was the last place of his residence before he came into that precinct or ward, and also as to his citizenship, and whether a native or naturalized citizen, and, if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the precinct or ward for the purpose of voting at that election; how long he contemplates residing in the precinct or ward; and all such other questions as may tend to test his qualifications as a resident of the precinct or ward, citizenship and right to vote at that poll.

SEC. 58. If any person shall refuse to take the said preliminary oath when so tendered, or to answer fully any questions which shall be so put to him, his vote shall be rejected.

SEC. 59. After receiving the answer of the person so challenged, the judge of election shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient.

SEC. 60. If the person so offending shall persist in his claim to vote and the challenge shall not be withdrawn, one of the judges shall then administer to him the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United States (or that you have declared your intention to become a citizen conformably to the laws of the United States and of this State or the subject of naturalization and have taken an oath to support the Constitution of the United States); that you have resided in the State ninety days and in this county twenty days, and in this precinct days next preceding this election; that you have not voted at this election." If the person so offering shall be challenged for cause stated in Section 86 of this act, the following additional oath shall be administered by one of the judges: "You do solemnly swear (or affirm as the case may be), that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made any bet or wager, and are not directly or indirectly interested in any bet or wager depending upon the result of this election." If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the judges: "You do solemnly swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted that you have

been pardoned and restored to all the rights of a citizen." The judges of election shall keep a minute of their proceedings, in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered by one of them the name of every person who shall have taken the oaths prescribed by the act, or either of them, specifying in each case whether the preliminary oath, or the general oath, or both were taken; which minute and statement shall be certified by such judges, and returned by them to the office at which their return of votes given at such election is made, and at the same time, and shall there be filed. The judges shall also direct the clerks of the polls to designate by some appropriate mark opposite to his name every person entered on said list who shall have taken the said oaths, or either of them.

SEC. 61. Any person who having been convicted of bribery or any infamous crime, shall vote at any election, unless he shall have been pardoned and restored to all the rights of a citizen, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the county jail for the term six months.

SEC. 62. If any elector challenged as unqualified shall be guilty of willful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this act, such person shall be adjudged guilty of willful and corrupt perjury.

SEC. 63. Every person who shall willfully and corruptly procure any person to swear or affirm falsely as aforesaid shall be guilty of subordination of perjury, and shall upon conviction thereof, suffer the punishment directed by the law in cases of willful and corrupt perjury.

SEC. 64. If any person shall by bribery, menace or other corrupt means or device whatsoever, either directly or indirectly, attempt to influence any elector of this state in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election within this state, held pursuant to law, and shall thereof be convicted, such person so offending and convicted shall be adjudged guilty of a misdemeanor, and be fined or imprisoned, according to the discretion of the court before which such conviction shall be had; such fine in no case to exceed five hundred dollars, nor such imprisonment one year.

SEC. 65. If any person shall willfully disobey any lawful commands of the board of judges and inspectors of any election, or shall willfully and without lawful authority, obstruct, hinder or delay any elector on his way to any poll where an election shall be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in such obstruction or delay, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be fined in a sum not exceeding two hundred and fifty dollars, and may be imprisoned, in the discretion of the court, for not more than six months.

SEC. 66. Any person who, at any general or special election, or city or charter election, shall knowingly vote or offer to vote, in any election precinct in which he does not reside, except as hereinbefore provided, or shall vote or offer to vote more than once at the same election, either in the same or any other election precinct, shall on conviction, be adjudged guilty of a misdemeanor, and punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both, as the court may direct.

SEC. 67. Every person who shall procure, aid, assist, council or advise another to give or offer his vote at any general, town, city or charter election, knowing that the person is not duly qualified to vote at the place where the vote is given or offered, shall, on conviction, be adjudged guilty of a misdemeanor, and punishable as prescribed in the last preceding section of this act.

SEC. 68. Every person who shall procure, aid, assist, council or advise another to go or come into any town, ward or election precinct for the purpose of giving his vote at any general, special, town or city election, knowing that the person is not duly qualified to vote in such town or ward election precinct shall, on conviction, be deemed guilty of a misdemeanor.

SEC. 69. Any person not duly qualified to vote under the laws of this State, who shall knowingly vote or offer to vote at any general or special, town or charter election in this State, shall be adjudged guilty of a misdemeanor,

and on conviction shall be imprisoned for a period not exceeding six months, at the discretion of the court before which the offense is tried. And any inhabitant of another state or county who shall vote or offer to vote at any general, special, town or city charter election in this State, shall be adjudged guilty of a felony, and on conviction, shall be imprisoned in the penitentiary for a period not exceeding one year, at the discretion of the court before which the offense is tried. And it shall be the duty of the district attorney in the county in which the offense shall have been committed to adopt effectual measures for the punishment of all persons who, without being legally qualified, shall vote or attempt to vote at any election in this State.

SEC. 70. It shall be the duty of every judge of elections, sheriffs, constables and justices of the peace within this State, knowing that an offense has been committed under this act, or having good reason to believe that an offense has been committed, to give information thereof to the states attorney of the county in which the offense shall have been committed, whose duty it shall be to adopt effectual measures for the punishment of all persons violating the provisions of this act.

SEC. 71. It shall be the duty of the presiding judge of every court within this State, specially to charge the grand jury at each term of said court, to take notice of all offenses committed in violation of any of the provisions of this act.

SEC. 72. The State Auditor shall cause this act to be published in pamphlet form, and he shall cause such number of copies thereof, with the necessary forms and instructions, as shall be sufficient to supply the several officers upon whom the duty is devolved by this act, and shall cause the same to be distributed to such officers at the expense of the State, and the sum of \$1,000 or so much thereof as may be necessary is hereby appropriated to defray the expenses of such publication.

SEC. 73. Whenever it shall appear by affidavit that errors have occurred in the determination of the board of county canvassers in any county in this State, the Supreme Court, or any judge thereof, may, by order, require said board to correct such errors, or show cause why such correction should not be made, and in the event of the failure of said board to make such correction, or show cause as aforesaid, the said court may compel said board by writ of mandamus to correct such errors; and if such board of county canvassers shall have made its determination and dissolved, such court may compel it to reconvene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order, the meeting of the board of county canvassers shall be deemed a continuation of its regular session, and the statement and certificates shall be made and filed as the court shall direct; and so far as the same shall vary from the original certificate and statements, the statements and certificates made under the order of the court shall stand in lieu thereof, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law.

SEC. 74. The practice in such proceedings in mandamus shall be the same as in cases of mandamus against a board of county canvassers, and for the purpose of service of papers and other proceedings, the board of county canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board.

SEC. 75. No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used any money or other valuable thing as a compensation or reward for the giving or withholding a vote at any election, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote shall swear or affirm that such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding a vote at such election and has not made any promise to influence the giving or

withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election.

SEC. 76. The terms "county auditor" in this act shall be taken to be synonymous with the terms "county clerk" in counties not having an auditor.

SEC. 77. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Mr. Stevens 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.

AFTERNOON SESSION.

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

Consideration of Senate Bill No. 5 was continued.

Mr. Cole moved

To amend the bill by substituting the following for Section 2:

SEC. 2. Any convention or primary meeting as hereinafter defined, held for the purpose of making nominations to public office, and also electors to the number hereinafter specified, may nominate candidates for public office to be filled by election within the State. A convention or primary meeting within the meaning of this act, is an assemblage of electors or delegates representing some party having a name and organization previously adopted, or an assemblage of electors or delegates equal to at least 1 per cent. of the total number of votes cast at the last election in the political subdivision or subdivision in which such assemblage is held; *Provided*, That where there is an assemblage of electors or delegates under the provisions of this act, and such assemblage is not that of a party already organized and having a name, such assemblage shall adopt a distinct name, not previously taken by some other party.

Mr. Cole moved

That the amendment of Mr. Walsh be not adopted.

Mr. Selby moved

As a substitute that the consideration of Senate Bill No. 5 be postponed until next Monday at 2 o'clock p. m., and that the bill be printed with the amendments of the committee.

Roll call demanded.

The roll being called there were ayes 28, nays 25.

Those who voted in the affirmative were:

Messrs—

Bowen,
Brittin,
Buchanan,
Christianson,
Cole,
Currier,
Estabrook,
Hoyt,
Jahr,
Lutz,

Messrs—

McDonald,
Moore,
Murphy,
Norton,
Rawlings,
Reed,
Renaud,
Selby,
Stevens,

Messrs—

Strom,
Tandberg,
Thompson of Cass,
Tyler,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Bye,
Court,
Foss,
Green,
Gronli,
Haugen,
Haugerud,

Messrs—

Heglie,
Ingebretson,
Ink,
Johnson,
Lilly,
McCormick,
McCullough,
Montgomery,

Messrs—

Nedrud,
Olsgard,
Pinkham,
Richardson,
Roney,
Thomas,
Ueland,
Williams.

Absent and not voting:

Messrs—

Allen,
Belden,
Hankinson,

Messrs—

Langer,
McIntyre,
Milsted,

Messrs—

Stadleman,
Thomson of Walsh,
Walsh.

Mr. Langer being excused.

And so the motion to make the bill a special order for Monday at 2 o'clock p. m. prevailed.

Mr. Cole (by unanimous consent) introduced—
House Bill No. 337,

A bill for an act to amend Section 2 of Article 13 of Chapter 70 of the General Laws of 1887.

Also,

House Bill No. 338,

A bill for an act to amend Section 15 of Article 15 of Chapter 70 of the General Laws of 1887.

Mr. Stevens rose to a question of privilege and sent to the Clerk's desk the following communication which he asked to have read:

LISBON, N. D., Feb. 26, 1890.

FRIEND REUBEN: I send you herewith a copy of a letter, which explains itself:

ATTORNEY GENERAL'S OFFICE, }
Bismarck, N. D., Feb. 2, 1890. }

C. E. JOHNSON, ESQ., LISBON, N. D.

FRIEND CHARLEY: When I went down town last night, I was approached by John Rea, who was getting signers on a telegram to Washington endorsing Selby, of Traill county, for U. S. district attorney; he said that Stevens was out of the race and had endorsed Selby; I told him I had nothing against Selby, but that as I had already endorsed Greene, I did not feel like endorsing a new man at present. I afterward learned that Rea has been writing and telegraphing Pierce to try and help him out some way, and finally suggested Selby as a compromise candidate, and Pierce wired Rea that if some strong telegrams were sent in to the attorney-general, Selby would be appointed. Stevens is playing the same racket he did on the speakership. He knows he was knocked out anyway, and now seeks to take the credit of naming the man; possibly Selby has promised him the deputy; I haven't very much faith in Selby; the rumor is that Haggart will resign the marshalship, and Ball will then be appointed judge. I have heard nothing further from Hansbrough since the letter that I sent you.

Now I will give you the outline of one of the most damnable and infamous schemes that ever disgraced any legislature. The scheme in brief is to legalize the transfer and reincorporation in North Dakota of the Louisiana

State Lottery; rumors of the scheme have been floating around for some time past, but it has now assumed definite shape and the patrons are working openly for it. Some of our friends secured a copy of the bill just to look at it for a few minutes, and I had Miss Cadding take it in short-hand. It is a slick bill, carefully and shrewdly drawn, and upon its face looks like a God send to the state. It proposes to be run in the interest of the State, paying into the State treasury from \$75,000 to \$150,000 a year, in time furnishing revenue enough to run the State government and buy all the seed wheat and supplies for the destitute in the State besides. I will enclose you a copy of the bill and you can then see the scheme. It is simply astounding to see the men that are falling into the arrangement—men whom you would never think of doing such a thing.

I understand all the Ransom county members are favoring it at present; but Steve is holding off for more money; he is bluffing for a cool ten thousand; don't think he can command that amount unless it gets pretty close, and then the last man can command most any figure; there is millions in it, and the boodle is here. They guarantee the stock to pay 100 cents on the dollar every six months and senators who have influence have been promised \$10,000 in stock. They think they have nearly votes enough, but want to be sure of two-thirds as they expect, of course, to have to pass it over the Governor's veto. It was intended to introduce it yesterday, but was postponed till to-morrow, when it will go in if they feel safe on the votes. They are paying from \$200 to \$500 cash down and agree to double when the bill becomes a law. It is said by those on the inside that this monstrous swindle antedates the state convention at Fargo; that Senator Spencer, Alexander McKenzie, Jud LaMoure, Walsh, Haggart and a few more of the leaders of "the old gang" had this all planned and that Harrison Allin pledged to help carry it out. Their defeat there scotched the snake and now this is the last desperate attempt to control the politics of this new state. Of course, if successful the Louisiana Lottery would own the state and control and dictate its political future. It is a scheme worthy of the men who are back of it; they propose to rule or ruin the Republican party; they are using this as a club over the members opposed to them and threaten to allow no legislation to go through until the bill passes. This is to be the hub around which must revolve all the legislation of the session. The financial condition of the state is the great inducement to foster the disreputable scheme. Many of the farmer members, while they admit that it is of questionable morality, yet think the state would be justified in adopting this means to make the whole people happy and wealthy; with few exceptions, they have the press securely muzzled, so that no adverse criticism will get into the public newspapers until it is too late; Geo. Winship has been approached with all sorts of seductive inducements, but without avail; they proposed to give \$10,000 of stock and make his paper the state paper, furnish him all the lottery printing, and some of the prominent (?) citizens of Grand Forks are here kicking Winship because he is standing in the way of that city receiving the location of this beneficent institution; some of the leading bankers of the state are in the scheme; in fact, it is hard at this writing to tell where its ramifications end; it is the most seductive and corrupting thing that has been tried for many years; it is said that the charter of the Louisiana State Lottery expires in 1892, and the public sentiment of that corrupt State has reached the point that will not allow it to be extended, and they have seized upon the financial condition of North Dakota to aid them in fastening its blighting curse upon the fair fame of this new State. The very boldness of the scheme gives it temporary strength. A careful canvass is being made of the senate and house to secure enough pledged men who can neither be bought, bulldozed, flattered or cajoled into voting to pass it over the governor's veto, and then wait and let the backers of the rotten scheme introduce it and put themselves on record, and then flood the State with protests, letters and telegrams to arouse the sleeping lion of public sentiment and bury the reckless movers of this damnable and infamous outrage so deep that they can never raise their heads in the politics of the State. We do not want to make any move now for fear they will weaken before they are put

on record by introducing the bill, and then claim they never intended to try and pass it at all.

You can talk with Rush and Van about this, but don't make it public until I send you word. You might write it up in good shape from this outline I have given you, filling in the sensational details, and have it ready for publication next Friday, and if the thing reaches a head before that time I will wire you "set up stoves."

Another thing, Judge Lauder was here yesterday—going home last night. He thinks now he will not call a grand jury for Ransom county term which is set for March 13th, unless requested by the board of county commissioners. That is on the theory that the bill abolishing the grand jury becomes a law. See the commissioners about this and have them be sure and petition for a grand jury so as to investigate that warrant matter. Regards to all the boys.

Yours truly, GEO. F. GOODWIN.

P. S. John Rea said he understood there were some protests filed at Washington that knocked out "Steve."

Mr. Stevens moved

That the communication be printed in the Journal,

Which motion prevailed.

Mr. Montgomery moved

That Senate Bill No. 123 be recommitted,

Which motion prevailed, and

The bill was recommitted.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred the following resolution:

Be it Resolved by the Senate, the House of Representatives Concurring: That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby authorized and directed to bring the present session of the Legislative Assembly to a final close by adjourning their respective Houses *sine die* on the 11th day of March, A. D. 1890.

We have had the same under consideration and beg leave to submit the following report:

We find that there are now in the hands of the several committees 105 House bills, 23 Senate bills in Committee of the Whole and Special Order; 39 House bills, 16 Senate Bills, third reading; 15 House bills, 11 Senate bills, passed House and pending in Senate; 60 House bills, 17 bills, not yet referred to committee.

We consider it the duty of the Legislative Assembly to finish the business now before it as soon as possible, and as there are many important bills yet in the hands of committees which ought to be passed; and,

WHEREAS, It is next to impossible to get a quorum present at any committee meeting; therefore, we recommend that the chairmen of the several committees be requested to report back to the House all bills in their possession, with or without recommendation, on or before March 8th, and that no committee meetings be held after that date, except Committee of the Whole and Enrolling and Engrossing Committees. We further recommend that this House have two sittings daily, one commencing at 9:30 o'clock a. m., and continue to 12 noon, the second commencing at 2 o'clock p. m., and continue to 6 o'clock p. m., and under this management we think the business now before the House can be disposed of by the 17th of March, A. D. 1890, if all razzle-dazzle is dispensed with; and

WHEREAS, The speeches and remarks emanating daily from the floor of this House are always instilled with destitution, economy and retrenchment, and there seems to be no real honesty or consistency in these remarks, for the reason that this House convenes at 2 o'clock p. m. and at about 5 o'clock p. m., a

motion to adjourn is usually made and a razzle-dazzle is kept up until the House does adjourn, to the detriment of business and waste of valuable time; therefore, we deem it necessary that the number of hours recommended above be used each day for the actual transaction of business, and that any by-play amusement or recreation be indulged in only in hours outside of those named. Therefore, we would recommend that the Senate resolution be amended by making it the 17th of March in lieu of the 11th.

All of which is respectfully submitted.

C. A. CURRIER,
Chairman.

Mr. Stevens moved

That the report be referred to the Committee on State Affairs to await the opinion of the Attorney General, which the House has asked for,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No 165,

A bill for an act authorizing transcripts of judgments and decrees of the United States Courts in the State of North Dakota to be filed with the clerks of the circuit courts of the several counties, and to be docketed therein,

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

Amend the title by striking out the word "circuit" and inserting instead the word "district."

Strike out the word "circuit" occurring in lines 4 and 7, Section 1, line 7, Section 2, line 3, Section 3, of printed bill, and insert in lieu thereof the word "district."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Also,

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881, relating to sheep husbandry,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 245,

A bill for an act to amend Section 1814 of the Civil Code, being Section 4450 of the Compiled Laws of Dakota,

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

F. J. THOMPSON,
Chairman.

Mr. Heglie moved

That the report be adopted,

Which motion prevailed, and

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. 148,

A bill for an act relating to the duties of Public Examiners,

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

Strike out the words "shall also be" where they occur in line 4 of Section 2 and insert the words "is hereby."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 68,

A bill for an act to provide for the incorporation of parishes of the Protestant Episcopal church,

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

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved

That the report on House Bill No. 68 be adopted.

Mr. Williams moved

As a substitute to refer the bill to General Orders,

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. 297,

A bill for an act to provide for the better protection of the earnings of laborers, servants and other employes of corporations, firms or individuals engaged in inter-state business,

Have had the same under consideration, and recommend that said bill be reported back without recommendation.

Also,

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139 of the Gen-

eral Laws of 1887, entitled "An Act to authorize cities and towns and villages to levy and collect taxes for municipal purposes,

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

By striking out all after the enacting clause and inserting the following in lieu thereof:

SECTION 1. To levy and collect taxes not exceeding twenty mills on the dollar for all other municipal purposes in any one year, on all taxable property within said municipality, and taxes so levied and collected to be kept in a fund to be called the general fund.

SEC. 2. Whereas, the fact exists that the tax levy is made long before July 1, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 320,

A bill for an act to amend Sections 1 and 2 of Chapter 18 of the Political Code, being Sections 462 and 463 of the Compiled Laws, and to provide how examinations for admission to practice as an attorney at law must be made,

And recommend that said bill be amended as follows:

After the word "satisfies" in Section 1, line 6 of printed bill, add the following: "The judge of any district court within this State," and strike out the following words: "Any court of record."

Add in Section 3, line 2, printed bill, the words "in the," the following word "district."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on Public Printing made the following report:

MR. SPEAKER:

Your Committee on Public Printing to whom was referred
House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing,

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

That line 6 of Section 1 of printed bill be amended as follows: Strike out the figures "300" and insert in lieu thereof the figures "150."

And when so amended recommend that said bill do pass.

D. P. THOMAS,
Chairman.

The Committee on Counties made the following report:

MR. SPEAKER:

Your Committee on Counties to whom was referred
House Bill No. 325,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889, so as to require county clerks or auditors and county treasurers to make out financial statements of the county twice a year,

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

Also,

House Bill No. 318,

A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road and bridge fund, or penalty and interest fund to the general fund,

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

After the words "interest fund" in line 5, Section 1, and before the word "when" in the same line, insert the following: "Also any balance that may be remaining in any funding bond fund prior to the passage of this act," also, amend the title by inserting after the word "the" and before the word "read" in the fourth line, the following words: "Funding bond fund,"

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

The Committee on Ways and Means made the following report:
MR. SPEAKER:

Your Committee on Ways and Means to whom was referred
Senate Bill No. 57,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the State government,

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

By inserting after the word "four" in line 6 of Section 1 of the printed bill the words "and one-half,"

And that as so amended the bill do pass.

J. F. SELBY,
Chairman.

Mr. Selby moved

To adopt the report,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Selby moved

That the rules be suspended and that Senate Bill No. 57 be now read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 57,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the State Government,

Was read the third time as amended, and placed upon its final passage,

The roll being called there were ayes 58, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Reed,
Balkan,	Ink,	Renaud,
Beard,	Jahr,	Richardson,
Belden,	Johnson,	Roney,
Bowen,	Lilly,	Selby,
Brittin,	Lutz,	Strom,
Buchanan,	McCormick,	Tandberg,
Bye,	McCullough,	Thomas,
Christianson,	McDonald,	Thompson of Cass,
Cole,	McIntyre,	Thomson of Walsh,
Currier,	Milsted,	Tyler,
Estabrook,	Moore,	Ueland,
Foss,	Montgomery,	Walsh,
Green,	Murphy,	Walton,
Gronli,	Nedrud,	Watt,
Hankinson,	Norton,	Wickham,
Haugen,	Olsgard,	Williams,
Haugerud,	Pinkham,	Zimmer,
Heglie,	Rawlings,	Mr. Speaker.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Court,	Stadleman,	Stevens.
Langer,		

Mr. Langer being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

To reconsider the vote just taken, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Rawlings (by unanimous consent) introduced—

House Bill No. 339,

A bill for an act to prescribe the manner of conducting elections, and to prevent fraud and deception at elections in this State.

Mr. Walsh (by unanimous consent) introduced—

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70, Chapter 5 of the Compiled Laws of 1887.

Mr. Allen moved

That the House do now proceed to the first reading of House bills.

Mr. Thompson of Cass, moved

As a substitute, that the House proceed to take up the special order,

Which substitute motion prevailed.

CONSIDERATION OF SPECIAL ORDERS.

House Bills Nos. 40 and 170 on the subject of homestead exemptions, and the following resolution of Mr. Williams:

WHEREAS, There are several bills pending in the House modifying and changing the Homestead and Exemption Laws of the State; and,

WHEREAS, The present Homestead and Exemption Laws have been in force for many years, and the people of the State have prospered under them; and,

WHEREAS, The present Homestead Law will be in force until the Legislative Assembly has acted on Section 208 of the Constitution; and,

WHEREAS, To reduce the Homestead and Exemption Laws at this time, will embarrass many citizens of the State; therefore, be it

Resolved, That the rules be suspended and all bills changing the Homestead Law, and all bills reducing the present Exemption Laws be considered as before the House for consideration, and that their further consideration be indefinitely postponed.

Which were made a special order for this hour were taken up.

Mr. Williams moved

To adopt the resolution.

Roll call demanded on the motion to adopt the resolution of Mr. Williams.

The roll being called there were ayes 32, nays 29.

Those who voted in the affirmative were:

Messrs—

Beard,
Brittin,
Bye,
Christianson,
Court,
Currier,
Foss,
Green,
Gronli,
Haugen,
Ingebretson,

Messrs—

Jahr,
Johnson
Lutz,
McCormick
McDonald,
Milsted,
Moore,
Murphy,
Nedrud,
Norton,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Stevens,
Tandberg,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Buchanan,
Cole,
Estabrook,
Hankinson,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ink,
Lilly,
McCullough,
McIntyre,
Montgomery,
Olsgard,
Richardson,
Roney,
Selby,

Messrs—

Stadleman,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh
Tyler,
Ueland,
Watt,
Zimmer.

Mr. Langer being absent and excused.

And so the motion to adopt the resolution prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 6, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring:
 "That a committee of seven to consist of Alex. McKenzie, A. O. Whipple, Wm. Budge, Wm. O'Mulcahy, Major R. E. Fleming, Geo. E. Spencer and Jeff M. Myers be appointed, whose duty it shall be to devise means for procuring seed grain and feed for destitute farmers of the State of North Dakota.

Said committee may proceed in such manner as may to them seem best to serve the end sought to procure such relief and assistance as they may be able.

Said committee shall have authority to receive all contributions of any kind for such purposes.

Such committee shall arrange for such a system of distribution of seed and feed as may to them seem most equitable and just.

Said committee shall keep a record of their proceedings and a correct account of their necessary expenses incurred in the performance of their duties, and it shall be their duty to report fully such facts to the Governor semi-monthly, or oftener if deemed advisable.

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

C. C. BOWSFIELD,
 Secretary.

The Committee on Enrolled Bills made the following report:

Mr. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
 House Bill No. 241,

A bill for an act to locate and provide for the government of a State Normal School at Valley City.

Also,

House Bill No. 290,

A bill for an act making an appropriation for the payment of the stationery purchased for the Legislative Assembly.

Also,

House Bill No. 306,

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

Also,

House Bill No. 50,

A bill for an act, to regulate the carrying, selling and handling of grain of all kinds, and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner and to regulate matters connected with the business of warehousing and grain dealing.

Were delivered to his Excellency, the Governor, for his approval at the hour of 2:50 o'clock., p. m., March 6, 1890.

GEO. H. WALSH,
 Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 March 6, 1890. }

To the Speaker of the House of Representatives :

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

House Bill No. 73,

An act to enable counties to regulate the number of county commissioners.

Also,

House Bill No. 192,

An act relating to electors of President and Vice President.

Also,

House Bill No. 214,

An act to provide for the support of married women.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
 Governor.

Mr. Pinkham moved

That the rules be suspended, and that Senate Bill No. 140 be now read the third time and placed upon its final passage.

Mr. Allen moved

As a substitute that the House do now proceed to the first reading of House bills,

Which motion was lost, and

The question recurring on the motion of Mr. Pinkham,

The motion prevailed.

Mr. Speaker called Mr. Bowen to the Chair.

The third reading of

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Agricultural Experiment Station at Fargo,

Was proceeded with, and the bill considered section by section together with the report of the Committee on Public Buildings.

Mr. Tyler moved

To adopt the following proposed amendment:

Amend Section 4 by striking out the word "need" in line 6 of printed bill, and inserting in lieu thereof the word "shall."

Which motion prevailed, and

The bill was so amended.

Mr. Tyler moved

To adopt the following proposed amendment:

Amend Section 6 by inserting after the word "Dakota" and before the word "and," in line 6 of the printed bill, the following words, "subject to all

restrictions imposed upon such respective funds, either by the Constitution, or laws of the State of North Dakota, or the terms of such grants from Congress."

Which motion prevailed, and
The bill was so amended.

Mr. Thompson of Cass, moved
To adopt the following proposed amendment:

Amend Section 9 by striking out one of the words "the" where the same is repeated in line 8 of the written bill.

Which motion prevailed.

Mr Estabrook moved
To adopt the following proposed amendment:

Amend Section 15 by inserting the word "be" after the word "and," and before the word "known" in line 3 of the written bill.

Which motion prevailed, and
The bill was so amended.

Mr. Ueland moved
To adopt the following minority report on Section 16:

That the following amendment be added to Section 16:

Provided, That two-thirds of the \$15,000 appropriated in said act be expended on a farm near the Agricultural College, and one-third of said \$15,000 be used annually on a branch station, located on the south-west quarter of section 5, township 133 north, of range 84 west, said land being near the city of Edgeley, LaMoure county, N. D.; said branch station to be used for testing the different grains, grasses, trees and shrubbery under other conditions than those existing at the main station, and for experiments in relation to irrigation, and for any other purpose the board of directors may deem said station suitable; *Provided*, That the aforesaid described land be donated free of cost to said college directors.

Roll call demanded.

Mr. Speaker announced his signature to
Senate Bill No. 133,

A bill for an act to fix the number of officers and employes of the Legislative Assembly of the State of North Dakota and to provide for the compensation and payment of the same.

Also,
Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties.

Also,
Senate Bill No. 166,

A bill for an act relating to the use of brands and ear marks on domestic animals and live stock, and repealing Chapter 61 of the Session Laws of 1881.

Also,
Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges within the county limits wherein the cost of the construction of same exceeds the sum of \$100.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 6, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 94,

A bill for an act to amend Section 69 of Chapter 112 of the
General Laws of 1883, entitled "Township Government,"

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

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide
for liens upon crops, and for the levy of a tax to secure the pay-
ment of the purchase price of seed grain," approved February
13, 1890,

Which the Senate has passed with the following amendment to
be added to Section 1:

Provided, That residents of unorganized counties may apply for relief
under the provisions of this act to the county to which said unorganized
county is attached for judicial purposes.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The roll being called on the motion of Mr. Ueland to adopt the
minority report of the Committee on Public Buildings as to Sec-
tion 16, there were ayes 13, nays 42.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bowen,
Christianson,
Cole,

Messrs—

Lilly,
McCormick,
McCullough,
Nedrud,

Messrs—

Richardson,
Thomas,
Ueland,
Zimmer.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Brittin,
Buchanan,
Bye,
Court,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Lutz,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Pinkham,
Reed,

Messrs—

Renaud,
Selby,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Currier,
Langer,

Messrs—

Olsgard,
Rawlings,

Messrs—

Roney,
Stadleman.

Mr. Langer being excused.

And so the motion was lost.

Mr. Heglie moved

To adopt the following proposed amendment:

Insert as Sections 18 and 19 of the bill the following:

SEC. 18. The grants of land accruing to the State of North Dakota, under and by virtue of an act of Congress, donating public lands for the use and support of agricultural colleges in certain proposed states, approved February 22, 1889, is hereby accepted with all the conditions and provisions in said act contained, and said lands are hereby set apart for the use and support of the college herein provided for.

SEC. 19. There shall be no expense incurred or *per diem* and mileage paid to any officer of the board contemplated under the provisions of this act until an appropriation shall have been made for the erection of any building or buildings for the Agricultural College or Experimental Station.

Which motion prevailed, and

The bill was so amended.

Mr. Tyler moved

To adopt the supplemental report of the Committee on Public Buildings which proposes the following amendments:

Amend Section 3 by striking out all of the section from the commencement thereof, down to and including the words "Legislative Assembly" where they first occur in said section, and by substituting in lieu thereof the following:

SEC. 3. The board of directors shall consist of five members. The first board shall be appointed as hereinafter provided, and their term of office shall expire when their successors have been appointed and qualified during the session of the Legislative Assembly in the year A. D. 1891. During the session of the Legislative Assembly in the year A. D. 1891, and before the third Monday in February of said year the Governor shall nominate and by and with the consent and advice of the Senate, appoint a full board of directors, three of whom shall be appointed for the term of two years, and two of whom shall be appointed for the term of four years. Thereafter and at each biennial session of the Legislative Assembly, and on or before the third Monday in February during each session there shall be nominated by the Governor and by and with the consent and advice of the Senate, appointed for the term of four years, directors to fill vacancies occurring by the expiration of the term of office of those previously appointed.

Also, amend Section 3, by adding at the end thereof the following: "*Provided, further.* That in all cases where the Governor has made an appointment to fill a vacancy when the Legislative Assembly is not in session, the term of office of the director or directors so appointed shall expire at the next ensuing session of the Legislative Session."

Amend Section 8 by inserting after the word "mathematics" in line 5 of said section the words "military tactics."

Amend Section 13 by inserting after the word "shall" in the first line of said section the following: "Annually on or before the first day of February in each year make to the Governor a full and detailed report of the operations of the experiment station hereby established, including a statement of the receipts and expenditures, a copy of which report shall be sent by the Governor to the Commissioner of Agriculture, and the Secretary of the Treasury of the United States; and said board of directors shall also."

Which motion prevailed, and
The amendments were adopted.

The third reading of the bill was completed, and
The question being on the final passage of the bill as amended,
The roll being called there were ayes 57, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Renaud,
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Roney,
Belden,	Jahr,	Selby,
Bowen,	Johnson,	Stevens,
Brittin,	Lilly,	Strom,
Buchanan,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	McDonald,	Thompson of Cass,
Cole,	McIntyre,	Thomson of Walsh,
Court,	Milsted,	Tyler,
Currier,	Moore,	Ueland,
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Watt,
Green,	Nedrud,	Walton,
Gronli,	Norton,	Wickham,
Hankinson,	Pinkham,	Williams,
Haugen,	Rawlings,	Zimmer,
Haugerud,	Reed,	Mr. Speaker.
Heglie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Langer,	Olsgard,	Stadleman.
McCullough,		

Mr. Langer being excused.

And so the bill as amended passed, more than two-thirds of
the members present and voting, voting therefor,
And the title of the bill was agreed to.

Mr. Tyler moved

To reconsider the vote just taken and to lay the motion to re-
consider on the table,

Which motion prevailed.

Mr. Stevens moved

To adopt the Senate concurrent resolution, providing for the
appointment of a committee of seven to devise means for procur-
ing seed grain and feed for destitute farmers of the State.

Mr. Haugen moved

As a substitute that the concurrent resolution be referred to
the Committee on State Affairs,

Which motion was lost.

Mr. Roney moved

To lay the motion of Mr. Stevens upon the table.

Roll call demanded.

The roll being called there were ayes 23, nays 35.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Pinkham,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Bye,	Johnson,	Strom,
Christianson,	Lilly,	Tandberg,
Foss,	McCormick,	Thomson of Walsh,
Gronli,	Montgomery,	Ueland.
Haugen,	Olsgard,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Ingebretson,	Stevens,
Bowen,	Lutz,	Thomas,
Brittin,	McDonald,	Thompson of Cass,
Buchanan,	McIntyre,	Tyler,
Cole,	Moore,	Walsh,
Currier,	Murphy,	Walton,
Estabrook,	Norton,	Watt.
Green,	Rawlings,	Wickham,
Hankinson,	Reed,	Williams,
Haugerud,	Renaud,	Zimmer,
Hoyt,	Selby,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Court,	McCullough,	Nedrud,
Langer,	Milsted,	Stadleman.

Mr. Langer being excused.

And so the motion to lay upon the table was lost.

Mr. Stevens moved the previous question on the adoption of the resolution, and

The question being shall the main question be now put,

The motion prevailed, and

The House adopted the Senate Concurrent Resolution.

COMMUNICATION FROM THE COMMISSIONERS OF RAILROADS.

The following communication was received from the Commissioners of Railroads:

RAILROAD COMMISSIONERS OFFICE, }
BISMARCK, March 6, 1890. }

MR. SPEAKER:

In compliance with House Resolution of March 5th, communicated to this Board by the Chief Clerk as follows:

"I have the honor to inform your Board that the House by motion adopted has requested your Board to investigate and report to the House the reasons for the recent increase in the price of coal."

J. G. HAMILTON,
Chief Clerk.

Having investigated the matter referred to, we would respectfully submit the following report: Prior to the reduction in coal freight rates which occurred about January 30, 1890. Lignite coal was being delivered to consumers in Bismarck at \$3 per ton. That the reduction in rates only effected the Stark county mines, where a reduction of 35 cents per ton was made between Dickinson and Bismarck, the rate from Sims to Bismarck remaining unchanged.

The reduction in rates from Stark county brought the dealers into compe-

tion and resulted in a reduction in the price in Bismarck to \$2.25 per ton, which price it was claimed by the Morton county men was without profit to the mine owners, as no reduction in rates had been made from their mines. The price has again been restored to \$3 per ton in Bismarck. So far as we have been able to ascertain no change has been made in price at any point except Bismarck since the reduction of January 30th.

By the Board

HARVEY HARRIS,
Secretary.

Mr. Stevens moved

That the communication be referred to the Committee on Railroads,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 6, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the Senate amendments to House Bill No. 14, and certify the same to be complete and correct.

SENATE AMENDMENTS TO HOUSE BILL NO. 14.

Strike out Section 18, page 6.

Strike out Subsection 10 of Section 5.

Amend Section 78 by striking out the word "five" and inserting the word "three" in lieu thereof.

Amend Sections 83 and 86 by striking out the word "five" where it occurs and inserting the word "three" in lieu thereof.

Amend Section 104 by striking out the word "six" and inserting in lieu thereof the word "four" before the word "years."

The following was substituted for Section 18:

SEC. 18. CREDITS, HOW LISTED AND ASSESSED.] Any person who is required to list credits, either for himself or any other person, firm or corporation, may deduct from the gross amount thereof, the amount of all *bona fide* indebtedness of himself or of any such person, firm or corporation; but no acknowledgement of indebtedness not founded on actual consideration to the full amount of such acknowledgement at the time when the same was given, and no acknowledgement made for the purpose of being so deducted, shall be considered a debt in the meaning of this section, and every person so claiming any deductions shall furnish the assessor with a list containing: 1st. The amount of all book accounts. 2d. The amount of all notes due to him, and also a list of the amount of all book accounts owing by him, and of the amount of all notes owing by him, and he shall be requested to verify the same by oath administered by the assessor. Nothing in this section shall be so construed as to apply to any bank, banker or corporation exercising banking powers or privileges, or to authorize any deductions to be made from the value of any other class of personal property than credits; *Provided*, That grain held by the producer of the same, actually sold or contracted to be sold, but not delivered, shall be classed as credits.

The substitute for Section 18, as given above, was amended as follows:

Strike out the words "or to authorize any deductions to be made from the value of any other class of personal property than credits," and insert in lieu

thereof the following: "*Provided, however,* That any person, company, or corporation in making up the the amount of personal property required to be listed for himself, company, or corporation shall be allowed to deduct from the gross amount thereof any indebtedness of himself, company or corporation, if the same be owned or held within this State."

Also, add the word "*further*" after the word "*Provided*" in the next to the last line of the amendment.

Amend Section 55, line 4, after the word "March" by inserting the words "in each and every year."

Amend Section 57, line 13, after the word "costs" by inserting the following: "And such taxes shall, from the date of docketing of such judgment, and not before, become a lien upon any real estate in the county which the judgment debtor shall own, or the title to which he may subsequently acquire."

Amend Section 103 by striking out all after the word "shall" in line 10 down to the word "cause" in line 19, and after the word "cause" strike out the words "such notice."

Also, strike out all of line 23 after the word "State" down to the word "the" in line 26.

Amend Section 46 by striking out Subsections 3, 4 and 5.

Amend Section 10 as follows:

All personal property of telegraph and telephone companies, including poles, wires, instruments, office fixtures, and all other apparatus used in conducting their business shall be listed and assessed in the county, town or district in which the same is situated.

Amend title to Section 10 by adding between the words "water companies" the words "telegraph and telephone."

Amend line 6, Section 4, by striking out the words "more than he pays interest for;" also, in line 7 by striking out the words "more than their indebtedness."

Add to Section 32 the following:

Provided, That personal property shall be assessed upon view by the assessor at any time, within the limits prescribed by the provisions of this act, at its then actual value regardless of any change of ownership prior to the date of such assessment; but if the owner, factor or agent can show by duly authenticated certificate that the property has been lawfully assessed in any other town, city, village or district in this State for that year, then such property shall not be assessed.

The following substitute for the first four lines of Section 48 was adopted:

All county, township, town, city and school district taxes, except special taxes for local improvements in cities or villages, or unless specially provided for by law, shall be levied or voted at so much rate *per centum* upon the amount of property as equalized by the county board of equalization each year.

Renumber all sections after Section 17.

C. C. BOWSFIELD,
Secretary.

Mr. Cole moved

That the Senate amendments to House Bill No. 309 be concurred in,

Which motion prevailed, and

The question being, shall

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890,

Pass as amended by the Senate,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Renaud,
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Roney,
Belden,	Jahr,	Selby,
Bowen,	Lilly,	Stevens,
Brittin,	Lutz,	Strom,
Buchanan,	McCormick,	Tandberg,
Bye,	McDonald,	Thomas,
Christianson,	McIntyre,	Thompson of Cass,
Cole,	Milsted,	Thomson of Walsh,
Court,	Moore,	Tyler,
Currier,	Montgomery,	Ueland,
Estabrook,	Murphy,	Walsh,
Green,	Nedrud,	Watt,
Gronli,	Norton,	Wickham,
Hankinson,	Olgard,	Williams,
Haugen,	Pinkham,	Zimmer,
Haugerud,	Rawlings,	Mr. Speaker.
Heglie,	Reed,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Foss,	Langer,	Stadleman,
Johnson,	McCullough,	Walton.

Mr. Langer being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote just taken, and to lay the motion to reconsider upon the table,
Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Thompson of Cass, moved

That all House bills that have been printed be now read the first and second times and referred to their appropriated committees,

Which motion prevailed, and

House Bill No. 329,

A bill for an act regulating the organization of savings banks and savings societies,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 330,

A bill for an act to declare certain persons of legal age,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 331,

A bill for an act to prohibit gaming or gambling and sale of spirituous liquors at any agricultural or mechanical, State or county fairs and prescribing the fine and penalty for violating the same,

Was read the first and second times, and referred to the Committee on Temperance.

House Bill No. 332,

A bill for an act relating to terms, phrases, names or titles adopted by the Constitution,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 334,

A bill for an act to protect farm laborers and secure the payment of their wages,

Was read the first and second times, and referred to the Committee on Judiciary.

House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

Was read the first and second times, and referred to the Committee on Agriculture.

House Bill No. 336,

A bill for an act to amend Coapter 205 of the General Laws of 1887, relating to the preferment for appointment in certain cases,

Was read the first and second times, and referred to the Committee on Judiciary.

Mr. Buchanan moved

That the House do now adjourn,

Which motion was withdrawn.

House Bill No. 337,

A bill for an act to amend Section 2 of Article 13 of Chapter 70 of the General Laws of 1887,

Was read the first time.

House Bill No. 338,

A bill for an act to amend Section 15 of Article 15 of the General Laws of 1887,

Was read the first time.

House Bill No. 339,

A bill for an act to prescribe the manner of conducting elections and to prevent fraud and deception at elections in this State,

Was read the first time.

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70, Chapter 5, of the Compiled Laws of 1887,

Was read the first time.

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

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined House Journal of the one hundredth and seventh day and recommend to amend by striking out the name "Strom" on page 9, line 16, and inserting the name "Jahr" in lieu thereof.

JAMES McCORMICK,
Chairman.

THIRD READING OF HOUSE BILLS.

Mr. Williams moved

That the rules be suspended, and that the House proceed to the third reading of House bills,

The motion prevailed, and
House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party,

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

The roll being called there were ayes 47, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Olsgard,
Balkan,	Haugen,	Pinkham,
Beard,	Haugerud,	Rawlings,
Belden,	Hoyt,	Reed,
Bowen,	Ingebretson,	Richardson,
Brittin,	Ink,	Selby,
Buchanan,	Jahr,	Thomas,
Bye,	Johnson,	Thompson of Cass,
Christianson,	Lilly,	Thomson of Walsh,
Cole,	Lutz,	Tyler,
Court,	McCormick,	Ueland,
Currier,	McIntyre,	Walton,
Estabrook,	Milsted,	Wickham,
Foss,	Moore,	Williams,
Green,	Montgomery,	Mr. Speaker.
Gronli,	Nedrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Heglie,	Renaud,	Strom,
Murphy	Roney,	Tandberg,
Norton,	Stevens,	Watt.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Langer,	McDonald,	Walsh,
McCullough,	Stadleman,	Zimmer.

Messrs. Stevens and Strom explaining their votes.

Mr. Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote by which the bill passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Selby moved

To take House Bill No. 227 out of its regular order and consider it immediately.

Mr. Stevens moved

To amend by adding "with power of amendment,"

Which amendment was accepted.

Mr. Thompson of Cass, moved

To amend the motion by including also House Bill No. 141 and House Bill No. 264,

Which amendmint prevailed, and

The original motion as amended prevailed.

House Bill No. 127,

A bill for an act to provide for standing annual appropriations for salaries of State officers,

Was placed upon its final passage.

Mr. Stevens moved

To amend the bill by striking out Subdivisions 12 and 13 of Section 1.

Roll call demanded.

The roll being called there were ayes 31, nays 27.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Bowen,
Buchanan,
Christianson,
Court,
Currier,
Green,
Gronli,
Hankinson,
Hangerud,

Messrs—

Hoyt,
Ink,
McDonald,
McIntyre,
Milsted,
Murphy,
Norton,
Reed,
Renaud,
Selby,

Messrs—

Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walton,
Watt,
Wickham,
Zimmer.

Those who voted in the negative were:

Messrs—

Beard,
Belden,
Brittin,
Bye,
Cole,
Estabrook,
Foss,
Haugen,
Heglie,

Messrs—

Ingebretson,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
Moore,
Montgomery,

Messrs—

Nedrud,
Olsgard,
Pinkham,
Rawlings,
Richardson,
Roney,
Thomas,
Ueland,
Williams.

Absent and not voting:

Messrs—

Langer,
Stadleman,

Messrs—

Walsh,

Messrs—

Mr. Speaker.

Mr. Thompson of Cass explaining his vote.

Mr. Langer being excused.

And so the amendment prevailed.

Mr. Williams moved

To amend by striking out in line 2 of Section 1, the words
“hereby annually.”

Mr. Thompson of Cass, moved

To lay the motion upon the table.

Mr. McCullough moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 7, 1890.

The House assembled at 10 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Langer, Lilly and McDonald who were excused.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

OFFICE OF ATTORNEY GENERAL,
Bismarck, N. D., March 7, 1890.

To the Honorable House of Representatives:

Owing to the importance of the questions presented in your resolutions of the 3d inst. calling for my opinion as to the limitation of time for the final adjournment of this Legislative Assembly, I desire to ask the indulgence of your honorable body until Monday next before giving my opinion thereon.

Respectfully submitted,

GEO. F. GOODWIN,
Attorney General.

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

Be it Resolved by the House, That the compensation to be paid the officers and employes of the House of Representatives of the First Legislative Assembly shall be as fixed by the report of the the committee of the House adopted December 5, 1889.

Which motion prevailed, and
The resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Health made the following report:

MR. SPEAKER:

Your Committee on Public Health to whom was referred

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

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

J. MONTGOMERY,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 149,

A bill for an act to revise the law in relation to justices and constables,

And find the same correctly engrossed.

E. W. BOWEN,
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. 322,

A bill for an act to provide for the levy of State taxes,

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

JOHN MILSTED,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
House Bill No. 336,

A bill for an act to amend Chapter 205 of the General Laws of 1887, relating to the preferment for appointment in certain cases.

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

Also,

House Bill No. 317,

A bill for an act exempting practicing pharmacists from jury duty,

And recommend that said bill do pass.

Also,

House Bill No. 315,

A bill for an act amending Section 345, Chapter 13 of the Code of Civil Procedure,

And recommend that said bill do pass.

Also,

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court,

And recommend that said bill be reported back without recommendation.

Also,

House Bill No. 326,

A bill for an act to amend Section 7 of Chapter 1 of the General Laws of 1889, entitled, "An Act to provide security to the public against errors, omissions or defects in abstracts of title to real estate,"

And recommend that said bill be amended as follows:

Amend Section 1 and in line 19 of printed bill by adding after the word "for" in said line the word "such."

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota,

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

C. A. CURRIER,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 292,

A bill for an act defining the boundaries of the Third judicial district, subdividing the same and fixing the terms of court to be held therein,

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

Amend Section 5 and line 4 of printed bill by striking out the word "May" and inserting the word "June" instead.

Amend Section 3 and line 3 of printed bill by striking out the word "first" and inserting the word "third" instead; also, strike out the word "June" in line 4 of same section and insert the word "May" instead; also, in same line, strike out the word "second" and insert the word "third" instead.

Amend Section 4 by striking out of line 3 of printed bill the word "Sherebrook" and inserting the word "Sherbrook" instead; also, strike out of same line the word "third" and insert the word "fourth"; also, strike out the word "fourth" where it occurs in line 4 of same section and insert the word "second" instead.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 330,
 A bill for an act to declare certain persons of legal age,
 And recommend that said bill be reported back without recommendation.

Also,
 House Bill No. 332,
 A bill for an act relating to terms, phrases, names or titles adopted by the Constitution,
 And recommend that said bill do pass.

F. J. THOMPSON,
 Chairman.

UNFINISHED BUSINESS.

Mr. Walsh moved
 That the House now proceed to consider the Senate amendments to House Bill No 14,
 Which motion was withdrawn.

Unfinished business being the consideration of House Bills Nos. 127, 261 and 141, and

The question being on the motion of Mr. Thompson of Cass, to lay the motion of Mr. Williams to amend House Bill No 127 by striking out in line 2 of Section 1 the words "hereby annually,"

The motion prevailed, and

The amendment of Mr. Williams was laid upon the table.

Mr. Stevens moved

To amend House Bill No. 127 by striking out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of \$66,000 or so much thereof as may be necessary to be used in payment of the salaries of the State and judicial officers, and on which appropriation the State Auditor is authorized to draw his warrant payable to the parties entitled by law to receive the same, for such sum or sums as may by law from time to time become due.

Which motion prevailed, and

The bill was so amended.

Mr. Stevens asked unanimous consent to reinstate the emergency clause,

Which consent was given, and

The emergency clause was reinstated.

Mr. Stevens moved

That the bill be placed upon its final passage,

Which motion prevailed, and

The question being shall

House Bill No. 127,

A bill for an act to provide standing annual appropriations for salaries of State officers,

Pass, as amended,

The roll being called there were ayes 58, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Langer,

Messrs—

McDonald,

Messrs—

Murphy.

Mr. Williams voting in the negative.

Messrs. Langer and McDonald being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the question being on the title of the bill.

Mr. Stevens moved

To amend the title to read as follows:

“A bill for an act to provide appropriations for the salaries of State and judicial officers,”

Which motion prevailed, and

The title as amended was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 7, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bills Nos. 39, 62, 57, 116 and 140.

Also,

That the Senate refuses to concur in the House amendments to Senate Bill No. 41, and, by motion adopted, the President has appointed Messrs. Little, Allin and McCormack as a Conference Committee on the part of the Senate, to confer with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved
That a conference committee on the part of the House be appointed on Senate Bill No. 41,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 7, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 200,
A bill for an act providing for the disorganization of civil townships,
Which the Senate has passed, and your favorable consideration is respectfully requested.
Also,
To inform you that by motion adopted the Senate recalls from the House Senate Bill No. 135.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved
That the House proceed to the consideration of the Senate amendments to House Bill No. 14,
Which motion prevailed.

Mr. Walsh moved
That the House concur in all of the Senate amendments to House Bill No. 14 except the following:

All county, township, town, city and school district taxes, except special taxes for local improvements in cities or villages, or unless specially provided for by law, shall be levied or voted at so much rate *per centum* upon the amount of property as equalized by the county board of equalization each year.
Renumber all sections after Section 17.

Which motion prevailed.

Mr. Walsh moved
That a conference committee be appointed on the amendment the House refused to concur in,
Which motion prevailed, and
Mr. Speaker appointed as such committee Messrs. Walsh, Bowen and Estabrook.

Mr. Lilly (by unanimous consent) made the following report of the Committee on Education:

MR. SPEAKER:

Your Committee on Education to whom was referred
Senate Bill No. 135,
A bill for an act providing for the establishing of independent school districts within the incorporated limits of the State of North Dakota,

Have had the same under consideration and report the same back without recommendation.

GEO. W. LILLY,
Chairman.

Mr. Lilly moved

That Senate Bill No. 135 be returned to the Senate as requested,

Which motion prevailed.

House Bill No. 141,

A bill for an act restraining certain male animals from running at large,

Was read the third time, and

Mr. Williams moved

To adopt the following amendments proposed by the Committee on Agriculture:

Add to Section 1 the following: "*Provided*, That no animal kept in a herd shall be regarded as running at large."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Eye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Ingebretson,
Ink,
Jahr,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Christianson,
Hoyt,
Johnson,

Messrs—

Langer,
McCullough,
McDonald,
Rawlings,

Messrs—

Reed,
Thomas,
Walsh.

Messrs. Langer and McDonald being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
March 7, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 100,

An act authorizing the Adjutant General to loan to the trustees of the University of North Dakota one hundred muskets for the use of students for drill purposes.

Also,

House Bill No. 129,

An act to repeal Chapter 144 of the Session Laws of 1885.

Also,

House Bill No. 158,

An act requiring railway companies to keep in repair highway crossings.

Also,

House Bill No. 290,

An act making an appropriation for the payment of stationery purchased for the Legislative Assembly.

Also,

House Bill No. 55,

An act providing for the purchase and distribution of the remaining Reports of the Supreme Court of Dakota Territory.

Also,

House Bill No. 306,

An act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers residents therein."

Also,

House Bill No. 28,

An act providing for the retention and disposal of estrays.

Also,

House Bill No. 291,

An act to provide for the changing and relocating of county seats.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

House Bill No. 264,

A bill for an act to repeal Sections 2 and 3 of Chapter 55 of the

Laws of 1883, entitled "An Act to amend Sections 377, 381 and 382 of the Code of Civil Procedure,

Was read the third time, and

Mr. Tyler moved

To adopt the following amendments proposed by the Committee on Judiciary:

Strike out the present title of bill and insert the following in lieu thereof:

"A bill for an act to regulate the costs and disbursements in certain actions."

Strike out Section 1 and insert the following as a substitute:

SECTION 1. In an action for assault, battery, false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction, if the plaintiff recover less than \$50 damages, he shall recover no more costs than damages. And in an action to recover the possession of personal property, if the plaintiff recover less than \$50 damages, he shall recover no more costs than damages, unless he recovers also property, the value of which, with the damages, amounts to \$50, or the possession of property be adjudged to him, the value of which, with the damages, amounts to \$50; such value must be determined by the jury, court, or referee, by whom the action is tried. When several actions shall be brought on one bond, recognizance, promissory note, bill of exchange, or other instrument in writing, or in any other case for the same cause of action, against several parties who might have been joined as defendants in the same action, no costs shall be allowed to the plaintiff in more than one of such actions, which must be at his election; *Provided*, That the party or parties proceeded against in such action or actions, shall at the time of commencement of the previous action or actions, have been openly within this State and not secreted.

SEC. 2. In all actions where there are several defendants, not united in interests, and making separate defenses, by separate answers, and the plaintiff fails to recover judgment against all, the court may award costs to such of the defendants as have judgment in their favor.

SEC. 3. That Sections 2 and 3 of Chapter 55 of the General Laws of 1883, and all acts or parts of laws in conflict with this act are hereby repealed.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Reed,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Lilly,	Selby,
Bowen,	Lutz,	Stadleman,
Brittin,	McCormick,	Stevens,
Buchanan,	McCullough,	Strom,
Bye,	McIntyre,	Tandberg,
Christianson,	Milsted,	Thomas,
Cole,	Moore,	Thompson of Cass,
Court,	Montgomery,	Thomson of Walsh,
Currier,	Murphy,	Tyler,
Foss,	Nedrud,	Uelaná,
Green,	Norton,	Walton,
Gronli,	Olsgard,	Watt,
Haugen,	Pinkham,	Wickham,
Haugerud,	Rawlings,	Mr. Speaker.
Hoyt,		

Absent and not voting:

Messrs—

Estabrook,
Hankinson,
Heglie,

Messrs—

Johnson,
Langer,
McDonald,

Messrs—

Renaud,
Walsh,
Williams.

Mr. Zimmer voting in the negative.

Messrs. Langer and McDonald being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The Committee on Ways and Means made the following report:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred House Bill No. 38,

A bill for an act amending Sections 6 and 7 of Chapter 130, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds, and fixing the license fee at \$50 upon every public warehouse,

Have had the same under consideration and recommend that said bill be amended by striking out all after the enacting clause and inserting the following:

SECTION 1. That an annual State license must be obtained through the Commissioners of Railroads for each and every public grain warehouse in operation in this State. That no license issued under this act shall describe more than one public grain warehouse, or grant permission to operate any other public grain warehouse than the one therein described. The license fee is hereby fixed at \$2.50 per 1,000 bushels elevator capacity or major fraction thereof for each public grain warehouse; *Provided*, That no license shall be issued for less than \$25, and before any license is issued the person applying therefor shall file with the Commissioners of Railroads the receipt of the State Treasurer showing that the applicant has paid into the State Treasury the amount of said license fee.

SEC. 2. That the license thus obtained shall be posted in a conspicuous place in the public warehouse so licensed. Every such license shall expire on the first day of August next following the issuance thereof, and no license shall run for a longer period than one year. That any person, association or corporation, who shall transact the business of public warehousemen, without first procuring a license as herein provided, shall, on conviction, be fined a sum not less than \$100 for each and every day such business is carried on.

Also, recommend that the the title of said bill be amended to read as follows:

A bill for an act to provide for the licensing of public warehouses.

And when so amended recommend the bill back without further recommendation.

J. F. SELBY,
Chairman.

Mr. Stevens moved

That the further consideration of the bill and report be indefinitely postponed,

Which motion was lost.

THIRD READING OF HOUSE BILLS.

Mr. Thompson of Cass, moved

That the rules be suspended, and that the House proceed to the third reading of House bills, and that all House bills in General Orders be placed on their third reading with privilege of amendment,

Which motion prevailed, and

House Bill No. 303,

A bill for an act to provide for amending articles of incorporation of building and loan associations,

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

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Green,
Gronli,
Haugerud,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Olsgard,
Rawlings,

Messrs—

Reed,
Renaud,
Roney,
Selby,
Stevens,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Estabrook,
Foss,
Hankinson,
Heglie,
Johnson,

Messrs—

Langer,
McDonald,
Montgomery,
Norton,
Pinkham,

Messrs—

Richardson,
Stadleman,
Strom,
Thomson of Walsh,
Walsh.

Messrs. Haugen and Zimmer voting in the negative.

Messrs. Langer and McDonald being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

That the vote just taken be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State,

Was read the third time, and

Mr. Wickham moved

To amend the bill by striking out all of Section 2 and inserting in lieu thereof the following:

All policies or risks written on property of whatsoever kind in this State, by insurance companies through their agents, such agents having their office in another State, shall be deemed a violation of this act, and all policies so written shall be declared "invalid."

Roll call demanded.

The roll being called there were ayes 30, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Stadleman,
Beard,	Ink,	Strom,
Bowen,	McCullough,	Tandberg,
Brittin,	Moore,	Thomas,
Bye,	Montgomery,	Thomson of Walsh,
Christianson,	Nedrud,	Ueland.
Cole,	Reed,	Walsh,
Currier,	Renaud,	Walton.
Hankinson,	Richardson,	Wickham,
Heglie,	Selby,	Williams.

Those who voted in the negative were:

Messrs—	Messrs.—	Messrs—
Balkan,	Ingebretson,	Murphy,
Buchanan,	Jahr,	Norton,
Court,	Johnson,	Olsgard,
Estabrook,	Lilly,	Pinkham,
Foss,	Lutz,	Roney,
Green,	McCormick,	Stevens,
Gronli,	McIntyre,	Tyler,
Haugen,	Milsted,	Watt.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Rawlings,	Zimmer.
Langer,	Thompson of Cass,	Mr. Speaker.
McDonald,		

Messrs. Langer and McDonald being excused.

And so the motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 39, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Richardson,
Beard,	Ink,	Selby,
Belden,	Lilly,	Stadleman,
Bowen,	McCullough,	Strom,
Brittin,	McIntyre,	Tandberg,
Buchanan,	Milsted,	Thomas,
Bye,	Moore,	Thomson of Walsh,
Christianson,	Montgomery,	Ueland,
Cole,	Nedrud,	Walsh,
Currier,	Pinkham,	Walton,
Hankinson,	Rawlings,	Wickham,
Heglie,	Reed,	Williams,
Hoyt,	Renaud,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Olsgard,
Court,	Jahr,	Roney,
Estabrook,	Johnson,	Stevens,
Foss,	Lutz,	Thompson of Cass,
Green,	McCormick,	Tyler,
Gronli,	Murphy	Watt.
Haugen,	Norton,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Langer,	McDonald,	Zimmer.

Messrs. Langer and McDonald being excused.

Messrs. Stevens and Wickham explaining their votes.

The Speaker decided that the bill was passed but the emergency clause was lost, and

The title of the bill was agreed to.

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors,

Was read the third time, and

Mr. Roney moved

To amend the bill as follows:

In Section 3, line 9, strike out the words "sheep inspector fund" and insert the words "general school fund."

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To strike out the words "be amended to read as follows:" from the title,

Which motion prevailed, and

The bill was so amended.

Mr. Bowen moved

To amend the bill as follows:

In line 3 of Section 3 of the printed bill insert the word "are" after the word "sheep."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 54, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Richardson,
Balkan,	Hoyt,	Roney,
Beard,	Ingebretson,	Selby,
Belden,	Ink,	Stadleman,
Bowen,	Johnson,	Strom,
Brittin,	Lilly,	Tandberg,

Messrs—	Messrs—	Messrs—
Buchanan,	Lutz,	Thomas,
Bye,	McCormick,	Thompson of Cass,
Christianson,	McCullough,	Thomson of Walsh,
Cole,	McIntyre,	Tyler,
Court,	Milsted,	Ueland,
Currier,	Moore,	Walsh,
Estabrook,	Montgomery,	Walton,
Foss,	Nedrud,	Watt,
Green,	Norton,	Wickham,
Gronli,	Pinkham,	Williams,
Hankinson,	Rawlings,	Zimmer,
Haugerud,	Reed,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haugen,	McDonald,	Olsgard,
Jahr,	Murphy,	Renaud,
Langer.		

Mr. Stevens voting in the negative.

Messrs. Langer and McDonald being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

To reconsider the vote just taken,
Which motion prevailed.

Mr. Lilly moved

That the bill be recommitted to the Committee on Judiciary.

Mr. Steyens moved

As an amendment to add the words "with instructions to report the bill back to-morrow morning, and that it be made a special order for 10 o'clock a. m. to-morrow,"

Which amendment was accepted, and

The original motion as amended prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 7, 1890. }

MR. SPEAKER:

I have the honer to transmit herewith
House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary,

Which the Senate has passed with the following amendments:

In Section 1 strike out the words "Lieutenant-Governor" and insert in lieu thereof the words "State Auditor."

In Section 2 strike out the words "Lieutenant-Governor" and insert in lieu thereof the words "State Auditor."

And your concurrence is respectfully requested.

Also,

To inform you that the Senate, by motion adopted, wish to recall that part of the message concurring in House amendments to Senate Bill No. 39.

C. C. BOWSFIELD,
Secretary.

Mr. Cole moved

That the House concur in the Senate amendments to House Bill No. 261,

Which motion prevailed, and

The question being shall

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary,

Pass, as amended by the Senate,

The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Buchanan,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingrebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Haugen,

Messrs—

Langer,
McDonald,

Messrs—

Roney.

Mr. Walsh voting in the negative.

Messrs. Langer and McDonald being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

To reconsider the vote just taken, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Speaker called Mr. Haugerud to the Chair.

MESSAGE FROM 'THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 7, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the President has appointed as a conference committee on the part of the Senate on House Bill No. 14, Messrs. Swanston, Dodds and Rowe.

Also,

That the Senate refuses to concur in the House amendments to Senate Bill No. 39 and, by motion adopted, the President has appointed Messrs. Swanston, Barlow and Haggart to confer with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

House Bill No. 244.

A bill for an act to amend and re-enact the Insurance Laws of the Territory of Dakota,

Was read the third time, and

Mr. Pinkham moved

To amend the bill as follows:

Strike out all after the word "act" in line 5 of Section 44 and insert the following:

Provided, That any mutual or stock company representing \$25,000 or more as a basis upon which to organize, shall make annual statements to the Commissioner of Insurance, and be subject to all laws governing such companies.

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To strike out all of Section 35 of the printed bill after the word "business" in line 4 thereof down to and including the word "informer" in line 6, and insert in lieu thereof the following:

And all of such penalties when recovered shall be paid into the State Treasury for the benefit of the general school fund.

Which motion was lost, and

The amendment was lost.

The question being on the passage of the bill as amended,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,

Messrs—

Hoyt,
Ingebretson,
Jahr,
Johnson,
Lilly,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,

Messrs—
 Buchanan,
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,

Messrs—
 Lutz,
 McCormick,
 McIntyre,
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,
 Renaud,
 Richardson,

Messrs—
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Balkan,
 Ink,

Messrs—
 Langer,
 McCullough,

Messrs—
 McDonald,
 Moore.

Messrs. Langer and McDonald being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr Roney moved

To reconsider the vote just taken.

Mr. Moore moved to lay the motion upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
 March 7, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
 Senate Bill No. 74,

A bill for an act to reimburse the compiler and printer of
 Long's Legislative Hand book for the year 1889,

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

C. C. BOWSFIELD,
 Secretary.

The Conference Committee on House Bill No. 14 made the following report:

MR. SPEAKER:

Your committee appointed to confer with a like committee of the Senate as to the differences on the amendments to House Bill No. 14 respectfully report that the committee of the Senate have agreed to recommend that the Senate recede from its amendment to Section 48 of said bill.

GEO. H. WALSH,
 E. W. BOWEN,
 F. ESTABROOK.

Mr. Walsh moved

To adopt the report,
Which motion prevailed, and
The report was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 7, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Conference Committee on House Bill No. 14 have made the following report: That the Senate recede from the Senate amendment to Section 48 of said bill,

Which the Senate has adopted.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That House Bill No. 14 as amended be now placed upon its final passage,

Which motion prevailed, and

The question being, shall

House Bill No. 14,

A bill for an act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto, .

Pass as amended by the Senate,

The roll being called there were ayes 55, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Buchanan,
Bye,
Christianson.
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Richardson,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Foss,
Ink,

Messrs—

Langer,
McCullough,

Messrs—

McDonald.

Messrs. Belden and Renaud voting in the negative.

Messrs. Langer and McDonald being excused.

And so the bill as amended by the Conference Committee passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Allen was excused until next Tuesday.

Mr. Tyler was excused until next Monday.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House bill No. 141,

A bill for an act restraining certain male animals from running at large.

Also,

House Bill No. 127,

A bill for an act to provide for standing annual appropriations for salaries of State officers,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

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

MR. SPEAKER:

Your Committee on Correction of the Journal have examined the printed Journal of the one hundred and eight day and find the same correct.

JAMES McCORMICK,
Chairman.

Mr. Williams moved

That the vote by which House Bill No. 14 was passed, be reconsidered, and that the motion to reconsider be laid upon the table, Which motion prevailed.

Mr. Wickham moved

That the vote by which House Bill No. 293 and House Bill No. 244 were passed, be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Moore moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND TENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 8, 1890.

The House assembled at 9:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Allen, Buchanan, Langer, McIntyre and Tyler.

Messrs. Allen, Buchanan, Langer and Tyler were excused.

Mr. Stevens moved

That the House do now take a recess until 2 o'clock,
Which motion was lost.

THIRD READING OF HOUSE BILLS.

Mr. Thompson of Cass, moved

That the rules be suspended and that House bills on their third reading be placed upon their final passage with privilege of amendment,

Which motion prevailed.

House Bill No. 267,

A bill for an act to amend an act to give publicity to chattel mortgage sales,

Was read the third time, and

Mr. McCullough moved

To amend the bill as follows:

Insert the words "not more than twelve days" at the end of line 6, Section 1, printed bill.

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 50, nays 1.

Those who voted in the affirmative were:

Messrs—
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,

Messrs—
 Hoyt,
 Ingebretson,
 Ink,
 Jahr,
 Johnson,
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 McDonald,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,

Messrs—
 Pinkham,
 Reed,
 Richardson,
 Roney,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Uelanå,
 Walsh,
 Wickham,
 Williams.
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Allen,
 Buchanan,
 Green,
 Langer,

Messrs—
 McIntyre,
 Rawlings,
 Selby,
 Stadleman,

Messrs—
 Tyler,
 Walton,
 Watt.

Mr. Renaud voting in the negative.

Mr. Foss explaining his vote.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 301,

A bill for an act to authorize the incorporation of detective associations to provide for boards of collection of bills and rewards by, to prescribe their powers, duties and liabilities; prevent frauds by and punish false pretenders,

Was read the third time, and

Mr. Bowen moved

To amend the bill as follows:

In line 15, of Section 2 strike out the comma (,) after the word "act" and insert a period (.); also capitalize the word "upon" next following.

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To amend the bill by striking out the word "for" in line 3 of Section 2 and inserting in lieu thereof the word "to,"

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To amend the bill as follows:

In line 9 of Section 1, after the word "state" insert the words "upon the payment of a fee of \$25 for filing said certificate."

Mr. Walsh moved

As a substitute to insert the following words:

All such persons or associations shall annually pay into the treasury of the State a fee of \$25 for each member of said association, and an additional fee of \$10 for each and every person employed by said association, which amount shall be paid into the general fund of the State.

Which substitute was accepted.

Mr. Beard moved

That the part of the motion below quoted be laid upon the table:

"And an additional fee of \$10 for each and every person employed by said association."

Which motion prevailed.

Mr. Walsh moved

To amend the bill as follows:

Add at the end of Section 1 the following:

"All such persons or associations shall annually pay into the treasury of the State, a fee of \$25 for each member of such association, which amount shall be paid into the general fund of the State."

Which motion prevailed.

Mr. Stevens moved

To strike out Section 6,

Which motion prevailed, and

Section 6 was stricken out.

Mr. Williams moved

To reconsider the vote by which Section 6 was stricken out.

Which motion prevailed.

Mr. Stevens withdrew his motion to strike out the section, and moved to amend the bill as follows: Add at the close of Section 6 the following:

Provided, No such powers or authorities as is by this act granted shall be exercised by any person not a member of an association incorporated in this State.

Which motion prevailed, and

The bill was so amended.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 317,

A bill for an act exempting practicing pharmacists from jury duty.

Also,
House Bill No. 315,
A bill for an act amending Section 345, Chapter 13 of the Code of Civil Procedure.

Also,
House Bill No. 321,
A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota.

Also,
House Bill No. 322,
A bill for an act to provide for the levy of State taxes.

Also,
House Bill No. 325,
A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889, so as to require county clerks or auditors and county treasurers to make out financial statements of the county twice a year.

Also,
House Bill No. 332,
A bill for an act relating to terms, phrases, names or titles adopted by the Constitution.

Also,
House Bill No. 336,
A bill for an act to amend Chapter 205 of the General Laws of 1887, relating to the preferment for appointment in certain cases.

Also,
House Bill No. 264,
A bill for an act to repeal Sections 2 and 3 of Chapter 55 of the Laws of 1883, entitled "An Act to amend Sections 377, 381 and 382 of the Code of Civil Procedure,
And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Walsh moved

To amend the bill by adding the following as Section 10:

SEC. 10. All persons or associations of any other state or territory doing a detective or secret service business in this State, shall comply with the provisions of this act.

Which motion was lost, and
The amendment was lost.

The question being on the passage of the bill as amended,

The roll being called there were ayes 41, nays 8.

Those who voted in the affirmative were:

Messrs—
Beard,
Belden,

Messrs—
Lilly,
Lutz,

Messrs—
Roney,
Selby,

Messrs—	Messrs—	Messrs—
Bowen,	McDonald,	Stevens,
Britten,	Milsted,	Strom,
Bye,	Moore,	Tandberg,
Christianson,	Montgomery,	Thomas,
Cole,	Murphy	Thompson of Cass,
Court,	Norton,	Thomson of Walsh,
Estabrook,	Olgard,	Walsh,
Green,	Pinkham,	Walton,
Gronli,	Rawlings,	Wickham,
Heglie,	Reed,	Williams,
Hoyt,	Renaud,	Zimmer.
Johnson,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Ueland,
Hankinson,	McCormick,	Mr. Speaker.
Haugen,	McCullough,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Nedrud,
Buchanan,	Jahr,	Stadleman,
Currier,	Langer,	Tyler,
Foss,	McIntyre,	Watt.
Ingebretson,		

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred, for correction,

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885 in relation to Sheep Inspectors,

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

Strike out title of bill, and insert the following:

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the General Laws of 1885, entitled "An Act to provide for the appointment of Sheep Inspectors, and to provide for the supervision of sheep in case of infection."

Amend Section 1 of this bill by adding after the figure "1" in line 1 of printed bill the following: That Section 1 of Chapter 135 of General Laws of 1885 be amended to read as follows: "Section 1."

Amend Section 2 of the bill by adding after the figures "2" in line 1 of the printed bill the following:

That Section 2 of Chapter 135 of General Laws of 1885 be amended to read as follows: "Section 2."

Also, amend Section 2 by striking out the word "desired" where it occurs in line 6 of printed bill and inserting the word "diseased" in lieu thereof.

Amend Section 3 of the bill by adding after the figure "3" in line 1 of printed bill the following:

That Section 3 of Chapter 135 of General Laws of 1885 be amended to read as follows: "Section 3."

Amend Section 4 of the bill by adding after the figure "4" in line 1 of printed bill the following:

That Section 4 of Chapter 135 of General Laws of 1885 be amended to read as follows: "Section 4."

Amend Section 5 by striking out the word "inspected" where it occurs in line 8 of said section in printed bill and inserting the word "infected" in lieu thereof.

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved

To adopt the report of the committee with the exception of the word "desired,"

Which motion prevailed.

CONSIDERATION OF SPECIAL ORDERS.

House Bill No. 194, which was made a special order for 10 o'clock, was considered.

Mr. Thompson of Cass, moved

To amend the bill as follows:

Amend Section 3, line 5, printed bill, by adding after the word "of" occurring between the words "cause" and "owner," the word "the."

And add after the word "agent," in same line, the following words: "of such flock of sheep;" also, add after the word "report," in same line, the word "them."

Strike out the word "fine" in lines 6, 7 and 9, same section, and insert the word "penalty."

Add after the word "agent," line 2 of same section, the word "thereof."

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To amend the bill as follows:

In Section 1, line 3, after the word "Inspector" insert the words "who is acquainted with the diseases to which sheep are subject and,"

Which motion prevailed, and

The bill was so amended.

Mr. Roney moved

To amend the bill as follows:

Strike out in lines 11 and 12 of Section 5 the words "not less than two hundred and fifty (250) dollars nor more than one thousand (1,000) dollars for each and every offense," and insert in lieu thereof the words "not less than one hundred (100) dollars nor more than five hundred (500) dollars for each and every offense, in the discretion of the court."

Mr. Selby moved

To amend the motion by inserting \$200 in place of \$500.

Mr. Roney moved

To amend the amendment by striking out the figures "\$100" and inserting in lieu thereof the figures "\$50,"

Which amendment to the amendment was accepted, and

The original motion as amended prevailed, and

The bill was so amended.

The question being shall

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors, Pass, as amended,

The roll being called there were ayes 50, nays 2.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,
Rawlings,
Reed.

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Allen,
Buchanan,
Green,
Haugen,

Messrs—

Ink,
Langer,
McIntyre,

Messrs—

Stadleman,
Tyler,
Watt.

Mr. Olsgard and Mr. Speaker voting in the negative.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Belden moved

That the votes by which House Bill No. 194 and House Bill No. 267 were passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 251.

A bill for an act to amend Section 2, of Chapter 51, Laws of 1887, of the Political Code, being Section 619 of the Compiled Laws,

Was placed upon its final passage.

Mr. Milsted moved

To reconsider the vote by which the following amendment was adopted:

Amend Section 1 by striking out the words "two newspapers" and inserting the words "one newspaper."

Which motion prevailed, and

Mr. McCormick moved

To lay the amendment upon the table,

Which motion prevailed.

Mr. Roney moved

To amend the bill by adding the following proviso:

Provided, That the paper making the lowest bid for doing the public printing shall have the control; *Provided, however*, That no contract shall be longer than one year.

Mr. Williams moved

To lay the motion upon the table,

Which motion prevailed, and

The amendment was laid upon the table.

Mr. Lilly moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The consideration of the bill was indefinitely postponed.

House Bill No. 246,

A bill for an act to provide for the establishment of an industrial school and school of manual training at the city of Ellendale in the county of Dickey, agreeable to the provision made for the same in Article 19 of the Constitution of the State of North Dakota,

Was read the third time, and

Mr. Cole moved

To amend the report of the Committee on Educational Institutions on the bill so as to recommend the passage of the bill without amendments,

Which motion prevailed, and

The question recurring on the passage of the bill,

The roll being called there were ayes 44, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ingebretson,	Renaud,
Beard,	Ink,	Selby,
Belden,	Johnson,	Stevens,
Bowen,	Lilly,	Strom,
Brittin,	Lutz,	Thomas,
Bye,	McCormick,	Thompson of Cass,
Cole,	McDonald,	Thomson of Walsh,
Court,	Milsted,	Ueland,
Currier,	Montgomery,	Walsh,
Green,	Murphy,	Walton,
Gronli,	Nedrud,	Wickham,
Hankinson,	Norton,	Williams.
Haugerud,	Pinkham,	Zimmer,
Heglie,	Rawlings,	Mr. Speaker.
Hoyt,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Christianson,	Jahr,	Richardson,
Estabrook,	McCullough,	Roney,
Foss,	Olsgard,	Tandberg.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Stadleman,
Buchanan,	McIntyre,	Tyler,
Haugen,	Moore,	Watt.

Messrs. Allen, Buchanan, Langer and Tyler being excused

Mr. Estabrook explaining his vote.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

That the vote by which House Bill No. 246 was passed be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 292,

A bill for an act defining the boundaries of the Third judicial district, subdividing the same and fixing the terms of court to be held therein,

Was read the third time, and

Mr. Selby moved

To adopt the following amendments proposed by the Committee on Judiciary.

Amend Section 2 and line 4 of printed bill by striking out the word "May" and inserting the word "June" instead.

Amend Section 3 and line 3 of printed bill by striking out the word "first" and inserting the word "third" instead; also, strike out the word "June" in line

4 of same section and insert the word "May" instead; also, in same line, strike out the word "second" and insert the word "third" instead.

Amend Section 4 by striking out of line 3 of printed bill the word "Sherebrook" and inserting the word "Sherbrooke" instead; also, strike out of same line the word "third" and insert the word "fourth"; also, strike out the word "fourth" where it occurs in line 4 of same section and insert the word "second" instead.

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 47, nays 2.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Pinkham,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Buchanan,
Foss,
Haugen,
Haugerud,

Messrs—

Langer,
McIntyre,
Olsgard,
Rawlings,

Messrs—

Stadleman,
Thomas,
Tyler,
Watt.

Messrs. McCormick and Nedrud voting in the negative.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

To reconsider the vote just taken, and to lay the motion to reconsider upon the table,

Which motion prevailed.

House Bill No. 212,

A bill for an act to revise the law in relation to boards of health, to establish county and township boards of health, and fix the compensation thereof,

Was read the third time, and
Mr. McCullough moved
To adopt the following amendment proposed by the Committee
on Public Health:

Amend the title to read as follows:

A bill for an act to amend Section 7 of Chapter 63 of Session Laws of 1885, relating to boards of health, being Section 198 of Compiled Laws of 1887.

Also, strike out all after the enacting clause and insert the following:

SECTION 1. That Section 7 of Chapter 63 of the Session Laws of 1885, being Section 198 of Compiled Laws, be amended to read as follows:

SEC. 7. There is hereby established a county board of health, composed of president, vice president and superintendent. The State's attorney in each county shall be president of said county board. The board of county commissioners shall appoint some suitable person who is a resident of the county, vice president; and they shall also appoint said superintendent of public health, for the county, who shall be learned in medicine and hold a license to practice medicine and surgery within the State, and the several persons thus appointed shall hold their offices for two years and until their successors are elected and qualified.

Which motion prevailed, and
The bill was so amended.

Mr. Williams (by unanimous consent) introduced—
House Bill No. 341,

A bill for an act to fix the salaries of State and judicial officers
of the State of North Dakota.

Mr. Green (by unanimous consent) introduced—
House Bill No. 342,

A bill for an act to provide for the keeping of a printed Journal
of the House and Senate, and for filing the same.

Mr. Stevens 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.

AFTERNOON SESSION.

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

Mr. McCormick moved

That the Speaker appoint a Conference Committee of three to act with the Senate committee on Senate Bill No. 39,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. McCormick, Olsgard and Montgomery.

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

WHEREAS, The amount of business before the House is so great that it will be necessary in order to dispose of the same to hold two sessions each day; therefore, be it

Resolved, That commencing March 10, the House shall meet at 9:30 o'clock a. m., and continue in session until 12 o'clock noon, then take a recess until 1:30 o'clock p. m., and upon reassembling remain in session until 6 o'clock p. m.

Mr. Williams moved

To amend the resolution by striking out the figure and words "6 o'clock p. m."

Mr. Stevens moved

To lay the resolution upon the table,

Which motion prevailed, and

The resolution was laid upon the table.

Mr. Roney moved

That the rules be suspended and that Senate Bills Nos. 183 and 194 be now read the first and second times, and referred to their appropriate committess,

Which motion was withdrawn.

Mr. Belden (by unanimous consent) introduced—

House Bill No. 344,

A bill for an act granting certain powers to county commissioners,

Which was read the first and second times, and referred to the Committee on Counties.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and the State Penitentiary.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890.

Also,

House Bill No. 14,

A bill for an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto,

Were delivered to his Excellency, the Governor, for his approval at the hour of 2:30 o'clock p. m., March 8, 1890.

GEO. H. WALSH,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 163,

A bill for an act defining school holidays,

Was read the first and second times, and referred to the Committee on Education.

Senate Bill No. 198,

A bill for an act to require the Secretary of State to keep a record of bonds of the State officers and to regulate the depository of the bonds of all the State officers of the State of North Dakota,

Was read the first and second times, and referred to the Committee on State Affairs.

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for county purposes,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 180,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889,

Was read the first and second times, and referred to the Committee on Counties.

Mr. Hankinson (by unanimous consent) introduced—

House Bill No. 345,

A bill for an act providing that the Lieutenant Governor shall be *ex-officio* Adjutant General of the State,

Which was read the first and second times, and referred to the Committee on State Affairs.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 292,

A bill for an act defining the boundaries of the Third judicial district, subdividing the same and fixing the term of court therein.

Also,

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Senate Bill No. 184,

A bill for an act providing for the payment of fees for the transportation of insane persons to the hospital or convicts to the penitentiary,

Was read the first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 182,

A bill for an act to regulate political caucuses,

Was read the first and second times, and referred to the Committee on Elections and Privileges.

Senate Bill No. 183,

A bill for an act to reduce the expenses of the State, and to suspend the State militia laws,

Was read the first and second times, and referred to the Committee on Military Affairs.

Senate Bill No. 168,

A bill for an act making an appropriation for the State University, and to fix the salaries of the president and professors of the same,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 14,

A bill for an act regulating the taking of toll and exchange in grist mills or flouring mills, and providing penalties for the violation of the same,

Was read the first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 152,

A bill for an act to establish an examining board to examine piano tuners and make such have a license after passing examination as herein provided,

Was read the first time, and

Mr. Pinkham moved

That the further consideration of the bill be indefinitely postponed

Which motion prevailed, and
The bill was indefinitely postponed.

Senate Bill No. 187,

A bill for an act relating to the punishment of a father for the abandonment of his children, and a husband for the abandonment of his wife,

Was read the first and second times, and referred to the Committee on Woman's Suffrage.

Consideration of House Bill No. 212 was continued.

Mr. Stevens moved

To amend House Bill No. 212 as follows:

Add at the end of the bill the following:

Provided, Said board shall receive no compensation except that fixed by the board of county commissioners at the time of their appointment, and not to exceed \$5 per day for the superintendent, and not to exceed the number of days the board of county commissioners shall deem reasonable, and all expense incurred or salary payable by or to said board shall be audited and allowed by the county commissioners in the same manner and with the same powers as other bills are allowed against the county.

Provided, further, That any person receiving an annual salary as a public officer shall not be allowed extra compensation for services on said board.

Mr. Wickham moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost, and

The question recurring on the motion of Mr. Stevens,

The motion prevailed, and

The bill was so amended.

The question then being on the passage of the bill as amended,

The roll being called there were ayes 51, nays 2.

Those who voted in the affirmative were:

Messrs—

Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,

Messrs—

Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Beard,
Buchanan,

Messrs—

Green,
Ink,
Langer,

Messrs—

McIntyre,
Moore,
Tyler.

Messrs Hankinson and Wickham voting in the negative.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the bill as amended passed, a majority of the members-elect, voting therefor,

And the title of the bill was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Stevens moved

That the rules be suspended and that all House and Senate bills on their first reading be now read the first and second times, and referred to their appropriate committees, and that all bills that are not printed be printed before they are sent to the committees,

Which motion prevailed, and

House Bill No. 337,

A bill for an act to amend Section 2 of Article 13 of Chapter 70 of the General Laws of 1887,

Was read the second time, and

Mr. Cole moved

That the bill be referred to the Committee of the Whole,

Which motion was lost, and

The bill was referred to the Committee on Municipal Corporations.

House Bill No. 338,

A bill for an act to amend Section 15 of Article 15 of Chapter 70 of the General Laws of 1887.

Was read the second time, and

Mr. Cole moved

That the bill be referred to the Committee of the Whole,

Which motion was lost, and

Mr. Speaker referred the bill to the Committee on Municipal Corporations.

House Bill No. 339,

A bill for an act to prescribe the manner of conducting elections and to prevent fraud and deception at elections in this State,

Was read the second time, and referred to the Committee on Elections and Privileges.

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70, Chapter 5, of the Compiled Laws of 1887,

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

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890.

Also,

House Bill No. 14,

A bill for an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 14,

A bill for an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto.

Also,

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and State Penitentiary.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890.

House Bill No. 341,

A bill for an act to fix the salaries of State and judicial officers of the State of North Dakota,

Was read the first and second times, and referred to the Committee on State Affairs.

House Bill No. 342,

A bill for an act to provide for the keeping of a printed Journal of the House and Senate, and for filing the same,

Was read the first and second times, and referred to the Committee on State Affairs.

Mr. Ueland (by unanimous consent) introduced—

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

Which was read the first and second times, and
 Mr. Ueland moved
 That the bill be referred to General Orders,
 Which motion prevailed, and
 The bill was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
 March 7, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith the following:

EXECUTIVE OFFICE,
 March 4, 1890. }

To the Senate:

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

Senate Bill No. 82,

An act to provide for annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products of the State of North Dakota, and to provide for a State Board of Agriculture,

Except Section 6 of said bill,

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

Said Section 6 is as follows:

For the purpose of complying with the provisions in this act contained there shall be, and is hereby, annually appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,000, which said sum shall be paid to the State Board of Agriculture, and which shall be used only in the payment of premiums and expenses contingent upon the holding of an annual fair; *Provided*, That nothing in this act shall be construed to authorize the expenditure of any of said moneys for the purchase of real estate or the erection of any building or buildings.

The above Section 6 of Senate Bill No. 82 is returned without my approval for the following reasons:

While believing in a liberal encouragement of all that tends to the advancement of our agricultural resources and that tends to stimulate our farmers to the acquirement of more intelligent methods and an increased interest in the improvement and development of their farms and herds, I nevertheless believe that owing to the present exigencies of our people and the depleted condition of our treasury, fully set forth in former messages, the public interests will be best served by withholding the appropriation contemplated by this section.

Respectfully,

JOHN MILLER,
 Governor.

And to inform you that the Senate has passed said Section 6 to Senate Bill No. 82, the objection of the Governor to the contrary notwithstanding.

C. C. BOWSFIELD,
 Secretary.

Mr. Walsh moved

That the message be made a special order for Tuesday next at 2:30 o'clock p. m.

Mr. McCullough moved

As an amendment that the message be made a special order for Thursday at 2:30 o'clock,

Which amendment was lost, and

The question recurring on the original motion,

The original motion prevailed, and

The message of the Governor was made a special order.

Mr. Walsh offered the following Concurrent Resolution:

Be it Resolved by the House of Representatives, the Senate concurring:
That no bill shall be introduced into either branch of the Legislative Assembly after the 10th day of March, and no bill shall be considered in the House in which it originated on the two last days of the session.

Mr. Thompson of Cass, moved

That action be deferred on the resolution until the opinion of the Attorney General on the length of the session is received,

Which motion prevailed.

Mr. Speaker announced his signature to

Senate Bill No. 62,

A bill for an act to require all railroad corporations doing business in the State of North Dakota to file with the county clerk in which any railroad or part thereof may be located, a map showing all railroad and right of way owned by said corporation,

Also,

Senate Bill No. 116,

A bill for an act authorizing the counties in the State of North Dakota to raise and expend a fund for the destruction of gophers.

Also,

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 142,

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

Senate Bill No. 74,

A bill for an act to reimburse the compiler and printer of Long's Legislative Hand Book for the year 1889.

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 94,

A bill for an act to amend Section 69 of Chapter 112 of the General Laws of 1883, entitled "Township Government,"

Was read the first and second times, and referred to the Committee on Municipal Corporations.

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions,

Was read the first and second times, and referred to the Committee on Elections and Privileges.

Senate Bill No. 193,

A bill for an act appropriating money to pay certain newspapers for publishing the Constitution of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 205,

A bill for an act providing for the holding of inquests on the bodies of persons supposed to have died by unlawful means in the unorganized counties of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 194,

A bill for an act to appropriate money to pay the amount due the Militia of the Territory of Dakota,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 170,

A bill for an act to license peddling, and prescribing penalties for the violation thereof,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 191,

A bill for an act appropriating money for the maintenance of the public offices of the State,

Was read the first and second times, and referred to the Committee on Appropriations.

Senate Bill No. 200,

A bill for an act providing for the disorganization of civil townships,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties,

Was read the third time, and considered together with House Bill No. 41 and Senate Bill No. 153.

Mr. Ueland moved

That the House take an informal recess of five minutes,

Which motion prevailed, and

The House took an informal recess.

House reassembled.

Mr. Speaker called Mr. Williams to the Chair.

Mr. Roney moved

That the rules be suspended, and that Senate Bill No. 78 be now placed upon its third reading and final passage.

Mr. Stevens moved

To amend the motion to provide that amendments shall be permitted on its third reading,

Which amendment was accepted, and

The original motion as amended prevailed.

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58 of the Session Laws of 1887,

Was read the third time, and

Mr. Stevens moved

To amend the bill by striking out all of that portion relating to hunting with dogs.

Mr. Roney moved

To lay the motion upon the table.

Roll call demanded.

Mr. Stevens demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Allen, Brittin, Buchanan, Currier, Haugen, Langer, McIntyre, Tyler and Walsh.

Messrs. Allen, Buchanan, Langer and Tyler were excused.

Mr. Pinkham moved

To dispense with further proceedings under call of the House, Which motion was lost.

Mr. McCullough moved

That further proceedings under call of the House, be dispensed with,

Which motion was lost.

Mr. Hankinson moved

To dispense with further proceedings under call of the House, Roll call demanded.

The roll being called there were ayes 34, nays 20.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,

Messrs—

Heglie,
Ink,
Jahr,
Lilly,
Lutz,
McCullough,
McDonald,

Messrs—

Pinkham,
Reed,
Renard,
Richardson,
Roney,
Thomas,
Ueland,

Messrs—
Court,
Estabrook,
Foss,
Green,
Hankinson,

Messrs—
Milsted,
Montgomery,
Murphy,
Olsgard,

Messrs—
Walsh.
Walton,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—
Bowen,
Gronli,
Haugen,
Haugerud,
Hoyt,
Ingebretson,
Johnson,

Messrs—
McCormick,
Moore,
Nedrud,
Norton,
Rawlings,
Selby,
Stadleman,

Messrs—
Stevens,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Watt,
Wickham.

Absent and not voting:

Messrs—
Allen,
Buchanan,
Currier,

Messrs—
Langer,
McIntyre,
Strom,

Messrs—
Tyler,
Mr. Speaker.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the motion to dispense with further proceedings under call of the House prevailed, and

Further proceedings under call of the House were dispensed with.

The question being on the motion of Mr. Roney to lay the motion of Mr. Stevens upon the table,

The motion prevailed, and

The question then being on the passage of Senate Bill No. 78, as amended,

The roll being called there were ayes 34, nays 20.

Those who voted in the affirmative were:

Messrs—
Balkan,
Beard,
Bowen,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,

Messrs—
Haugerud,
Heglie,
Ink,
Jahr,
Johnson,
McDonald,
Milsted,
Moore,
Murphy,
Nedrud,
Olsgard,

Messrs—
Pinkham,
Rawlings,
Richardson,
Roney,
Stevens,
Strom,
Thomson of Walsh,
Ueland,
Walton,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—
Belden,
Brittin,
Green,
Hoyt,
Ingebretson,
Lilly,
Lutz,

Messrs—
McCormick,
McCullough,
Norton,
Reed,
Selby,
Stadleman,
Tandberg,

Messrs—
Thomas,
Thompson of Cass,
Walsh,
Watt,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Renaud,
Buchanan,	McIntyre,	Tyler.
Currier,	Montgomery,	

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Roney moved

To reconsider the vote by which Senate Bill No. 78 was passed and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Pinkham was excused until Tuesday.

Mr. Murphy moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 19, nays 37.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Murphy,	Thompson of Cass,
Hoyt,	Norton,	Thompson of Walsh,
Ingebretson,	Selby,	Walton,
Ink,	Stadleman,	Watt,
McCormick,	Stevens,	Wickham,
Milsted,	Tandberg,	Mr. Speaker.
Moore,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hankinson,	Olsgard,
Beard,	Haugen,	Pinkham,
Bowen,	Haugerud,	Rawlings,
Brittin,	Heglie,	Reed,
Bye,	Jahr,	Renaud,
Christianson,	Johnson,	Richardson,
Cole,	Lilly,	Strom,
Court,	Lutz,	Thomas,
Currier,	McCullough,	Ueland,
Estabrook,	McDonald,	Walsh,
Foss,	Montgomery,	Williams,
Green,	Nedrud,	Zimmer.
Gronli,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Roney,
Buchanan,	McIntyre,	Tyler.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the motion to adjourn was lost.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 March 8, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 241,

An act to locate and provide for the government of a State Normal School at Valley City.

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

Respectfully,

JOHN MILLER,
 Governor.

Mr. Stevens moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 14, nays 39.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Green,	Selby,	Thomson of Walsh,
Ingebretson,	Stadleman,	Walton,
Murphy,	Stevens,	Watt,
Norton,	Tandberg,	Wickham.
Rawlings,	Thompson of Cass	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hankinson,	Montgomery,
Beard,	Haugen,	Nedrud,
Belden,	Haugerud,	Olsgard,
Bowen,	Heglie,	Pinkham,
Brittin,	Hoyt,	Reed,
Bye,	Ink,	Renaud,
Christianson,	Jahr,	Richardson,
Cole,	Johnson,	Strom,
Court,	Lilly,	Thomas,
Currier,	Lutz,	Ueland,
Estabrook,	McCormick,	Walsh,
Foss,	McDonald,	Williams,
Gronli,	Moore,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	McCullough,	Roney,
Buchanan,	McIntyre,	Tyler,
Langer,	Milsted,	Mr. Speaker.

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the motion to adjourn was lost.

Mr. Rawlings (by unanimous consent) offered the following resolution and moved its adoption:

Resolved, That the Attorney General be, and he is hereby respectfully requested, to give his written opinion to the House, as to whether the Legislative Assembly can, under the Constitution, authorize counties to issue bonds, if authorized by the people, to build public grist mills.

Which motion prevailed, and
The resolution was adopted.

Mr. Selby moved

That the House do now adjourn,

Which motion Mr. Speaker ruled out of order, on the ground
that it was dilatory and frivolous.

Mr. Selby appealed from the decision of the chair, and

The question being, shall the decision of the Chair be sustained.

Roll call demanded.

The roll being called there were ayes 19, nays 38.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Nedrud,
Beard,	Ink,	Olsgard,
Bye,	Jahr,	Richardson,
Cole,	Johnson,	Williams,
Court,	McCullough,	Zimmer,
Estabrook,	McDonald,	Mr. Speaker.
Hankinson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Lutz,	Stadleman,
Bowen,	McCormick,	Stevens,
Brittin,	Milsted,	Strom,
Christianson,	Moore,	Tandberg,
Currier,	Montgomery,	Thomas,
Foss,	Murphy,	Thompson of Cass,
Green,	Norton,	Thomson of Walsh,
Gronli,	Pinkham,	Ueland,
Haugen,	Rawlings,	Walsh,
Heglie,	Reed,	Walton,
Hoyt,	Renaud,	Watt,
Ingebretson,	Roney,	Wickham.
Lilly,	Selby,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Tyler.
Buchanan,	McIntyre,	

Messrs. Allen, Buchanan, Langer and Tyler being excused.
And so the decision of the Chair was not sustained.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 8, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 283,

A bill for an act to locate and provide for the government of a
State Reform School at Mandan, Morton county, North Dakota.

Also,

House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session
Laws of 1885, relating to county mutual insurance companies.

Also,

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home,

All of which the Senate has passed without change.

Also,

House Bill No. 254,

A bill for an act to license express companies,

Which the Senate has amended as follows:

In Section 3, line 2, after the word "State" insert the following: "Five dollars license fee for each and every station, town and city having two hundred or less inhabitants have."

Amend line 3 after the word "having" by inserting the words "between two hundred" and strike out the word "or."

Amend line 4 by striking out the word "less."

And your concurrence is requested.

Also,

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts.

Also,

Senate Bill No. 195,

A bill for an act to provide for the appointment of an agent to receive service of process for non-resident publishers of newspapers having a circulation in or that are kept for sale by newsagents in this State, and to provide for service of process when such publishers fail or neglect to appoint such resident agent.

Also,

Senate Bill No. 215,

A bill for an act fixing the terms of court and defining the practice in county courts having civil and criminal jurisdiction.

Also,

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section 3156 of the Compiled Laws of 1887.

Also,

Senate Bill No. 210,

A bill for an act to define the liability of the officers, agents and stockholders of corporations not organized under the laws of this State and wrongfully doing business therein.

All of which the Senate has passed and your favorable consideration thereof is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The question then being upon the motion of Mr. Selby that the House do now adjourn,

Roll call was demanded,

The roll being called there were ayes 25, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brittin,	Norton,	Thomas,
Christianson,	Rawlings,	Thompson of Cass,
Green,	Reed,	Thomson of Walsh,
Hoyt,	Renaud,	Walsh,
Ingebretson,	Selby,	Walton,
Ink,	Stadleman,	Watt,
McDonald,	Stevens,	Wickham,
Moore,	Tandberg,	Mr. Speaker.
Murphy,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hankinson,	Montgomery,
Beard,	Haugen,	Nedrud,
Belden,	Haugerud,	Olsgard,
Bowen,	Heglie,	Pinkham,
Bye,	Jahr,	Richardson,
Cole,	Johnson,	Roney,
Court,	Lilly,	Strom,
Currier,	Lutz,	Ueland,
Estabrook,	McCormick,	Williams,
Foss,	McCullough,	Zimmer.
Gronli,	Milsted,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Tyler.
Buchanan,	McIntyre,	

Messrs. Allen, Buchanan, Langer and Tyler being excused.

And so the motion to adjourn was lost.

Mr. Walsh (by unanimous consent) introduced—
House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein.

Mr. Stevens moved

That all the proceedings relative to the appeal from the decision of the Chair and adjournment be expunged from the record.

Mr. Walsh moved

To amend by adding the proviso that it shall not occur again,
Which amendment was accepted, and

The question being on the original motion as amended,
The motion was lost.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

House Bill No. 312,

A bill for an act authorizing and empowering cities to surrender their charters and providing for reorganizing as a town,

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

Strike out the words "her government" in line 3 of Section 3, and insert in lieu thereof the word "charter;" also strike out all after said word "government" and insert in lieu thereof the following:

But no rights or liabilities, either in favor of or against such incorporated city, existing at the time of such change from a city to a town organization, and no action or proceeding of any kind shall be affected by such change, but the same shall have the same force and effect as if no change had been made; *Provided*, That this act shall not apply to any city incorporated under the General Law for the incorporation of cities as contained in the General Laws of 1887, and subsequent amendments thereto.

And when so amended recommend that said bill do pass.

GEORGE LUTZ,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 169,

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

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

Add after the word "acknowledged" in line 4 of Section 1, printed bill, the following: "Such officer having authority to take acknowledgments of such instruments;" after said word "acknowledged" strike out the period (.) and insert a comma (,); and, also, strike out the word "and." Strike out all of the section after the word "affixed" occurring in line 6 of printed bill. This portion of the bill being covered by the provisions of Section 658 of the Civil Code (Section 3280, Compiled Laws).

And when so amended recommend that said bill do pass.

F. J. THOMPSON,
Chairman.

The House returned to the order of third reading of House bills, and

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties,

Was read the third time, and

Mr. McCullough moved

To adopt the following amendments proposed by the Committee on Counties:

In Section 1, line 1, amend by inserting after the word "funds" the following: "In the hands of the respective county treasurers of any of the counties of this State in excess of \$2,000." Also, add to Section 1 the following: "*Provided*, That not more than \$15,000 can be deposited in any one bank." In line 3, same section, amend by striking out the word "county" and inserting

the word "State." In Section 1, line 19, strike out the word "twice," also, the words "real and personal." In Section 2 strike out all of the latter part of the section beginning with the words "it is hereby made the duty," etc.

In Section 5, lines 1 and 2, amend by striking out the following clause: "All payments made by treasurers of counties having designated depositories shall be made by check on the depositories."

In lines 8 and 9, same section, amend by adding the words "*Provided*, That all interest accruing on any sinking fund shall be credited to said fund."

In Section 7, line 6, amend by striking out the word "three" and inserting the word "five."

In Section 9, line 4, amend by striking out the word "such" and inserting the word "each."

Amend by adding to Section 8 the following: "And the board of county commissioners shall in all cases take into consideration, in designating said banks, the convenience of the county and safety of the funds, and shall use their best judgment and discretion in the matter, and shall at any time, should the interest of the county or safety of the funds in their judgment require it, name any other bank or banker in place of one designated and order and compel the treasurer to withdraw all money from such bank and deposit it in such other bank as may be designated by them."

Which motion prevailed, and
The bill was so amended.

Mr. Walsh moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 10, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Allen, Buchanan, Green, Langer and Pinkham who were excused.

Mr. Roney moved

That House Bill No. 302 be recalled from the Senate for correction,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the rules be suspended, and that the House proceed to the order of business, third reading of House bills, and that all bills in General Orders be taken from that order and placed upon their third reading with privilege of amendment.

Mr. Speaker appointed as the Conference Committee on Senate Bill No. 41. Messrs. Stevens, Roney and Milsted.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

OFFICE OF ATTORNEY GENERAL,
Bismarck, N. D., March 10, 1890.

To the Honorable House of Representatives:

I have the honor to acknowledge receipt of a communication from your honorable body calling for my opinion upon the following questions:

1st. When does the present session of the Legislative Assembly terminate by limitation of time? Should the holiday adjournment be counted as a part of the 120 days?

2d. Are the members entitled to mileage for returning after the holiday adjournment?

An answer to the first two questions calls for a construction of Section 56 of the Constitution, which reads as follows: "No regular session of the Legislative Assembly shall exceed sixty days, except in case of impeachment, but the

first session of the Legislative Asssmbly may continue for a period of 120 days."

The precise question to be determined in the present instance is, whether the number of days mentioned in said section (regular session sixty and the first session 120 days) is to be construed as limiting the time by solar days within which the session must terminate, or meaning as so many legislative or working days. To construe the language used as meaning so many legislative or working days would leave the question as to the date of final adjournment to depend upon the action of the two branches, because a legislative day might be made to cover two or more solar days, and unless the two branches should agree as to the legislative days there would be a conflict between the two branches as to the date of final adjournment. Where the language used as in this case seems ambiguous and capable of two constructions, that interpretation should be adopted that will make the result sure and certain, and not leave it to depend on some contingency. In the construction of a constitutional provision affecting the Legislative body, the long established customs and practices of former Legislatures with reference to the same question are entitled to great weight. It has been the universal custom of the Legislature of the Territory of Dakota to construe the number of days mentioned in the Organic Act as a limitation of the length of the session and that it must adjourn *sine die* at the end of sixty solar days. I am therefore of the opinion that the number of days mentioned in said Section 56 is a limitation of time within which the business of the session must be concluded; and that, therefore, the present session of the Legislative Assembly must terminate on March 18, 1890. It follows that the holiday adjournment referred to in your resolution, meaning the time between December 19, 1889, and January 7, 1890, should be counted as a part of the 120 days. In answer to your second question, I am of the opinion that under Section 45 of the Constitution members are only entitled to mileage once each way going to and returning from the place of meeting, and that they are not entitled to mileage for returning from the holiday adjournment.

Respectfully submitted,
GEO. F. GOODWIN,
Attorney General.

Also,
The following communication:

OFFICE OF ATTORNEY GENERAL,
Bismarck, N. D., March 8, 1890.

To the Honorable, the House of Representatives:

I have the honor to acknowledge receipt this day from your Honorable body asking for my written opinion "As to whether the Legislative Assembly can, under the Constitution, authorize counties to issue bonds, if authorized by the people, to build public grist mills."

In reply I beg leave to say that the meaning of said resolution is not entirely clear. Whether such mills, when erected, are to become the property of the county, subject to its future use, control and disposition, or whether they are to be the private property of individuals. Whichever may be the fact, however, is not very important except in this respect: If it is intended that the county shall own, control and operate the mills, it would be obnoxious to the objection that such an enterprise does not fall within any of those municipal purposes for which alone a county can be created under our Constitution.

If, on the other hand, the mills are to be erected, owned and controlled by private individuals or corporations the right to issue bonds or to exercise the taxing power for such purpose, is clearly prohibited by Section 185 of the Constitution of this State.

Respectfully Submitted,
GEO. F. GOODWIN,
Attorney General.

Mr. Stevens moved

That the communication of the Attorney General in relation to the length of the session be referred to the Committee on State Affairs,

Which motion prevailed.

Mr. Tyler rising to a question of privilege requested that the following communication from the Hope Pioneer be read by the Clerk, and that it be printed in the Journal:

BISMARCK, N. D., March 4, 1890.

Editor Hope Pioneer:

DEAR SIR: I herewith send you Senate Bill No. 195, that has caused a flurry of excitement at the State Capitol. You will see the minority report of the committee, which is in the main true. When the report was read it was tabled and ordered expunged from the records, and Senators Dodds and Barlow were censured for casting reflections on the Senators, and they unseated Senator Dodds as President *pro tem.*, and elected Senator Jud LaMoure in his place—one of the ring leaders in the Louisiana lottery scheme.

You may think that I was taking a strange position on Senate Bill No. 172, a bill to tax personal property in unorganized counties, but I will explain that. There is this scheme on foot. It is not that they are so anxious to pay tax in these counties, but if they can get this bill through then they will want to be allowed to vote as per House Bill No. 300. And then they will be in fineshape to capture everything before them, and if the old ring gets the control of the State offices they will have every thing their own way. And this is the reason I tried to defeat this measure. And, in fact, I do think it will cost more to make the assessment and collect the tax than all the tax to be collected.

The House defeated the woman suffrage bill by a vote of 24 for submission to 35 against. A vote taken among the ladies present in the House resulted 24 for submission to 34 against.

The Senate defeated the bill establishing the salaries of State officers. The House is now considering the educational bill.

The Senate Railroad Bill No. 41 has passed both houses and is now in the Senate awaiting the concurrence in the House amendments, which I think will be concurred in and become a law, and a good one.

Yours,

W. H. H. RONEY.

Mr. Stevens moved

That the gentleman from Steele be granted until to-morrow morning to make his reply to the communication, and that his reply be made a special order for to-morrow morning at 9:30 o'clock,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 10, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 39,

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

Which the Senate has passed as per Conference Committee report, which is as follows: Add to Section 1 the words "at the general election of 1890."

And your concurrence is respectfully requested.

Also,

Senate Bill No. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions.

Also,

Senate Bill No. 192,

A bill for an act defining the class of newspapers in which legal notices shall be published.

Also,

Senate Bill No 204,

A bill for an act to amend Section 4, Chapter 60, Laws of 1881, regulating the herding and driving of stock.

Also,

Senate Bill No. 135,

A bill for an act establishing an independent school district for the city of Grand Forks, State of North Dakota.

Also,

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887.

Also,

Senate Bill No. 146,

A bill for an act for the publication of the Session Laws of the State of North Dakota.

Also,

Senate Bill No. 216,

A bill for an act to provide for the purchase of books for the State Library, and for the care and custody of the same.

Also,

Senate Bill No, 185,

A bill for an act to amend an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An Act providing for the levy and collection of taxes upon the property of railroad companies in this territory,"

All of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Conference Committee on Senate Bill No. 39 made the following report:

MR. SPEAKER:

Your Committee of Conference in relation to Senate Bill No. 39, have had the same under consideration and recommend that

there be added to Section 1, as amended, "at the general election of 1890."

W. E. SWANSTON,
 JOHN HAGGART,
 On part of Senate.
 JAMES McCORMACK,
 OLE E. OLSGARD,
 J. MONTGOMERY,
 On part of House.

Mr. McCormick moved
 To adopt the report,
 Which motion prevailed, and
 The question being on the passage of
 Senate Bill No. 39,
 A bill for an act defining the boundaries of Ramsey and
 Walsh counties,
 As amended by the adoption of the report of the Conference
 Committee,

The roll being called there were ayes 42, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Ingebretson,	Richardson,
Belden,	Ink,	Roney,
Bowen,	Johnson,	Selby,
Brittin,	Lilly,	Stadlerman,
Bye,	Lutz,	Tandberg,
Christianson,	McCormick,	Thomas,
Cole,	McDonald,	Thompson of Cass,
Court,	McIntyre,	Thomson of Walsh,
Currier,	Milsted,	Tyler.
Foss,	Moore,	Ueland,
Gronli,	Montgomery,	Watt,
Hankinson,	Nedrud,	Wickham,
Heglie,	Rawlings,	Williams,
Hoyt,	Reed,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Murphy,
Estabrook,	Jahr,	Norton.
Haugen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Olsgard,	Strom,
Buchanan,	Pinkham,	Walsh,
Green,	Renaud,	Walton,
Langer,	Stevens,	Zimmer.
McCullough,		

Messrs. Allen, Buchanan, Langer and Pinkham being excused.
 And so the bill as amended by the Conference Committee passed,
 And the title of the bill was agreed to.

Mr. Cole moved

That House Bill No. 309 be recalled from the Governor for correction,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
March 10, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 50,

An act to regulate the buying, selling and handling of grain of all kinds, and to regulate the grading of the same, and to provide for the manner in which grain may be received for storage, and the conditions on which the same may be returned to the owner and to regulate matters connected with the business of warehousing and grain dealing.

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

Respectfully,

JOHN MILLER,
Governor.

CONSIDERATION OF SPECIAL ORDERS.

The consideration of
Senate Bill No. 5,

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

Which was made a special order for this hour, was resumed.

Mr. Lilly moved

To amend the bill as follows:

In section 18 strike out all after the word "precinct" in line 7.

Mr. McCormick moved

To lay the motion upon the table,

Which motion was withdrawn, and

The question being on the motion of Mr. Lilly,

The motion prevailed, and

The bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 10, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate refuses to concur in the House amendments to Senate Bill No. 143 and by

motion adopted the President has appointed Messrs. Dodds, Worst and Bell as a Conference Committee on the part of the Senate to confer with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

Mr. Lilly moved

That a conference committee on the part of the House be appointed on Senate Bill No. 143,

Which motion prevailed, and

Mr. Speaker announced as such committee Messrs. Lilly, Selby and Montgomery.

Mr. Cole moved

To amend Section 23 by striking out all after the word "submitted" in line 9 down to the word "after" in line 15.

Which motion was lost, and

The amendment was lost.

Mr. Cole moved

To reconsider the vote by which House Bill No. 309 was passed,

Which motion prevailed.

Mr. Cole moved

That the House do not concur in the Senate amendments to House Bill No. 309,

Which motion prevailed.

Mr. Cole moved

That the Speaker appoint a conference committee on House Bill No. 309,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Cole, Bowen and McCormick.

Mr. Currier moved

To amend Senate Bill No. 5 as follows:

In Section 34 strike out all after the words "or within," in line 3, down to the word "no" in line 4, and insert the following in lieu thereof: "The building in which such polling place is located."

Mr. McCormick moved

To lay the amendment upon the table.

Roll call demanded.

The roll being called there were ayes 29, nays 21.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Bowen,
Bye,
Cole,
Court,
Foss,
Gronli,
Hankinson,
Haugen,

Messrs—

Heglie,
Ingebretson,
Johnson,
Lilly,
McCormick,
McCullough,
McIntyre,
Milsted,
Montgomery,
Nedrud,

Messrs—

Olsgard,
Rawlings,
Renaud,
Richardson,
Roney,
Strom,
Thomas,
Thompson of Walsh,
Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	McDonald,	Tandberg,
Brittin,	Moore,	Thompson of Cass,
Christiansen,	Norton,	Walsh,
Currier,	Reed,	Watt,
Estabrook,	Selby,	Wickham,
Haugerud,	Stadleman,	Zimmer.
Lutz,	Stevens,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Pinkham,
Buchanan,	Jahr,	Tyler
Green,	Langer,	Walton,
Hoyt,	Murphy,	Williams.

Messrs. Allen, Buchanan, Langer and Pinkham being excused.

And so the motion to lay upon the table prevailed, and
The amendment was laid upon the table.

Mr. Speaker announced his signature to
Senate Bill No. 59,

A bill for an act relating to the selection of jurors.

Also,

Senate Bill No. 141,

A bill for an act to transfer and appropriate the unexpended balances of the appropriation made for the office of Commissioner of Immigration by the Sixteenth and Eighteenth Legislative Assemblies of the Territory of Dakota.

Mr. Wickham moved

To amend Senate Bill No. 5 by striking out the words "county clerk" in line 1 of Section 20, and inserting in lieu thereof the word "sheriff,"

Which motion prevailed.

Mr. Estabrook moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 13, nays 38.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brittin,	Reed,	Tyler,
Estabrook,	Renaud,	Walsh,
Ingebretson,	Stadleman,	Zimmer,
Lutz,	Thompson of Cass,	Mr. Speaker.
Norton,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Rawlings,
Beard,	Heglie,	Richardson,
Belden,	Johnson,	Roney,

Messrs—
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Foss,
Gronli,
Hankinson,
Haugen,

Messrs—
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olsgard,

Messrs—
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Watt,
Wickham,
Williams.

Absent and not voting:

Messrs—
Allen,
Buchanan,
Green,
Hoyt,

Messrs—
Ink,
Jahr,
Langer,

Messrs—
Moore,
Pinkham,
Walton.

Messrs. Allen. Buchanan, Langer and Pinkham being excused.

And so the motion to indefinitely postpone was lost.

Mr. Rawlings moved

To strike out all after the enacting clause, and insert the following:

SECTION 1. It shall be unlawful for any person to do any electioneering on election day at any general or special elections in this State within any polling place, or within 100 feet of any polling place during the hours prescribed by law for said polls to be open. Shall be unlawful for any person other than the judges of election, and the clerks thereof to be present in any polling place, where an election is being held during the hours of election. It shall be unlawful for any person to accompany an elector who desires to vote within 100 feet of the polling place, the 100 feet limit to be plainly marked and guarded by some conservator of the peace to be designated by the board of county commissioners or city council at least ten days prior to an election.

SEC. 2. The intention of this law is to prohibit fraud and undue influences at the polls at any election held in this State, and to permit an elector to go to the polls unmolested by any other person and exercise the right of suffrage.

SEC. 3. Any violation of this act shall be punishable by a fine of not exceeding \$200 or imprisonment in the county jail not exceeding thirty days, or both fine and imprisonment, in the discretion of the court.

Mr. McCormick moved

To lay the amendment upon the table,

Which motion prevailed, and

The amendment was laid upon the table.

Mr. Stevens moved

To strike out all after the enacting clause and insert the following:

SECTION 1. It shall be the duty of all judges of election, either special or general, one-half hour before the opening of the polls, to determine and mark in some distinguishable form a line at least 100 feet and not over 150 feet from said polls, inside of which it shall be unlawful for but one elector to approach the polls to deposit his vote at one time, and when any elector has deposited his ballot he shall immediately proceed to a point outside of said 100 foot line, when another elector can go to the polls to deposit his ballot.

SEC. 2. It shall be the duty of the sheriff, if a county or general election, or the mayor, if a municipal election, to see that the provisions of this act are

faithfully complied with, and to that end shall have the right to appoint such special police officers as may be deemed necessary to enforce the law.

SEC. 3. Any violation of the provisions of this act shall be punishable by a fine of not less than \$25 nor more than \$200, to be recovered in any court of competent jurisdiction.

Roll call demanded.

The roll being called there were ayes 18, nays 36.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Rawlings,	Tyler,
Bowen,	Reed,	Walsh,
Brittin,	Selby,	Watt,
Estabrook,	Stadleman,	Wickham,
Moore,	Stevens,	Williams,
Norton,	Thompson of Cass,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Hoyt,	Montgomery,
Belden,	Ingebretson,	Murphy,
Bye,	Ink,	Nedrud,
Christianson,	Jahr,	Olsgard,
Cole,	Johnson,	Renaud,
Currier,	Lilly,	Richardson,
Foss,	Lutz,	Roney,
Gronli,	McCormick,	Strom,
Hankinson,	McCullough,	Thomas,
Haugen,	McDonald,	Thomson of Walsh,
Haugerud,	McIntyre,	Ueland,
Heglie,	Milsted,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Green,	Tandberg,
Buchanan,	Langer,	Walton.
Court,	Pinkham,	

Messrs. Allen, Buchanan, Green, Langer and Pinkham being excused.

And so the amendment was lost.

Mr. Green was excused for the day.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 10, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands and for the purchase and condemnation thereof.

Also,
House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 324,

A bill for an act to locate, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

Also,

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named,

All of which the Senate has passed unchanged.

Also,

House Bill No. 177,

A bill for an act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, and to prevent fraud and to preserve the public health,

Which the Senate has indefinitely postponed.

Also,

House Bill No. 279,

A bill for an act amending Articles 4 to 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An Act to provide for the incorporation of cities,"

Which the Senate has amended as follows:

Amend Section 1, line 18, by inserting after the word "majority" the word "vote."

Amend Section 4, line 4, by inserting after the word "sewerage" the following: "And for the purpose of constructing or purchasing water works, and for furnishing a supply of water to the inhabitants of such city."

Also,

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same,

Which the Senate has amended as follows and passed:

In line 5 of Section 1 of printed bill, after the word "inhabitants" insert the words "or fraction thereof."

Amend Section 1, line 6, by inserting the word "major" before the word "fraction."

In line 6 of Section 1, written bill, strike out the word "three" and insert the word "two" in its place, and in same line after the word "thousand" insert the words "or less."

In line 7 of Section 1, strike out the word "three" and insert the word "two" in lieu thereof, and in line 8 of Section 1, strike out the word "three" and insert the word "four."

And your concurrence is respectfully requested.

Also,

To return as requested House Bill No. 302.

C. C. BOWSFIELD,
Secretary.

Mr. Zimmer moved
To amend as follows:

In Section 34, lines 2, 3 and 4, strike out the following words: "No person whatever shall do any electioneering on election day within any polling place or within 100 feet of any polling place."

Mr. McCormick moved
To lay the amendment upon the table,
Which motion prevailed, and
The amendment was laid upon the table.

Mr. Cole moved
To amend the bill by inserting the following as Section 2, which was heretofore stricken out:

SEC. 2. Any convention or primary meeting as hereinafter defined, held for the purpose of making nominations to public office, and also electors to the number hereinafter specified, may nominate candidates for public office to be filled by election within the State. A convention or primary meeting within the meaning of this act, is an assemblage of electors or delegates representing some party having a name and organization previously adopted, or an assemblage of electors or delegates equal to at least 1 per cent. of the total number of votes cast at the last election in the political subdivision or subdivision in which such assemblage is held; *Provided*, That where there is an assemblage of electors or delegates under the provisions of this act, and such assemblage is not that of a party already organized and having a name, such assemblage shall adopt a distinct name, not previously taken by some other party.

Which motion prevailed, and
The bill was so amended.

Mr. Walsh moved
To amend the bill as follows:
Substitute for Section 80 the following:

SEC. 80. That this act shall not go into effect until the question of the adoption or rejection of the provisions thereof are first submitted to the electors of each organized county of the State, as provided herein. It is made the duty of the board of county commissioners of all organized counties of this State, at least thirty days prior to the next general election to submit to the electors of the county the question "For adoption of the Australian system," or against its adoption; and if a majority of the electors of the county shall be in favor of the system then this act shall be in force in that county, otherwise it shall not.

Which motion was lost, and
The amendment was lost.

Mr. Richardson moved
To amend the bill as follows:

In Section 64, line 8, strike out all after the word "states" down to the word "that" in line 11 and insert the following:

That you have resided in the State one year, in the county six months, in the precinct ninety days next preceeding this election.

Which motion and amendment was withdrawn.

Mr. Lilly moved
To amend the bill as follows:

In Section 64, line 7, after the word "naturalization," insert the words "not less than one year nor more than six years prior to this election."

Which motion prevailed, and
The bill was so amended.

The third reading of Senate Bill No. 5 was concluded, and
The question being on the passage of the bill as amended,
The roll being called there were ayes 37, nays 18.

Those who voted in the affirmative were :

Messrs—	Messrs—	Messrs—
Balkan,	Heglie,	Montgomery,
Beard,	Hoyt,	Murphy,
Belden,	Ink,	Nedrud,
Bye,	Jahr,	Olsgard,
Christianson,	Johnson,	Rawlings,
Cole,	Lilly,	Richardson,
Court,	McCormick,	Roney,
Currier,	McCullough,	Strom,
Foss,	McDonald,	Thomas,
Gronli,	McIntyre,	Ueland,
Hankinson,	Milsted,	Wickham,
Haugen,	Moore,	Williams.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bowen,	Reed,	Thomson of Walsh,
Brittin,	Renaud,	Tyler,
Estabrook,	Selby,	Walsh,
Ingebretson,	Stadleman,	Watt,
Lutz,	Tandberg,	Zimmer,
Norton,	Thompson of Cass,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Pinkham,
Buchanan,	Stevens,	Walton.
Green,		

Messrs. Bowen and Selby explaining their votes.

Messrs. Allen, Buchanan, Green, Langer, and Pinkham, excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote by which Senate Bill No. 5 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. McIntyre moved

That House Bill No. 302 be returned to the Engrossment Committee for proper engrossment,

Which motion prevailed.

Mr. Reed (by unanimous consent) introduced—

House Bill No. 347,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties.

Mr. Bowen moved
That the House concur in the Senate amendments to House Bill No. 11,

Which motion prevailed, and
The question being, shall
House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same,

Pass as amended by the Senate,

The roll being called there were ayes 43, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Hoyt,	Reed,
Belden,	Ingebretson,	Renaud,
Bowen,	Ink,	Selby,
Brittin,	Jahr,	Strom,
Christianson,	Lutz,	Tandberg,
Cole,	McCormick,	Thomas,
Court,	McCullough,	Thompson of Cass
Currier,	McDonald,	Thomson of Walsh,
Estabrook,	McIntyre,	Tyler,
Foss,	Milsted,	Ueland,
Gronli,	Montgomery,	Watt,
Hankinson,	Murphy,	Wickham,
Haugen,	Olsgard,	Williams,
Haugerud,	Rawlings,	Mr. Speaker.
Heglie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Lilly,	Walsh,
Bye,	Moore,	Zimmer.
Johnson,	Nedrud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Norton,	Stadleman,
Buchanan,	Pinkham,	Stevens,
Green,	Richardson,	Walton.
Langer,	Roney,	

Messrs. Allen, Buchanan, Green, Langer and Pinkham being excused.

And so the bill as amended by the Senate passed, and the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 10, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 201,

A bill for an act providing for the publication of the Supreme Court reports of the State of North Dakota,

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

C. C. BOWSFIELD,
Secretary.

Mr. Zimmer moved

That the House concur in the Senate amendments to House Bill No. 279,

Which motion prevailed, and

The question being, shall

House Bill No. 279,

A bill for an act amending Articles 4 to 9, of Chapter 73, of the General Laws of 1887, entitled "An act to provide for the incorporation of cities,"

Pass, as amended by the Senate,

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

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCullough,
McDonald,
Milsted,
Montgomery,
Murphy,
Nedrud,
Rawlings,
Reed,

Messrs—

Renaud,
Roney,
Selby,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Buchanan,
Green,
Hankinson,
Langer,
McCormick,

Messrs—

McIntyre,
Moore,
Norton,
Olsgard,
Pinkham,

Messrs—

Richardson,
Stadleman,
Stevens,
Tandberg,
Walton.

Messrs. Allen, Buchanan, Green, Langer and Pinkham being excused.

And so the bill as amended by the Senate passed, and the title of the bill was agreed to.

Mr. Thompson of Cass (by unanimous consent), made the following reports of the Committee on Judiciary:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred Senate Bill No. 117,

A bill for an act to amend Article 3 of Chapter 2 of the Civil Code, entitled "Mortgages on Personal Property,"

Have had the same under consideration and make the following report:

Your committee is aware of no legal objection, and would recommend that it be recommitted to the Committee on State Affairs, and if recommended to pass, that the section sought to be amended be re-enacted with the amendment incorporated therein.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and
The report of the Judiciary Committee was adopted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

Have had the same under consideration and recommend that said bill be transmitted to the Senate for the reason that the same was amended by the Senate, but the amendments were not incorporated in any engrossed copy of the bill. The annexed bill being the original and the amendments made by the Senate upon detached pieces of paper attached to the bill.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and
The report of the Judiciary Committee was adopted.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 150,

A bill for an act to prevent debtors from giving preference to creditors, and to secure the equal distribution of the property of debtors among their creditors and for the release of debts against debtors,

Have had the same under consideration and recommend that said bill be returned to the Senate for the reason that it has no title.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and

The report was adopted.

Mr. Ink moved

That Senate Bills No. 213 and 215 be now read and referred.

Mr. Walsh moved

That House Bill No. 209 be now read the third time, and placed upon its final passage.

Mr. Ueland moved

To include also House Bill No. 343,

Which amendment was accepted, and

The substitute motion as amended prevailed.

The question recurring on the motion of Mr. Ink,

Mr. Williams moved

To include also House Bill No. 347,

Which amendment was accepted, and

The original motion as amended prevailed.

House Bill No. 347,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties,

Was read the first and second times, and

Mr. Selby moved

That the bill be referred to the Committee of the Whole and made a special order for to-morrow at 3 o'clock p. m.,

Which motion prevailed.

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

Was read the third time, and

Mr. Ueland asked unanimous consent to amend the bill as follows:

Insert after Section 1 the following: "Until such time as the salaries of all state officers is readjusted."

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,

Messrs—

Reed,
Renaud,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh,

Messrs—
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—
Murphy,
Nedrud,
Olgard,
Rawlings,

Messrs—
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Allen,
Belden,
Buchanan,
Green,
Johnson,

Messrs—
Langer,
McIntyre,
Norton,
Pinkham,
Richardson,

Messrs—
Stadleman,
Thomson of Walsh,
Walton,
Williams.

Messrs. Allen, Buchanan, Green, Langer and Pinkham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Ueland moved

To reconsider the vote by which House Bill No. 343 was passed and to lay the motion to reconsider upon the table,

Which motion prevailed.

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the public printing and for use in the Legislature and State offices,

Was read the third time, and

Mr. Walsh moved

To adopt the following amendments proposed by the Committee on Public Printing:

1. Strike out the title and substitute the following therefor, viz.:

A bill for an act to provide for the purchase of stationer's supplies for the use of the Legislative Assembly and the various State officers, and making an appropriation therefor.

2. That all after the enacting clause be stricken out and the following substituted therefor:

SECTION 1. The Commissioners of Printing, consisting of the Secretary of State, State Auditor and State Treasurer, are hereby authorized to purchase all stationer's supplies required for the use of the Legislative Assembly and the various State officers, and the Secretary shall issue the same from time to time as required on requisition of the proper State and Legislative officers.

SEC. 2. It shall be the duty of the Commissioners of Public Printing to make an estimate of the amount and kind of stationer's supplies required for the use of the State officers and the Legislative Assembly annually hereafter, on or before the first day of October in each year, and advertise for bids for furnishing the same. The board herein named shall fix the maximum rate on each article required and the bidder or bidders shall specify at what per cent. below the maximum rates so established the bidder will furnish the articles named; *Provided*, That the Commissioners of Printing may contract for such supplies as may be required prior to the letting of the contract for the first annual period.

SEC. 3. It shall be the duty of the Commission herein named to give public notice, for at least four consecutive weeks, by advertisement in four daily newspapers printed in this State, one of which shall be published at the Capital of the State, that sealed proposals will be received until——(naming the day,

month and hour), at the office of the Secretary of State, for furnishing such quantities of stationers' supplies, describing the same, required. To secure the faithful performance of said contracts, the Commissioners of Printing shall take from the contractor or contractors, a bond payable to the State of North Dakota, with good and sufficient security, to be approved by the Secretary of State, in the penal sum of not less than double the amount to be paid such contractors, by virtue of such contracts; *Provided*, That the said Commission shall have power, and it shall be their duty, to reject any or all bids that may be considered exorbitant or against the interests of the State.

SEC. 4. Said bond shall be filed and retained in the office of the Secretary of State, and for any failure to comply with any of the conditions therein contained may be prosecuted in the name of the State in any court of competent jurisdiction, and the amount of damages when collected shall be paid into the State Treasury.

SEC. 5. The Commissioners of Printing shall certify to the State Auditor, from time to time, the amount due to such contractors, for stationer's supplies furnished under said contract, who shall issue his warrant upon the State Treasury for the amount so certified; and there is hereby appropriated annually out of any moneys in the treasury not otherwise appropriated a sufficient sum to meet the requirements of this act; *Provided*, That said Auditor shall not give his warrant for an amount to exceed 75 per cent. of the amount certified until said contract shall be fully completed and fulfilled.

SEC. 6. The Commissioners of Printing shall report to the Legislative Assembly, on the first day of each regular session, an itemized account of all stationer's supplies purchased by them, with prices paid for same.

SEC. 7. Whereas, an emergency exists, in that there is no law providing for the purchase of stationer's supplies for the State; therefore, this act 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 passage of the bill as amended,
The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Hoyt,
Ingebretson,

Messrs—
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Rawlings,

Messrs—
Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Thomas,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Allen,
Bowen,
Buchanan,
Green,
Heglie,

Messrs—
Ink,
Langer,
Pinkham,
Stevens,

Messrs—
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Walton.

Messrs. Allen, Buchanan, Green, Langer and Pinkham being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

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

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined House Journal of the one hundredth and tenth day and find the same correct.

JAMES McCORMICK,
Chairman.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Hankinson moved

That the rules be suspended, and that all House and Senate bills on their first reading, be now read the first and second times, and referred to their appropriate committees,

Which motion prevailed, and

House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein,

Was read the first and second times, and referred to the Committee on Judiciary.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 210,

A bill for an act to define the liability of the officers, agents and stockholders of corporations not organized under the laws of this State and wrongfully doing business therein,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section 3156 of the Compiled Laws of 1887,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 195,

A bill for an act to provide for the appointment of an agent to receive service of process for non-resident publishers of newspapers having a circulation in or that are kept for sale by news-agents in this State, and to provide for service of process when such publishers fail or neglect to appoint such resident agent,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 215,

A bill for an act fixing the terms of courts and defining the practice in county courts having civil and criminal jurisdiction,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts,

Was read the first and second times, and referred to the Committee on Judiciary.

The Speaker announced his signature to

Senate Bill No. 57,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the State government.

Also,

Senate Bill No. 39,

A bill for an act providing for the attaching of certain townships to Ramsey county.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 246,

A bill for an act to provide for the establishment of an industrial school and school of manual training at the city of Ellendale in the county of Dickey, agreeable to the provision made for the same in Article 19 of the Constitution of the State of North Dakota.

Also,

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors.

Also,

House Bill No. 301,

A bill for an act to authorize the incorporation of detective associations to provide for boards of collection of bills and rewards by, to prescribe their powers, duties and liabilities; prevent frauds by and punish false pretenders,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Speaker called Mr. Stevens to the Chair.

Senate Bill No. 201,

A bill for an act providing for the publishing of the Supreme Court reports of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 192,

A bill for an act defining the class of newspapers in which legal notices may be published,

Was read the first and second times, and referred to the Committee on Public Printing.

Senate Bill No. 204,

A bill for an act to amend Section 4, Chapter 60, Laws of 1881,

Was read the first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887,

Was read the first and second times, and referred to the Committee on Municipal Corporations.

Senate Bill No. 216,

A bill for an act to provide for the purchase of books for the State Library, and for the care and custody of the same,

Was read the first and second times, and referred to the Committee on State Library.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 10, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 159,

A bill for an act for the cancellation of certain illegal taxes on railroad grant lands upon which United States survey fees had not been paid, and describing the manner in which it shall be done,

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

Also,

That the Senate refuses to concur in the House amendments to Senate Bill No. 78, and by motion adopted the President has appointed Messrs. Swanston, Belyea and Rowe as a conference committee on the part of the Senate to concur with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

Mr. Heglie moved

That the Speaker appoint a conference committee on Senate Bill No. 78,

Which motion prevailed.

Senate Bill No. 146,

A bill for an act to provide for the publication of the Session Laws of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Public Printing.

The Committee on Enrolled Bills made the following report:

Mr. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session Laws of 1885, relating to county mutual insurance companies,
And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Senate Bill No. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions,

Was read the first and second times, and referred to the Committee on Corporations Other Than Municipal.

Mr. Speaker announced his signature to
House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the Session Laws of 1885, relating to county mutual insurance companies.

Mr. Speaker appointed as the conference committee on Senate Bill No. 78, Messrs. McCormick, Roney and McIntyre.

Senate Bill No, 185,

A bill for an act to amend an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An Act providing for the levy and collection of taxes upon the property of railroad companies in this territory,"

Was read the first and second times, and referred to the Committee on Railroads.

Senate Bill No. 159,

A bill for an act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States survey fees had not been paid, and describing the manner in which it shall be done,

Was read the first and second times, and referred to the Committee on Taxes and Tax Laws.

Mr. Estabrook moved

That House Bill No. 286 be recalled from the Committee on Judiciary and referred to the Committee on State Affairs,
Which motion prevailed.

The following reports were made by unanimous consent:

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred
Senate Bill No. 14,

A bill for an act regulating the taking of toll and exchange in

grist mills or flouring mills, and providing penalties for the violation of the same,

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

Also,

House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

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

A. C. NEDRUD,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 287,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justice's Code, an act entitled "An act to establish a code of procedure in courts of justices of the peace, and to limit the jurisdiction of the same," approved February 15, A. D. 1887,

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

Amend Section 1 of printed bill by striking out of line 1 the words and figure "and three (3)."

Also, amend same section by striking out of line 2 the words "and the same are hereby."

Add the following as Section 2:

SEC. 2. That Section 3 of Chapter 1 of the Justices' Code be amended to read as follows:

SEC. 2. These courts shall have criminal jurisdiction to try and determine all cases of misdemeanor committed within their respective counties, not indictable, where the punishment is a fine not exceeding two hundred (200) dollars, or imprisonment in the county jail for a period not exceeding thirty days, or both such fine and imprisonment. And as to all public offenses which are indictable, they have the power of committing magistrates.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 93,

A bill for an act making it the duty of the township clerk in every organized township to report to the register of deeds all births and deaths in his township,

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

Insert the word "and" after the word "birth" in line 2, Section 1, printed bill; also strike out the words "and marriages" in same line. Strike out lines 8, 9 and 10 of Section 1. After the word "township" in line 2, Section 1, insert the words "city recorder or city auditor in every city, and town clerk in every town." After the word "township" in line 3, Section 1, insert the words "city or town."

Insert the following as Section 2:

SEC. 2. The parent, if a birth, and if a death, the person in whose house

the death occurs, shall report to the proper person within ten days from the date of such birth or death, the facts required in Section 1 of this act.

Amend Section 2, by inserting after the word "clerk" in line 1, the words "city recorder or auditor and town clerk."

Renumber Section 2 as Section 3:

Amend the title by inserting after the word "township" in line 2, the words "city recorder or auditor and town clerk."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 179,

A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883, entitled "An Act to provide for the appointment of an agent to receive service for a non-resident executor, administrator or guardian, and for other purposes,"

And recommend that said bill do pass.

Also,

Senate Bill No. 137,

A bill for an act to amend Section 77 of the Civil Code of 1877, entitled "Husband and wife,"

And recommend that said bill do pass.

Also,

House Bill No. 260,

A bill for an act amending Section 6 of Chapter 26 of the Laws of 1889, in relation to the foreclosure and sale of property under chattel mortgage,

And recommend that said bill do not pass.

Also,

House Bill No. 314,

A bill for an act relating to building and loan associations,

Report the same back to the House without recommendation.

Also,

House Bill No. 327,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of husband and wife,

And recommend that said bill be indefinitely postponed.

Also,

House Bill No. 84,

A bill for an act in relation to dower,

And recommend that said bill be indefinitely postponed.

Also,

House Bill No. 88,

A bill for an act concerning bastardy,

And recommend that said bill do not pass.

Also,

House Bill No. 166,

A bill for an act to simplify and regulate legal proceedings,

And recommend that said bill be indefinitely postponed.

Also,

House Bill No. 248,

A bill for an act to prevent fraudulent transactions on the part of commission merchants and other consignees of goods,

And recommend that said bill do pass.

Also,

House Bill No. 334,

A bill for an act to protect farm laborers and secure the payment of their wages,

Have had the same under consideration and report the same back to the House without recommendation.

F. J. THOMPSON,
Chairman.

The Committee on State Affairs made the following report

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 117,

A bill for an act to encourage the building of roads and highways in unorganized townships, and to relieve the owners of the land upon which such roads shall have been built,

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

Also,

Senate Bill No. 117,

A bill for an act to require the Secretary of State to keep a record of bonds of the State officers, and to regulate the depository of the bonds of all the State officers of the State of North Dakota,

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

C. A. CURRIER,
Chairman.

¶ The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred

Senate Bill No. 194,

A bill for an act to appropriate money to pay the amount due the Militia of the Territory of Dakota,

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

Also,

Senate Bill No. 191,

A bill for an act appropriating money for the maintenance of the public offices of the State,

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

Also,

Senate Bill No. 193,

A bill for an act appropriating money to pay certain newspapers for publishing the Constitution of the State of North Dakota,
And recommend that said bill do pass.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for the State University, and to fix the salaries of the president and professors of the same,

And recommend that said bill do pass.

R. N. INK,
Chairman.

The Committee on Counties and County Boundaries made the following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom was referred

Senate Bill No. 180,

A bill for an act to amend Section 103 of Chapter 28 of the Political Code,

Have had the same under consideration and recommend that said bill be considered in connection with House Bill No. 325, as they both relate to the same subject.

Also,

Senate Bill No. 200,

A bill for an act for the disorganization of civil townships,
And recommend that said bill be amended as follows:

Strike out all after the word "time" in Section 1, line 17.

And when so amended recommend that said bill do pass.

Also,

House Bills Nos. 150 and 196,

Bills for an act for county and township organization,

And recommend that said bills be amended as follows:

Strike out all after the enacting clause of House Bill No. 150 and substitute the following:

SECTION 1. BOUNDARIES.] That the boundaries of the several counties of this State shall remain as now established until the same be changed according to law.

ALTERATION OF COUNTY LINES.

SEC. 2. PETITION TO COUNTY BOARD—ELECTION ORDERED.] When a majority of the legal voters residing upon any territory not less than one congressional township shall petition the county board of their own county, and also of the county to which they desire such territory to be transferred, for leave to have such territory transferred to such county, it shall be the duty of the several county boards so petitioned to order an election for such purpose in their respective counties to be held at the next general election, which election shall be governed by the laws relating to general elections, and returns of said election shall be made to the Secretary of State as for county officers.

SEC. 3. NOTICES OF ELECTION.] Notices of such election shall contain a description of the territory purposed to be transferred, the names of the counties from and to which such transfer is intended to be made, and shall be posted as required for general elections.

SEC. 4. FORM OF BALLOTS—EFFECT OF VOTE.] The ballots used in the said election may be in following form, to-wit: "For transferring territory" and "against transferring territory." When, if a majority of the voters voting upon said question in the county from which said territory is purposed to be taken, and a majority of the voters of the county to which the same is purposed to be transferred shall be "For transferring territory," then the said territory shall be transferred to and become a part of the county to which is purposed to transfer the same on and after the 1st day of January succeeding such elections, and shall be subject to all laws, rules and regulations thereof; *Provided*, That all assessments and collections of taxes and judicial or other official proceedings, commenced prior to said 1st day of January, shall be continued, prosecuted and completed in the same manner as if no such transfer had been made; *And Provided, further*, That all township or precinct officers within said transferred territory, shall continue to hold their respective offices within the county to which they may be transferred until their respective terms of office expire.

SEC. 5. RESTRICTION.] No county shall be reduced under the provisions of this act to less than twenty-four congressional townships, and containing a population of less than 1,000 *bona fide* inhabitants.

SEC. 6. ADJUSTMENT OF DEBTS.] No territory transferred under the provisions of this act shall be released from the payment of its proportion of the debts of the county from which such territory is transferred; and such proportionate indebtedness from such transferred territory shall be collected by the county to which such territory is transferred at an equal or greater rate than is levied and collected in the county from which such territory was transferred; such rate to be ascertained by the certificate of the county clerk of said last named county, and when so collected to be paid over to the county entitled thereto.

SEC. 7. WHEN RELEASED.] When the county to which such territory is transferred shall also be indebted, the county board of such county shall release such transferred territory from the payment of such indebtedness to an amount equal to that which said territory is required to pay to the county from which it was transferred.

SEC. 8. PETITION TO COUNTY BOARD—ELECTION.] Whenever it is desired to form a new county out of one or more of the then existing counties, and a petition praying for the erection of such new county stating and describing the territory purposed to be taken for such new county, together with the name of such purposed new county, sined by a majority of legal voters residing in the new territory to be stricken from such county or counties, shall be presented to the county board of each county to be affected by such division; and it appearing, such new county can be constitutionally formed it shall be the duty of such county board, or county boards to make an order providing for the submission of the question of the erection of such new county to a vote of the people of the counties to be affected at the next succeeding general election for the election of members of the Legislative Assembly, of which the notice shall be given, the votes canvassed, and the returns made as in case of election of county officers or members of the Legislative Assembly, and the form of the ballot to be used in the determination of such question shall be as follows: "For new county," and "against new county."

SEC. 9. CERTIFICATE OF RESULT TO SECRETARY OF STATE—NOTICE TO GOVERNOR—ELECTION, ETC.] If it shall appear that a majority of all the votes cast at such election in each of the counties interested is in favor of the erection of such new county, the county clerk of each of said counties shall certify the same to the Secretary of State, stating in such certificate the name, terri-

torial contents, and boundaries of such new county; whereupon the Secretary of State shall notify the Governor of the result of such election, whose duty it shall be to order an election of county officers for such new county, at such time as he shall designate; and he may, when necessary fix the place of holding election, notice of which shall be given in such manner as the Governor shall direct. At such election the qualified voters of said new county shall elect all county officers for said county, except as hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this State, and who shall continue in office until next general election for such officers, and until their successors are elected and qualified, and who shall have all jurisdiction and perform all the duties which are or may be conferred upon such officers in other counties of this State.

SEC. 10. JUSTICES, ETC., CONTINUED IN OFFICE.] All the justices of the peace, constables and other township or precinct officers who were previously elected and qualified in the county or counties from which such new county has been formed, whose term of office shall not have expired at the time of said election, and whose residence shall be embraced in within the limits of said new county shall continue in office until their terms of office shall expire and until their successors shall be elected and qualified.

SEC. 11. CANVASS AND RETURN OF VOTES.] The votes for county officers of said new county shall be canvassed and returns made by the county clerk or county clerks of the county or counties from which such new county was formed, as provided by law in other cases.

SEC. 12. OATH OF OFFICE—ORGANIZED—CIRCUIT COURT.] The oath of office may be administered to the several county officers of such new county by any person authorized by law to administer oaths, and as soon as said county officers are duly qualified the county shall be regarded as legally organized, and for judicial purposes shall be deemed and taken as belonging to the circuit in which said new county, or the greater part thereof, is embraced, and terms of circuit court shall be held at such places in said new county as the county board thereof shall designate until the county seat thereof shall be permanently located. The times of holding such court shall be appointed by the judge thereof until otherwise provided by law.

SEC. 13. TRANSFER OF SUITS, ETC., LIEN OF JUDGMENTS, ETC.] The courts of any county or counties from which such new county is erected may by proper order transfer any suit or other legal proceeding affecting real estate in which such new county to the proper court of such new county, or may transfer any suit and all papers and records pertaining thereto, to such new county when all the parties thereto are residents of such new county, but all judgments and other liens in the county or counties from which such new county was erected shall have the same effect as if no new county had been erected.

SEC. 14. ADJUSTMENT OF PROPERTY AND DEBTS.] All the property, both real and personal, and all debts, liabilities and cases in action of every kind belonging to the county or counties from which such new county was formed shall be divided by the several county boards of the counties interested between the county or counties from which such new county is formed, and the new county in proportion to the assessed county or counties and carried to such new county; and if such boards cannot agree upon such division they may refer the matter of difference to arbitrators or the rights to such property may be settled by a bill in chancery filed by either party for that purpose. In case the said property cannot be divided or removed the county receiving the same shall pay to the other a proportionate value for the same.

SEC. 15. COMMISSIONER TO COPY RECORDS.] The county board of such new county shall at any session of said board by an order, to be entered of record, appoint some competent person a commissioner for the purpose hereinafter expressed, who shall take an oath of office before some person authorized by law to administer oaths. Said board shall at the same time provide a suf-

ficient number of blank books and deliver them to said commissioner, who shall receipt for the same to the county clerk of said county.

SEC. 16. DUTY OF SUCH COMMISSIONER.] As soon as said books shall be delivered to said commissioner he shall record in each a copy of the order of his appointment and of his oath of office, and shall thereupon proceed to transcribe into such books from the records of the county or several counties from which the new county is formed, all such deeds, mortgages and title papers of every description with the certificate of acknowledgment thereto, and the date of the filing of the same for record of lands lying in said new county which previously were recorded in the counties from which such new county was formed, and there shall be allowed said commissioner such sum as his services aforesaid are reasonably worth, to be paid out of the county treasury of the said new county.

SEC. 17. FURTHER DUTIES—EVIDENCE.] Said commissioner shall note at the end of each paper he shall transcribe the book and page from which the same was transcribed, and shall make a correct double index of said records; and on the completion of his duties said commissioner shall return said books to the recorder of deeds of said new county, with his certificate attached thereto showing that he has complied with the law; whereupon they shall be taken and considered to all intents and purposes as books of records of deeds, mortgages and title papers for said new county. And copies of said record certified by the officer having the custody of the same shall be evidence in all courts and places in the same manner that copies of records are evidence in other cases and with like effect.

SEC. 18. The register of deeds, clerk of the court, treasurer or other officer of the county or counties from which such new county is formed, with whom or in whose office any lien, mortgage, deed or other instrument affecting the title to property may be recorded or filed, shall at all times permit such commissioner so appointed to have free access to the records in the office of such officer for the purpose of making such record or copy, and shall render him such information as is necessary to facilitate the making of such copy or record.

SEC. 19. FIXING COUNTY SEAT.] For the purpose of fixing the permanent location of the county seat of such new county, the voters of said county shall at their election of the county officers vote for some place to be designated upon their ballots for a county seat; upon which ballot shall be written or printed, or partly written and partly printed, "For county seat," after which words shall be written or printed the name of the place intended for the county seat. The place receiving a majority of all the legal votes cast upon the question shall be the county seat of said county. But if no place shall receive a majority of all the votes cast upon the question, then it shall be the duty of the county board of said county to call another election within sixty days thereafter at the several places of holding elections in said county, at which election the voters of said county shall proceed to vote as before, but shall choose from the two places having the greatest number of legal votes at the former election; and the place having the majority of all the legal votes cast at the second election shall be the permanent county seat of said county.

SEC. 20. If a petition signed by one-third in number of the legal voters of any county, as shown by the preceding election, shall be presented to the county commissioners of that county, at least sixty days before the Tuesday next after the first Monday in November, in the year 1890, and any even number year thereafter, praying that the question of organizing a county board of supervisors to take the place of the county commissioners, be submitted to a vote of such county, it shall be the duty of said county commissioners to order an election to be held on the Tuesday next after the first Monday in November of such year, at which election the qualified voters of such county shall vote upon the question of organizing a county board of supervisors.

SEC. 21. All persons voting at any election held under the provisions of this act, who are opposed to the organization of a county board of supervisors

shall have written or printed on their ballots "Supervisor System, No," and those in favor of such organization shall have written or printed on their ballots "Supervisor System, Yes."

SEC. 22. Should a majority of the ballots cast on this question at such election be in favor of the organization of a county supervisor system, the canvassing board shall declare the supervisor system adopted. And every city, and every township, and incorporated village, shall be represented in the county board of supervisors, by one supervisor; *Provided*, That cities and townships having two hundred voters, and less than five hundred shall be entitled to two representatives, and over five hundred voters, to three representatives, who shall be elected annually by the electors of such city, township, or incorporated village, in the same manner as city and township officers are elected, and when any vacancy shall occur in the office of supervisor, the same shall be filled as in the manner now provided by law.

SEC. 23. The county board of supervisors shall consist of the chairman of each of the several township board of supervisors, the mayor of each city, the president of board of trustees of each incorporated village or town, additional representatives as provided for in Section 22 of this act shall be elected by the city council for such city, and by the supervisors of each township, for such township, and by the trustees for such incorporated village or town, who shall compose the county board of supervisors.

SEC. 24. The county board shall meet semi-annually on the first Monday of January and July at the county seat for the transaction of business as a board of supervisors and shall take the place of county commissioners, and the duties of the county board of supervisors shall be the duties prescribed by law for the board of county commissioners.

SEC. 25. A special meeting shall be held only when requested by a majority of the members in writing addressed and delivered to the county auditor and specifying the time of such meeting, not less than two weeks therefrom; upon the reception of such request the county auditor shall immediately transmit a notice of such meeting to each of the members of said board.

SEC. 26. A majority of the supervisors entitled to a seat in the county board shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and they shall have power to determine the rules of proceeding, not in conflict with this act. The county auditor shall act as clerk of said board and shall have the casting vote when a tie occurs. All questions shall be determined by a majority of the supervisors present, unless otherwise provided.

SEC. 27. The county board at the first meeting after the election shall elect one of their number chairman, who shall have power to administer an oath to any person required to be sworn concerning any matter submitted to the board, or connected with their powers or duties; he shall countersign all county orders and all ordinances of the county board, and preside at every meeting when present.

SEC. 28. In case the chairman of the county board be absent, the members present shall choose one of their number temporary chairman, who shall have the same power as the chairman.

SEC. 29. The county board shall have the care of all the poor persons in their county who have no legal settlement in any township, city, incorporated village or town in this State, and they shall see that they are properly relieved and taken care of at the expense of the county. They may make such rules and regulations as they may deem proper, not inconsistent with law, in relation to the support and maintenance of such poor persons; they may also contract with the town board of any township, alderman of any city, incorporated village, or town in their county to keep and maintain at the place where the poor of the county are kept, or at a place selected by such county board, such

poor persons as may be a charge upon such township, city or incorporated village or town, at a stipulated price, the amount of which shall be levied and collected in such township, city, incorporated village or town, in the same manner as county taxes are levied and collected therein.

SEC. 30. Each member of the county board of supervisors shall receive \$2 per day for the time actually employed, but not to exceed the sum of \$50 for any one member in any one year, including committee work, and 5 cents per mile traveled in going and coming.

SEC. 31. In all counties adopting the board of supervisors instead of the board of county commissioners, according to the provisions of this act, the board of county commissioners shall hold their term of office till the 1st Monday in January, 1891, when the office of county commissioners in said county or counties shall cease to exist.

SEC. 32. All acts or parts of acts in conflict with the foregoing act are hereby repealed.

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
Chairman.

Mr. Selby moved

That the reports be printed in the Journal without being read,
Which motion prevailed.

The Journal of the preceding day was corrected to show that Mr. Williams on the appeal from the Speaker's decision did not vote.

Mr. Stadleman moved

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

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND THIRTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 11, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

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

WHEREAS, The Angel of Destiny has taken from his quiver the arrow of death and hurled it from the bow of fate on its deadly mission, and its cruel barb to-day festers in the heart of him whom we have known with love and respect. To-day we mourn the loss of our Superintendent of Public Instruction, Hon. Wm. Mitchell, and out of respect for his position, ability and virtue, be it

Resolved, That the House do now adjourn, and that the Speaker appoint a committee of three, whose duty it shall be to take such action as is right and proper in observance of the sad event.

Which motion prevailed by unanimous rising vote, and
The resolution was adopted.

Mr. Speaker appointed as such committee, Messrs. Thompson of Cass, Roney and Hankinson, and
The House adjourned.

J. G. HAMILTON.
Chief Clerk.

ONE HUNDRED AND FOURTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 12, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Buchanan and Langer, excused.

Mr. Roney arose to a question of privilege and addressed the House.

Mr. Thompson of Cass, (by unanimous consent) introduced the following resolution, and moved its adoption:

WHEREAS, The House of Representatives are entitled by law to the services of a stenographer.

WHEREAS, The day of final adjournment is on the 18th day of March, 1890, and there is a great amount of business to be transacted before that time, and

WHEREAS, In order to facilitate the business now before the House, and to do justice to this body, and to our constituents,

Resolved, That the Speaker of this Honorable Body forthwith appoint a stenographer for the House for the remainder of the present session.

Which motion prevailed, and

The resolution was adopted.

The Conference Committee on Senate Bill No. 143 made the following report:

MR. SPEAKER:

Your committee appointed to confer with a like committee from the Senate as to the differences on the House amendments to Senate Bill No. 143, have had the same under consideration and respectfully recommend that said amendments be amended as follows:

In Article 7, Section 2, strike out the words "to the" in line 7 (reprinted copy) where they occur before the words "State Treasurer."

In Article 12, Section 6, line 10, strike out the word "of" where it occurs before the word "his."

In Article 16, Section 3, strike out all after the word "use" in line 4 down to and including the word "office" in line 6.

In Article 18, Section 13, that the amendment added at the end of Sub-division 8 thereof be amended to read as follows: "No person who is a rela-

tive of any member of the board shall be employed as teacher without the concurrence of the entire board."

Your committee recommend that said amendments to the House amendments to said bill be adopted.

GEO. W. LILLY,
J. F. SELBY,
J. MONTGOMERY.
On part of House.
D. S. DODDS,
J. H. WORST.
On part of Senate.

Mr. Lilly moved
To adopt the report,
Which motion prevailed, and
The report of the Conference Committee was adopted, and
The question being shall
Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Pass as amended by the adoption of the report of the Conference Committee,

The roll being called there were ayes 57, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,

Messrs—

Langer,

Messrs—

Stevens.

Messrs. Walsh and Zimmer voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Conference Committee passed, and the title of the bill was agreed to.

Mr. Speaker appointed as Stenographer of the House, R. M. Tuttle of Mandan.

Mr. McCullough moved

That the rules be suspended and that House Bill No. 243 be now placed upon its third reading and final passage.

Mr. Thompson of Cass, moved

To amend by adding that the rules of the Committee of the Whole shall prevail during its consideration,

Which amendment was accepted, and

The original motion as amended prevailed.

House Bill No. 243,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor,

Was read the third time, and

Mr. McCullough moved

To adopt the following amendments proposed by the Committee on Judiciary:

Strike out Section 1 of said bill and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful to encumber both chattel and real property by and in one and the same mortgage. It shall be unlawful for any register of deeds within this State to receive for record or filing, or for both, any mortgage encumbering both chattel and real property. Any mortgage encumbering both chattel and real property is hereby declared illegal and void."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 53, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Reed.

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Hankinson,
Langer,

Messrs—

Moore,
Rawlings,

Messrs—

Stevens,
Walsh.

Messrs. Norton and Stadleman voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members elect voting therefor, and

The title of the bill was agreed to.

Mr. Thompson of Cass, (by unanimous consent) made the following reports:

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 269,

A bill for an act fixing the fees and regulating the salaries of certain county officers,

Herewith return the same agreeably to motion offered by Mr. Estabrook, and adopted by the House on the—— of March, 1890.

Also,

Senate Bill No. 176,

A bill for an act to amend Section 340 of the Probate Code.

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

Amend Section 1 by adding the rest of the section which this bill seeks to amend, to-wit:

1. To make an inventory of all the estate, real and personal, of his ward that comes to his possession or knowledge, and to return the same within such time as the judge may order.

2. To dispose of and manage the estate according to law and for the best interest of the ward, and faithfully to discharge his trust in relation thereto, and also in relation to the care, custody and education of the ward.

3. To render an account on oath of the property, estate and moneys of the ward in his hands, and all proceeds or interests derived therefrom, and of the management and disposition of the same, within three months after his appointment, and at such other times as the court directs; and at the expiration of his trust to settle his accounts with the probate judge, or with the ward, if he be of full age, or his legal representatives, and to pay over and deliver all the estate, monies and effects remaining in his hands, or due from him on such settlement, to the person who is lawfully entitled thereto.

Upon filing the bond, duly approved, letters of guardianship must issue to the person appointed. In form the letters of guardianship must be substantially the same as letters of administration; and the oath of the guardian must be indorsed thereon that he will perform the duties of his office, as such guardian according to law.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70, Chapter 5, of the Compiled Laws of 1887,

And recommend that said bill do pass.

Also,

House Bill No. 74,

A bill for an act to reimburse the compiler and printer of Long's Legislative Hand Book for the year 1889,

And recommend that said bill be amended as follows:

Strike out Section 2 of the bill and insert in lieu thereof the following:

SEC. 2. An emergency exists, in that the debt existing which the bill seeks to liquidate has been justly due for a long period, and to wait until this act becomes operative by virtue of the constitutional provision would impose an unnecessary hardship; therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts,

And recommend that said bill do pass.

Also,

Senate Bill No. 170,

A bill for an act to license peddling, and prescribing penalties for the violation thereof,

And recommend that said bill do pass.

Also,

Senate Bill No. 205,

A bill for an act providing for the holding of inquests on the bodies of persons supposed to have died by unlawful means in the unorganized counties of the State of North Dakota,

And recommend that said bill do pass.

Also,

Senate Bill No. 195,

A bill for an act to provide for the appointment of an agent to receive service of process for non-resident publishers of newspapers having a circulation in or that are kept for sale by news agents in this State, and to provide for service of process where such publishers neglect or fail to appoint such resident agent,

And recommend that said bill do pass.

Also,

Senate Bill No. 210,

A bill for an act to define the liability of the officers, agents and stockholders of corporations not organized under the laws of this State and wrongfully doing business therein,

And recommend that said bill do pass.

Also,

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for cemetery purposes,

And recommend that said bill do pass.

Also,

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section 3156 of the Compiled Laws of 1887,

And recommend that said bill do pass.

Also,

House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein,

And recommend that said bill do pass.

Also,

Senate Bill No. 201,

A bill for an act providing for the publishing of the Supreme Court reports of the State of North Dakota,

And recommend that said bill do not pass, because its provisions are practically covered by Senate Bill No. —.

F. J. THOMPSON,
Chairman.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887,

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

Also,

House Bill No. 328,

A bill for an act to amend Sections 2, 3, 4, 5, and 6 of Chapter 104 of the Laws of 1887, being Sections 1115, 1116, 1117, 1118 and 1119 of Article 4 of the Compiled Laws, entitled "Changing Limits of Cities and Towns,"

And recommend that said bill do pass.

Also,

House Bill No. 338,

A bill for an act to amend Section 15 of Article 15 of Chapter 70 of the General Laws of 1887,

Have had the same under consideration and recommend that said bill do not pass, the features of said bill being contained in Senate Bill No. 203.

Also,

Senate Bill No. 94,

A bill for an act to amend Section 69 of Chapter 112 of the General Laws of 1883, entitled "Township Government,"

And recommend that said bill be amended as follows:

Strike out all of Section 2, the same being unnecessary.

And when so amended recommend that said bill do pass.

GEO. LUTZ,
Chairman.

The Committee on Woman Suffrage made the following report:

MR. SPEAKER:

Your Committee on Woman Suffrage to whom was referred
Senate Bill No. 187,

A bill for an act relating to the punishment of a father for the abandonment of his children and of a husband for the abandonment of his wife,

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

Also,

House Bill No. 90,

A bill for an act granting women equal rights with men in the State of North Dakota,

And recommend that said bill do pass.

N. B. PINKHAM,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 212,

A bill for an act to amend Section 7 of Chapter 63 of Session Laws of 1885, relating to boards of health, being Section 198 of Compiled Laws of 1887.

Also,

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor.

Also,

House Bill No. 267,

A bill for an act to amend an act entitled "An Act to give publicity to chattel mortgage sales,"

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

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. 182,

A bill for an act to regulate political caucuses,

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

In Section 1, line 3, after the word "county" add the words "or district."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 181,
 A bill for an act regulating the use of proxies in State, district
 or county conventions,
 And recommend that said bill do pass.

W. W. BEARD,
 Chairman.

The Committee on Counties and County Boundaries made the
 following report:

MR. SPEAKER:

Your Committee on Counties and County Boundaries to whom
 was referred

House Bill No. 344,

A bill for an act granting certain powers to county commission-
 ers,

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

Add after the word "dollars," Section 1, line 16, printed bill, the words "per
 annum."

And when so amended recommend that said bill do pass.

JAMES McCORMICK,
 Chairman.

Mr. Thompson of Cass, moved
 That the reports be printed in the Journal, but that they be not
 read,
 Which motion prevailed.

THIRD READING OF HOUSE BILLS.

Mr. Thompson of Cass, moved
 That all House bills be taken from General Orders, and placed
 on their third reading and final passage, subject to amendments,
 and subject to the rules which prevailed in the Committee of the
 Whole,

Which motion prevailed.

House Bill No. 332,

A bill for an act relating to terms, phrases, names or titles
 adopted by the Constitution,

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

The roll being called there were ayes 59, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,

Messrs—

Ingrebretson,
 Ink,
 Jahr,
 Johnson,
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 McDonald,

Messrs—

Richardson,
 Roney.
 Selby,
 Stadleman,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,

Messrs—

Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Reed,
Renaud,

Messrs—

Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,

Messrs—

Langer,

Messrs—

Rawlings.

Messrs. Buchanan and Langer excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 286.

A bill for an act to amend Section 6818 and repealing Section 6819 of the Compiled Laws of 1887, relative to the wearing of Grand Army badges,

Was read the third time, and

Mr. Estabrook moved

To adopt the following amendments proposed by the committee:

Amend the title to read as follows:

A bill for an act to amend Section 1, Chapter 187, of the General Laws of 1887, and to repeal Section 2 of Chapter 187 of the General Laws of 1887, being Sections 6818 and 6819 of the Compiled Laws, relative to the wearing of Grand Army badges.

Amend Section 1 by striking out all of line 1 and to and including the word "follows" in line 2 of printed bill, and inserting in lieu thereof the following: "That Section 1, Chapter 187 of the General Laws of 1887, being Section 6818 of the Compiled Laws, be amended to read as follows:"

Amend Section 2 by adding after the word "that" in line 1 of printed bill, the following: "Section 2 of the General Laws, being."

Which motion prevailed, and

The bill was so amended.

Mr. Estabrook asked unanimous consent to amend the bill by inserting the words "or button" after the word "badge,"

Which consent was given, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 57, nays 3.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,

Messrs—	Messrs—	Messrs—
Bye,	Lutz,	Strom,
Christianson,	McCormick,	Tandberg,
Cole,	McCullough,	Thomas,
Court,	McDonald,	Thompson of Cass,
Currier,	McIntyre,	Thomson of Walsh,
Estabrook,	Milsted,	Tyler,
Foss,	Moore,	Ueland,
Green,	Montgomery,	Walsh,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Watt,
Haugen,	Olsgard,	Wickham,
Haugerud,	Pinkham,	Williams.
Heglie,	Rawlings,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Norton,	Stevens,	Zimmer.

Messrs. Buchanan and Langer absent and not voting.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Ink (by unanimous consent) offered 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 Legislative Assembly of the State of North Dakota most respectfully memorialize and request the Congress of the United States, by proper legislation, to grant to the State of North Dakota the consent of the United States that the State of North Dakota appropriate and use section 36 in township 133 north, of range 48 west (which was granted by the Congress of the United States to the State of North Dakota for school purposes by the act of Congress approved February 22, 1889), for the use and benefit of the North Dakota Academy of Science; *Providing*, The State of North Dakota may be reimbursed by a like amount of land selected from the lands appropriated to the State of North Dakota by the Congress of the United States for educational and charitable purposes, and granted by said State of North Dakota to the above named school.

Mr. Stevens moved

To amend so as to include also section 16 in township 134 north, range 56 west, in Ransom county for the benefit of the Soldiers' Home at Lisbon,

Which motion prevailed, and

The Concurrent Resolution was so amended.

The question recurring on the adoption of the Concurrent Resolution as amended,

The Concurrent Resolution as amended was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 March 12, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 14,

An act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto,

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

Respectfully,

JOHN MILLER,
 Governor.

Also,

The following communication:

EXECUTIVE OFFICE, }
 March 12, 1890. }

To the House of Representatives:

I herewith respectfully return

House Bill No. 261,

An act to provide for a more economical management of the State University, the State Insane Asylum and the State Penitentiary,

Without my approval for the following reasons:

I deem it incompatible with the best interests of the State, and also with the wise and efficient management of the various institutions.

While the provisions of this act may may not be in conflict with the letter of the Constitution, I am sure that it is opposed to the spirit in that it confers upon the Executive, and the other State officers, duties and powers not contemplated by it. There can be no doubt but that the provisions of the Constitution, as well as the acts providing for the government of the various institutions, contemplated that the power and duties of the Executive were to be of a general and supervisory nature, and that it was the intention that the State officials should sustain equal relations to all the public institutions of the State, and not that they should have direct control of a portion of them. The duties of the Governor are not only executive, but in a certain sense, of a Legislative nature in that his approval is necessary in order to complete legislation.

Therefore it will be seen that he is called upon to approve legislation, such as appropriations for certain public institutions, as executive, the expenditure of which appropriations he authorizes as trustee. In the act creating these various institutions the board of trustees are called upon to make an annual report to the Governor. Would this have been required if it was contemplated that the Governor or the State officers were to constitute the governing boards of these institutions? In other words was it intended that the Governor as a member of the Board of Trustees should report to himself as Governor?

The same may be said of the State Auditor. Section 69, Compiled Laws, says: "All accounts and claims against the Territory which shall be by law directed to be paid out of the Treasury thereof, shall be presented to the Auditor who shall examine and adjust the same, and for the sums which shall be found due from the Territory shall issue warrants, payable at the Territorial Treasury."

Thus it will be seen that it is the duty of the Auditor to examine and adjust the various bills and accounts of the State. Under the provisions of this act he is called upon to audit bills and accounts of a part of the State institutions, in the contracting of which he has been a party.

The purpose of the act as set forth in its title is to provide for a more economical management of the State University, the State Insane Asylum and the State Penitentiary. Will the proposed change secure a more economical management? If so, to what extent, and will not the change tend to lessen efficiency in their management?

What is the probable saving so far as the expense of these various boards is concerned? By Chapter 93 of the Session Laws of 1889, the compensation of these boards is made \$3.00 per day and necessary traveling expenses. The number of days for which they may receive pay is limited to twenty-four. It will therefore be seen that the total possible cost of salary of the boards of the institutions mentioned in this act is \$1,080.00.

This act makes no provision for salary but does for traveling expenses. The traveling expenses of the board created by this act will necessarily be as large, if not larger, than that of present boards should it give the same time to the management as the present boards have considered necessary. If that be true, then the only possible saving to the State so far as the expense of the boards is concerned would be the \$1,080.00, should other expenses be the same. Is it not probable that an efficient and competent board, some member of which is resident where the institution is located, may by the careful supervision which they will be able to give, more prudently manage the expenditures, and give more thought and careful study to the proper government and efficiency of an institution than a board of State officers who are resident at the capital, and whose time and attention must, of necessity, be given largely to other affairs.

It is also very probable, should this act become a law, that certain of the State officers will be compelled to employ additional clerical assistance at certain times to enable them to attend to the duties imposed by this act and therefore a portion of what might be saved as salary of trustees may be expended for clerk hire. This is especially true of the State Auditor and Superintendent of Public Instruction whose duties are largely increased by their labors as members of the Board of University and School Lands, and the duties of which latter board, during the present year, are to be arduous.

By the provisions of the Constitution the Superintendent of Public Instruction, Governor, Attorney General, Secretary of State and State Auditor constitute this Board of University and School Lands. This board has control of the appraisement, sale, rental and disposal of all school and university lands and shall direct the investment of the funds arising therefrom in the hands of the State Treasurer. There seems to be an impropriety in thus placing practically the same board in charge of the collection of money and distribution of lands for all the schools and colleges in the State, and on the other hand giving it the control of the expenditures of the funds of a specified few of these institutions. This board of University and School Lands are empowered to direct the investment of the funds arising from their disposal of the lands, for the benefit of all the institutions, while the board contemplated by this act, composed of substantially the same persons are to give especial attention to the needs of a few.

The appointment of the various boards should be made with reference to their fitness for the special duties assigned them. In very many of the States a board of regents has charge of all the educational institutions and a board of charities and corrections has charge of the penal and charitable institutions, a plan which I greatly favor as combining both economy and efficiency. Upon the former board the most experienced and ablest educational men are appointed whose life work has been devoted to the study of the very work they are called upon to perform. So also with the latter board. Men of wide experience and observation, and who have given the question of the proper management of this class of institutions much consideration, and who are familiar with the best and most advanced methods of governing them are appointed.

I know of no State in which the State officers are made the board of trus-

tees of its public institutions. I am confident that both economy and efficiency will be more effectively accomplished by following the experience of most of the States by the appointment of special boards for special institutions selected for their fitness and ability for the work required, rather than by the creation of a board as contemplated by this act, composed of members who have been selected with especial reference to their fitness for other duties as State officers, and whose care and supervision should be given to the interests of the whole State. It will also be seen by reference to Chapter 93 of Session Laws of 1889 that care has been taken to prevent an entire change of trustees of any institution at any time. It provides as follows: "Two of whom shall hold office for the period of two years and three for the period of four years." The wisdom of the provision must be apparent by a casual study of the efficient management of our public institutions.

By its terms a stability of management is obtained, and it is provided that at all times there shall be upon the boards of management a certain number who, by former experience, are familiar with the wants, needs and plans of the institution, and this must of necessity, unless said members are willfully negligent of their duties, insure a more stable, intelligent and successful management. I am, therefore, constrained to believe that the proposed act would result in slight, if any, saving and, if adopted as the public policy of the State, would greatly hinder the efficiency and prosperity of our public institutions.

Respectfully,

JOHN MILLER,
Governor.

Mr. Williams moved

That the consideration of the message be postponed until the same shall be printed in the Journal,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

Also,

House Bill No. 248,

A bill for an act to prevent fraudulent transactions on the part of commission merchants and other consignees of goods.

Also,

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationery supplies for the use of the Legislative Assembly and the various State officers and making an appropriation therefor,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith a

CONCURRENT RESOLUTION

Urging our representatives in Congress to use their best endeavors to secure the passage by Congress of certain proposed amendments to Sections 2275 and 2276 of the Revised Statutes of the United States.

Be it Resolved by the Senate, the House of Representatives concurring: That Hons. Lyman R. Casey and Gilbert A. Pierce, representing this State in the Senate, and Hon. H. C. Hansbrough, representing this State in the House of Representatives of the Congress of the United States, be and they are hereby respectfully requested to use their best endeavors to secure the passage by Congress of the following proposed amendments to Sections 2275 and 2276 of the Revised Statutes of the United States:

A bill to amend Sections 2275 and 2276 of the Revised Statutes of the United States.

Be it Enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled:

That Sections 2275 and 2276 of the Revised Statutes of the United States be amended to read as follows:

SEC. 2275. Where settlements with a view to pre-emption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the claims of such settlers; and if such sections, or either of them, have been or shall be granted, reserved, or pledged for the use of schools or colleges in the state or territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected by said state or territory, in lieu of such as may be thus taken by pre-emption or homestead settlers, and other lands of equal acreage are also hereby appropriated and granted, and may be selected by said state or territory, where sections 16 or 36 are mineral land, or included within any Indian, military, or other reservation, or are otherwise disposed of by the United States, and other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory, to compensate deficiencies for school purposes, where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

SEC. 2276. That the lands appropriated by the preceding section shall be selected from any unappropriated surveyed public lands, not mineral in character within the state or territory where such losses or deficiencies of school sections occur; and where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to-wit: For each township, or fractional township containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half and not more than three-quarters of a township, three-quarters of a section; for a fractional township containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land; *Provided*, That the states or territories which are, or shall be entitled to both the sixteenth and thirteenth section in place, shall have the right to select double the amount named, to compensate for deficiencies of school land in fractional townships."

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

C. C. BOWSFIELD,
Secretary.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof.

Also,

House Bill No. 195,

A bill for an act to legalize the act of certain officers therein named.

Also,

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 279,

A bill for an act amending Articles 4, 9 and 16, of Chapter 73, of the General Laws of 1887, entitled "An act to provide for the incorporation of cities."

Also,

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota.

Also,

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldier's Home.

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof.

Also,

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named.

Also,

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 279,

A bill for an act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An Act to provide for the incorporation of cities."

Also,

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota.

Also,

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home.

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

Was read the third time, and

Mr. Bowen moved

To adopt the following amendments proposed by the Committee on Warehouses, Grain Grading and Dealing:

"Railroad Commissioners" to read wherever it occurs in the bill "Commissioners of Railroads."

In Section 2, line 8, printed bill, after the word "same" change the word "of" to the word "if."

In Section 13, line 11, printed bill, insert after the word "storage" a comma (,) and the word "insuring."

In Section 14, line 15 of printed bill, strike out the word "removing" and insert in lieu thereof the word "moving." Strike out the word "while" in same line, and strike out all of same section after the words "safe keeping" in line 16 of printed bill.

In Section 19, lines 4 and 5 of printed bill, strike out the words "Board of Railroad and Warehouse Commissioners" and insert in lieu thereof the words "Commissioners of Railroads."

In Section 47, line 1 of printed bill, strike out the words "one thousand" and insert in lieu thereof the figures and words "(500) five hundred."

Which motion prevailed, and

The bill was so amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

Also,

House Bill No. 152,

A bill for an act to provide for the effect of judgment in an action of foreclosure of liens upon real property.

Also,

House Bill No. 262,

A bill for an act to encourage the culture of the sugar beet and the manufacture of sugar from the same.

Also,

House Bill No. 155,

A bill for an act to amend Section 2 of Chapter 88 of Session Laws of 1889,

Which the Senate has passed unchanged.

Also,

House Bill No. 103,

A bill for an act to encourage the developement of the coal mines of the State and to determine the kind of coal that shall be used as fuel in the various State institutions.

Also,

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the Penitentiary in certain cases:

Also,

House Bill No. 108,

A bill for an act regulating the State Library.

Also,

House Bill No. 227,

A bill for an act establishing a legal holiday.

Also,

House Bill No. 173,

A bill for an act to secure to laborers in and about coal mines and manufactories the payment of their wages at regular intervals and in lawful money of the United States.

All of which the Senate has indefinitely postponed.

Also,

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,

With the following amendment:

Amend Section 1 by striking out all after line 9 of the original bill.

Also,

House Bill No. 234,

A bill for an act to amend Sections 3 and 4 of the Political Code, being Section 1372 of the Compiled Laws, providing the oath of civil officers,

With the following amendment:

Strike out in line 1 Section 4, the words "there being" and insert in lieu thereof the words "an emergency exists in this that there is."

Also,

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889,

With the following amendments:

Amend Section 3, line 6, by striking out the word "three" and inserting the word "five" in lieu thereof.

SEC. 3. There being an emergency in this that there is no adequate existing law on this subject, therefore, this act shall take effect and be in force from and after its passage and approval.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers,

With the following amendments:

Amend Section 1, line 8, by striking out the word "particular."

Amend Section 1, line 9, by striking out the word "especially."

Amend Section 1, line 5, by inserting the word "the" between the words "by" and "board."

Amend Section 1, line 4, by inserting after the word "officer" the words for the ensuing term."

In line 8, after the word "county" strike out the words "whose salaries to its officers has been," and insert the words "wherein the salaries of its officers have been."

Amend Section 1, line 7, by striking out the word "his."

All of which the Senate has passed as amended and your concurrence is respectfully requested.

Also,

Senate Bill No. 173,

A bill for an act to establish an uniform system of accounts for public funds in the State educational, charitable and penal institutions, and to appropriate miscellaneous receipts, for the use of the said institutions.

Also,

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

With amendments engrossed in the bill,

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

C. C. BOWSFIELD,

Secretary.

The question being on the final passage of House Bill No. 265 as amended,

The roll being called there were ayes 42, nays 11.

Those who voted in the affirmative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Johnson,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Reed,
Renaud,
Richardson,
Strom,
Tandberg,
Thomas,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Bye,
Christianson,

Messrs—

Green,
Jahr,
Pinkham,
Stevens,

Messrs—

Thompson of Cass,
Thomson of Walsh,
Tyler.

Absent and not voting:

Messrs—

Buchanan,
Currier,
Langer,

Messrs—

Lilly,
McIntyre,
Rawlings,

Messrs—

Roney,
Selby,
Stadleman,

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Bowen moved

To reconsider the vote by which House Bill No. 265 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Tyler moved

That when the House adjourn this afternoon it be to meet again this evening at 7:30 o'clock,

Which motion prevailed. *

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

MR. SPEAKER:

Your Committee on Correction of the Journal have examined the printed Journal of the one hundred and twelfth day and recommend the following correction:

On page 27, line 29, strike out the figures "196" and insert in lieu thereof the figures "190."

Also, the Journal of the one hundred and thirteenth day and find the same correct.

JAMES McCORMICK,
Chairman.

The commission to devise means for securing seed grain and feed for destitute farmers of North Dakota made the following report:

Hon. Speaker House of Representatives:

DEAR SIR:—We have the honor to herein enclose the report of your committee appointed "to devise means for securing seed grain and feed for destitute farmers of North Dakota," which is respectfully submitted.

W. M. O'MULCAHY, Chairman,
JEFF M. MEYERS, Secretary.

To the House of Representatives of the State of North Dakota:

We, the undersigned, members of the committee appointed by the authority of a Concurrent Resolution of the House and Senate of North Dakota, report:

As we understand the purport of the resolution, our duty is to devise means for procuring seed grain and feed for destitute farmers of the State of

North Dakota; that it is left to our discretion in what manner we may proceed to attain the object for which we were appointed.

We have carefully examined the provisions of the acts passed by the present Legislature providing means whereby persons furnishing grain may be secured in their claims, and whereby counties are authorized to issue bonds under certain contingencies, the proceeds to be applied to the purchase of seed grain.

We have come to the conclusion that there are grave doubts as to the constitutionality of certain of the provisions embodied in each of said acts, and we are clearly of the opinion that under the present emergency that is now upon us the machinery provided is too cumbersome to efficiently operate for the purposes designed. The time is too short to comply with all the provisions of either of such acts, and by the means proposed raise the necessary fund to furnish the needed grain. We may be mistaken in this conclusion, but this is our best judgment in the matter. We cannot clearly see any way to devise means for procuring seed grain and feed for those in need of the same, except in the manner hereinafter set forth.

As such committee we have held a meeting and have received a proposition in writing from Geo. E. Spencer, acting as the duly authorized agent of the responsible parties behind him, which proposition is annexed to this report and made a part hereof.

An examination of the proposition will show that, in consideration of certain franchises to be granted to the enterprises he represents, 250,000 bushels of seed wheat will be furnished your committee for them to distribute in such manner as shall seem to them most equitable and just, to the persons needing the same in North Dakota; that all that is asked from the parties receiving such grain is that they shall return bushel for bushel without any increase on the amount so received, or interest on the value of the wheat so furnished; that no claim is made for any extraordinary or unusual remedies to be enforced in behalf of the person or corporation furnishing such grain; that it will be loaned to the farmers upon terms which simply include the return of the wheat.

Your committee further report that in order to make this matter as definite as possible, and so there may be no misunderstanding of the matter, they have endeavored, so far as their means would permit, to determine the several counties in need of relief and the amount of grain to be distributed to each of such counties, but are unable to reach any satisfactory result owing to the want of data.

It will further be observed that the proposition submitted herewith also includes an agreement on the part of the parties represented by said Spencer, to pay annually into the Treasury of North Dakota \$150,000, for a period of twenty-five years; that in order to insure the performance of such conditions to their fullest extent, a sum of money amounting to at least \$200,000 will be deposited as a forfeit in case of failure, and as a guarantee of good faith on the part of the parties making the proposition.

Your committee, in view of all the circumstances of the case, and believing that the best interests of the State will be subserved and advanced by the acceptance of such proposition, and the passage of the necessary legislation do earnestly recommend that the same be accepted and acted on immediately.

In making this report to the different branches of the Legislature the committee is actuated by the desire to fully present all the facts connected with this matter in such manner that there may be no mistake as to the nature of the proposal, or the position occupied by the committee.

And we further report that it seems impossible to us to adopt any scheme or device whereby we can carry into effect the object of the resolution other than the acceptance of the proposal to which attention has been called.

We have also attached to this report a copy of the proposed bill, commonly known as Senate Bill No. 167, altered in its phraseology and terms so as to meet the requirements of said proposition.

In regard to the details of distributing of the wheat, if it is obtained in the manner herein indicated, we have this to say: That we consider the board of county commissioners of the several counties the proper medium through

which to make such distribution, and should expect that some provision be made by the several counties receiving relief for the printing of the necessary blanks in the form of applications or otherwise, to carry into effect the scheme of distribution proposed.

To our minds the main thing is to get the wheat into the hands of the farmer in time that he may have a crop the coming season.

Much has been said, and much may be said as to the moral question involved in the proposed legislation. We leave the discussion of that question to the proper forum. To us, acting in the discharge of what we conceive to be our duty, we most conscientiously and heartily urge the passage of the bill and the acceptance of the aforesaid proposition.

WM. O'MULCAHY, Chairman.

JEFF M. MYERS, Secretary.

ALEXANDER MCKENZIE,

WM. BUDGE,

R. E. FLEMING.

To William O. Mulcahy, Alexander McKenzie, William Budge, R. E. Fleming and Jeff M. Meyer, members of a committee appointed by the concurrent resolution of the House of Representatives and Senate of the State of North Dakota, to devise means for procuring seed grain and feed for destitute farmers of the State of North Dakota:

GENTLEMEN: I, George E. Spencer, the duly authorized attorney and agent of the general manager of the Louisiana State Lottery Company do hereby make the following proposition in reference to the matter of furnishing grain and feed under the above resolution:

WHEREAS, It is deemed desirable that a bill, known as Senate Bill No. 167, be passed and become a law in the State of North Dakota, with certain amendments thereof, as hereinafter indicated, in consideration of the franchises, immunities and privileges to be granted by said bill to any corporation complying with the terms thereof, the said general manager of the Louisiana State Lottery Company hereby agrees to pay into the Treasury of the State of North Dakota the sum of \$150,000 per annum, as provided by the terms of said bill, a copy whereof, as amended, is hereto attached; and in further consideration of such franchises, immunities and privileges, to furnish said committee, for the purpose of distribution among the farmers of North Dakota, in accordance with the spirit and letter of said resolution, 250,000 bushels of good, No. 1 Hard seed wheat, the same to be furnished and placed at the disposal of such committee on or before the 15th day of April, 1890; that as an evidence of good faith in making this proposition and of the ability to carry it into effect, the said general manager of the Louisiana State Lottery Company further agree to at once deposit in any responsible bank or banks, to be selected by such committee, the sum of \$200,000, upon the following terms:

Immediately upon the said bill becoming a law the said \$200,000 shall be held as security for the due and faithful performance of this agreement relative to the furnishing of said seed wheat, and in the event of failure to perform the same, the same shall be forfeited, and the said committee empowered to use such sum for the purchase of such seed wheat, the same to be distributed to the persons thereto entitled under such resolution, absolutely and without the right to demand return of such wheat or money, or any portion of either; that said seed wheat shall be distributed in the discretion of such committee upon the following terms:

Said wheat shall be returned by the parties receiving the same upon the harvesting and threshing of their crop, bushel for bushel; and is to be loaned upon the personal credit of those receiving it.

The details necessary to carry this into effect shall be left to such committee, and all the necessary blanks and papers to be furnished without expense to said corporation; said wheat to be delivered subject to the order of such committee at such points as may be designated by the committee, in the State of North Dakota, at the time aforesaid.

GENERAL MANAGER FOR THE LOUISIANA STATE LOTERY COMPANY,
By GEO. E. SPENCER, Attorney.

A BILL

For an Act Authorizing the Incorporation of Lottery Companies and Regulating the Same so as to Raise Revenue to Defray the Expenses of the State.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Any lottery company heretofore organized, incorporated and established in any other State of the United States whose sole purpose, or one of whose purposes shall have been to provide means for either educational or charitable purposes, or both, and having a paid up capital of \$100,000 or over, may carry on business in this State and may become a domestic body corporate therein on complying with the terms and provisions of this act; *Provided*, That said corporation shall be in actual existence as such foreign corporation at the time of filing the certificate hereinafter required, and that it shall have a valid charter duly granted by the Legislature or recognized by the Constitution of such State, and that during a period of twenty years it shall have paid annually according to the provisions of its charter to the State officer, or to the institution designated in said charter for educational or charitable purposes, or both, at least the sum of \$35,000.

SEC. 2. In any case where prior to the passage of this act any such foreign lottery company shall have by the terms of any lease, contract, or agreement given any person or persons exclusive authority to conduct, control, manage or operate its business, then the person or persons having or owning the whole or a majority interest in such lease, contract or agreement with such corporation shall, instead of any such foreign corporation, have the right which such corporation would otherwise have had to become incorporated under this act; and he or they together with the persons whom he or they shall associate with him or them for that purpose as incorporators, not exceeding seven in all, may carry on business in this State, and may become a domestic body corporate therein on complying with the terms and provisions of this act; *Provided*, That such person or persons shall file with the certificate of incorporation hereafter required, a written stipulation executed by or under the authority of the board of trustees or directors of said corporation to the effect that such person or persons have or own the interest aforesaid, and have the right to be incorporated under this act, and such stipulation shall be sufficient evidence to entitle such person or persons to avail themselves of the provisions of this act; and upon the filing of such stipulation the corporation, of which such trustees or directors are officers, shall be disabled and forever prevented from organizing under this act.

SEC. 3. In order to become incorporated in this State, or to have the right to carry on business therein, such lottery company, or the trustees, officers, or directors thereof, or any five of them, or in the case provided for in the last section, the persons therein specified as incorporators must make, subscribe, acknowledge and file in the office of the Secretary of State of this State, and in the office of the register of deeds of the county where its principal business is intended to be conducted in this State, a certificate of incorporation setting forth:

1. The original name of the incorporation.
2. The object for which it was formed, including the nature of its business and the location of its principal business office in the State where it was originally chartered.
3. The amount and description of its capital stock and the number of shares of which such capital stock doth consist.
4. The date and authority of its charter, and the names and number of its trustees or directors.
5. The name under which the corporation is to be known as incorporated in this State.
6. The location where it is intended the principal business office of the corporation shall be in this State.
7. The duration of the new corporation, which, however, shall not exceed

forty years, unless the same be extended ten years further, as hereinafter provided.

8. And in the case provided for in Section 2 of this act, such certificate of incorporation shall also state the amount and number of shares of the capital stock of the new corporation, the names and residences of its trustees or directors, who shall not exceed seven in number and who shall manage the affairs of such corporation, and who shall hold office for one year and until their successors shall be chosen and have qualified.

SEC. 4. To such certificate shall be annexed or filed therewith either the stipulation hereinbefore provided for or an authenticated copy of the resolution of the board of trustees or directors of such corporation to the effect that said corporation elects or determines to become a body corporate under this act.

SEC. 5. To such certificate shall further be annexed or filed therewith a copy of the original charter of said corporation duly authenticated by the hand and seal of a public officer of the State wherein the same was granted together with a certificate from said officer or from the Secretary or the acting or Assistant Secretary of State of such State to the effect that such charter is in force, or recognized by the Constitution of such State, and that said corporation was chartered at least twenty years previous to the time of giving such certificate, and also a certificate of the Auditors, Treasurer or Comptroller of the said State to the effect that said company or corporation has actually paid into the Treasury of said State, or to educational or charitable purposes, or institutions, according to the provisions of its charter, not less than \$35,000 per year for twenty years immediately preceding; *Provided*, That in place of said last named certificate an affidavit of an officer of said company to the same effect may be used where such certificate cannot be obtained, and standing the cause of not obtaining the same.

SEC. 6. Upon filing such certificate of incorporation and papers as aforesaid, the said corporation, or in the case provided for in Section 2 of this act, the persons subscribing said certificate as incorporators shall be and become a distinct body politic and corporate in fact and in name, under the authority of this State, for the time stated in the said certificate not exceeding fifteen years, unless said time be extended ten years further as hereinafter provided and by the name stated in said certificate, by which said corporation is to be known in this State, and by that name shall have succession and shall be capable of suing and being sued in any court of law or equity, and it and its successors may adopt and have a common seal, and may make and alter the same at pleasure, and shall be capable of purchasing, holding, mortgaging, and conveying real estate, and of making contracts and of doing any other lawful act such as any person might do for his own defense, interest and safety. And the existence, rights and powers and liabilities of said new and distinct corporation shall continue under this act notwithstanding the termination of the original or parent foreign corporation and entirely independent thereof.

SEC. 7. The Secretary of State and the register of deeds shall each record such certificates and papers in a book kept for that purpose and shall receive, the Secretary of State \$25, the register of deeds \$10 as fees for such filing and recording.

SEC. 8. The objects and purposes of said corporation shall be:

1st. The protection of the State against the great losses liable to be incurred by sending large amounts of money to other states and foreign countries for the purchase of lottery tickets and devices, and

2. To establish solvent and reliable home institutions for the operating and conducting a lottery, lotteries, series of lotteries and for the sale of lottery, policy and combination tickets, devices and certificates and fractional parts thereof, and to insure fairness in the distribution of the prizes.

SEC. 9. Every such new corporation shall pay to this State the sum of \$3,000 for the franchise hereinafter granted, and in addition thereto the sum of \$150,000 per annum from and after the filing the security hereinafter mentioned, quarterly in advance to the State Treasury, who shall deposit all said sums in the Treasury of the State. But in case the contract hereinafter pro-

vided for is executed by said corporation it shall only be required to pay the sum specified in such contract. And in either case the corporation shall furnish security to the State Treasurer by giving bond in the sum of \$150,000, to be approved by the State Treasurer, or a district judge or a judge of the Supreme Court, or in its discretion by depositing said sum with such Treasurer, as security for the punctual and prompt payment of said sum.

SEC. 10. No corporation organized under this act shall be liable for said quarterly dues or tax for any longer period than it actually continues to carry on business in this State; *Provided*, That any such corporation after it is organized under this act may enter into a contract with the State, to carry on the business, objects and purposes of said corporation as aforesaid, for a term of years of twenty-five or less at the option of said corporation, but not to exceed the duration of the life thereof as extended by virtue of the execution of said contract. The execution of said contract on the part of said corporation shall have the effect of extending its duration ten years in excess of the period fixed by its original certificate of incorporation. Said contract shall provide for the payment in cash by said corporation of the sum of \$5,000 to the State Treasurer and \$500 more in cash for each year that said contract by its terms is to run, which sum shall be paid on the execution of said contract, and shall further provide for the said payment quarterly in advance of the said sum of \$150,000 per year to the State Treasurer by said corporation as aforesaid during the life of said contract, the aggregate amount paid under said contract not to exceed \$150,000 for the first year in consideration whereof said contract shall provide that the said corporation is to have for the period therein provided, and not exceeding twenty-five years, the franchise and powers hereinafter set forth, the same to be recited in detail therein together with a reference to this act. Said contract shall further provide that the same may be terminated by the said corporation party thereto, at any time after twenty years, on said corporation giving one year's notice in writing to the State of its intention so to terminate the same, and paying into the State Treasurer the sum of \$5,000 forfeit money. The State Treasurer or Secretary of State or the State Auditor is hereby authorized and empowered, and in a proper case directed to make, execute and deliver on behalf of the State the contract aforesaid, for which he shall receive a fee of \$25 to be paid by the corporation party thereto. Such contract so executed shall be valid and effectual and binding on both parties thereto.

SEC. 11. Said corporation so incorporated upon the execution of said contract and furnishing said security, and upon the payment of the money so to be paid for said franchise as hereinbefore provided, or in case no contract be made, then upon paying said \$3,000 and furnishing said security shall, together with its successors and assigns, be authorized and empowered, and it shall be lawful for it and them to establish, authorize, operate and conduct a lottery, lotteries, series of lotteries, and to sell and dispose of lottery tickets, policy, combination devices and certificates and fractional parts thereof, and to dispose of by lottery or series of lotteries any lands improved or unimproved, which said corporation may be possessed of by purchase or otherwise, and to establish such agencies as it may deem necessary for such purposes, and generally to do and perform all acts and things incident to and in the execution of the same.

SEC. 12. Any corporation organized under this act and having complied with its provisions and furnished the security required thereby may by contract, lease or agreement entered into by the trustees or directors designate or appoint one or more persons to manage and conduct its business, and thereupon such person or persons may lawfully manage and conduct the same, and may receive such compensation as may be provided by the terms of such contract, lease or agreement.

SEC. 13. Neither the real nor the personal property of any corporation organized under this act, or under any amendment thereof nor its capital stock or dividends, nor its shares as the property of its shareholders, belonging to or issued to residents or non-residents, or its franchise or any of them, nor any interest of the stockholders thereof in such corporation, shall ever be taxed at

any greater rate than that imposed upon the property of manufacturing and other corporations in this State, by any town, village, city, county, municipality or other subordinate authority, nor shall any town, village, city, county, municipality or other authority ever impose any special tax or license upon any corporation organized under this act; nor shall any non-resident stockholder be taxed by any aforesaid authority at any greater rate than residents of this State.

SEC. 14. It shall be unlawful for any corporation not duly incorporated under this act, and not having given the security and paid the sums aforesaid required to be paid, or for any person whomsoever not authorized by such duly authorized corporation to advertise, sell, offer or expose for sale, or cause to be advertised, sold, offered or exposed for sale within this State, any lottery, policy or combination ticket, device or certificate or fractional part thereof, or knowingly to permit the same to be done upon his premises, or to let or lease premises for that purpose; and any such person or corporation violating this section shall be liable to such corporations as may be duly incorporated and authorized under this act, and to each of them, and to this State, in the sum of \$100, besides costs for each offense, to be recovered by any one of them in any court of competent jurisdiction, in addition to such other penalties and punishment as may be elsewhere provided, and half of any sum so recovered outside of costs shall be paid to the State Treasurer for the benefit of the permanent school fund, and any person or corporation violating any of the provisions of this section may also be enjoined in any proper suit or proceeding in equity by any corporation having the lawful right under this act to carry on the business herein authorized.

SEC. 15. The original certificate, stipulations and papers filed under the authority of this act, or the record thereof or authenticated copies of such certificates, stipulations, papers and records, the certificates of the Secretary of State or State Auditor, or State Treasurer as to the deposit of money or the doing or not doing of anything required to be done in his office under this act shall be received in evidence in any court, and shall be presumptive evidence of all the facts therein stated. Such copies and certificates shall be furnished on demand to any corporation organized under this act, its agents and attorneys on payment of 10 cents per folio and \$1 for such certificate.

SEC. 16. Receipts shall be given in duplicate by the proper State officers on demand for all moneys which shall be received from any corporation pursuant to the provisions of this act, and all such moneys exclusive of fees shall be applicable to the payment of the ordinary and current expenses of the State.

SEC. 17. Any corporation organized under this act may increase or diminish the amount of its capital stock with the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 18. All acts and parts of acts and provisions thereof inconsistent with, or which may render ineffectual or in anywise impair the provisions of this act, or the objects and purposes sought to be attained thereby are hereby repealed.

SEC. 19. Any corporation or persons desiring to organize or transact business under the provisions of this act, and by it authorized so to do, shall avail themselves thereof and comply with this requirement on or before the 1st day of June, A. D. 1890, and shall on or before such day pay into the Treasury of the State as herein provided, the first quarterly installment to be paid under the provisions of this act; *Provided*, That a failure to pay such sum, or any sum subsequently due and payable as provided herein, at the time specified in this act, or in the contract aforesaid, shall of itself work a forfeiture of all rights and powers held by virtue of this act to terminate said contract.

SEC. 20. AND WHEREAS, An emergency exists in this that said moneys are needed for said ordinary and current expenses, therefore this act shall take effect immediately.

Mr. McCormick moved
That the report be printed in the Journal, and that action be deferred until it shall be so printed.

Mr. Stevens moved as a substitute
That the report be printed in the Journal but that it be laid upon the table for the present,
Which substitute motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate by motion adopted recalls House Bill No. 254.

Also,

That the Senate has adopted the report of the Conference Committee on Senate Bill No. 143, and passed the bill as per their report.

C. C. BOWSFIELD,
Secretary.

Mr. Zimmer moved
That House Bill No. 254 be returned to the Senate as requested,
Which motion prevailed.

House Bill No. 318,

A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road and bridge fund, or penalty and interest fund to the general fund,

Was read the third time, and

Mr. Strom moved

To adopt the following amendments proposed by the Committee on Counties:

After the words "interest fund" in line 5, Section 1, and before the word "when" in the same line, insert the following: "Also any balance that may be remaining in any funding bond fund prior to the passage of this act." Also, amend the title by inserting after the word "the" and before the word "read," in the fourth line, the following words: "Funding bond fund."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,

Messrs—

Johnson,
Lilly,
Lutz,
McCormick,
McCullough,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Strom,

Messrs—

Bye,
Christianson,
Cole,
Court,
Estabrook,
Gronli,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,

Messrs—

McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Currier,
Foss,
Green,

Messrs—

Hankinson,
Haugen,
Langer,
Reed,

Messrs—

Stadleman,
Stevens,
Thomas,
Walsh.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Strom moved

To reconsider the vote by which House bill No. 318 was passed and to lay the motion to reconsider upon the table,

Which motion prevailed.

House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing.

Was read the third time, and

Mr. Belden moved

To adopt the following amendments proposed by the Committee on Public Printing:

That line 6 of Section 1 of printed bill be amended as follows: Strike out the figures "300" and insert in lieu thereof the figures "150."

Which motion prevailed, and

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,

Messrs—

Jahr,
Johnson,
Lilly,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,

Messrs—

Richardson,
Ronéy,
Selby,
Stadleman,
Strom,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walton,
Watt,
Wickham,

Messrs—
Haugerud,
Hoyt,
Ingebretson,
Ink,

Messrs—
Rawlings,
Reed,
Renaud,

Messrs—
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Allen,
Bowen,
Buchanan,
Currier,
Green,
Hankinson,

Messrs—
Haugen,
Heglie,
Langer,
McCormick,
McCullough,
Norton,

Messrs—
Stevens,
Tandberg,
Thomas,
Ueland,
Walsh.

Messrs. Lutz and Moore voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 320,

A bill for an act to amend Sections 1 and 2 of Chapter 18 of the Political Code, being Sections 462 and 463 of the Compiled Laws, and to provide how examinations for admission to practice as an attorney at law must be made,

Was read the third time, and

Mr. Thompson of Cass, moved

To adopt the following amendments proposed by the Committee on Judiciary.

After the word "satisfies" in Section 1, line 6 of printed bill, add the following: "The judge of any district court, within this State," and strike out the following words: "Any court of record."

Add in Section 3, line 2, printed bill, the words "in the," the following word "district."

Which motion prevailed, and

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were

Messrs—
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—
Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Strom,
Bowen,	McIntyre,	Tandberg,
Buchanan,	Selby,	Thomas.
Currier,	Stadleman,	Walsh.
Green,	Stevens,	

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Thompson of Cass, moved

To reconsider the vote by which all bills are or have been passed to-day, and to lay the motion to reconsider upon the table, also that all bills passed to-day be immediately transmitted to the Senate,

Which motion prevailed.

Mr. McCullough moved

That the report of the Judiciary Committee on House Bill No. 68 be adopted,

Mr. Williams moved to lay the motion upon the table,

Which motion was lost, and

The question recurring on the motion of Mr. McCullough,

Roll call was demanded.

The roll being called there were ayes 26, nays 29.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Norton,
Balkan,	Hoyt,	Pinkham,
Bye,	Ingebretson,	Renaud,
Christianson,	Jahr,	Roney,
Court,	Lilly,	Stadleman,
Foss,	McCullough,	Tandberg,
Gronli,	McDonald,	Thompson of Cass,
Hankinson,	Murphy,	Walton.
Haugen,	Nedrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Lutz,	Thomas,
Belden,	McCormick,	Tyler,
Brittin,	Milsted,	Ueland.
Cole,	Montgomery,	Walsh,
Currier,	Olgard,	Watt.
Estabrook,	Rawlings,	Wickham,
Green,	Reed,	Williams.
Haugerud,	Richardson,	Zimmer.
Ink,	Stevens,	Mr. Speaker.
Johnson,	Strom,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McIntyre,	Selby,
Buchanan,	Moore,	Thomson of Walsh.
Langer,		

Messrs. Buchanan and Langer being excused.

And so the motion to adopt the report of the committee on House Bill No. 68 was lost.

House Bill No. 68,

A bill for an act to provide for the incorporation of parishes of the Episcopal church,

Was read the third time and placed upon its final passage,

The roll being called there were ayes 28, nays 26.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Bowen,
Brittin,
Cole,
Currier,
Estabrook,
Ink,
Johnson,
McCormick,

Messrs—

Milsted,
Moore,
Montgomery,
Olsgard,
Rawlings,
Reed,
Roney,
Stevens,
Tandberg,

Messrs—

Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Bye,
Christianson,
Court,
Foss,
Green,
Gronli,
Hankinson,

Messrs—

Haugen,
Heglie,
Hoyt,
Lilly,
Lutz,
McCullough,
McDonald,
McIntyre,
Nedrud,

Messrs—

Norton,
Pinkham,
Renaud,
Stadleman,
Strom,
Thompson of Cass,
Walton,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Haugerud,
Ingebretson,

Messrs—

Jahr,
Langer,
Murphy,

Messrs—

Richardson,
Selby.

Messrs. Buchanan and Langer being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

The Conference Committee on House Bill No. 309 made the following report:

MR. SPEAKER:

Your Committee of Conference on House Bill No. 309 beg leave to make the following report; We recommend that the following be stricken out of Section 1, and that it be attached to the end of Section 2: "Provided, That residents of unorganized counties may apply for relief under the provisions of this act to the county to which said unorganized county is attached for judicial purposes."

A. T. COLE,
E. W. BOWEN,
JAMES McCORMICK,
On part of House.
D. S. DODDS,
ANDREW SANDAGER,
A. F. APPLETON.
On part of Senate.

Mr. Cole moved
 To adopt the report,
 Which motion prevailed, and
 The question being on the passage of the bill as amended by
 the adoption of the report of the Conference Committee,
 The roll being called there were ayes 54, nays none.
 Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Hoyt,	Reed,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Roney,
Bowen,	Jahr,	Stadleman,
Brittin,	Johnson,	Strom,
Bye,	Lilly,	Tandberg,
Christianson,	Lutz,	Thomas,
Cole,	McCormick,	Thompson of Cass,
Court,	McCullough,	Thomson of Walsh,
Currier,	McDonald,	Tyler,
Estabrook,	McIntyre,	Ueland,
Foss,	Milsted,	Walsh,
Green,	Montgomery,	Walton,
Gronli,	Murphy,	Wickham,
Hankinson,	Nedrud,	Williams,
Haugen,	Olgard,	Zimmer,
Haugerud,	Pinkham,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Norton,	Stevens,
Langer,	Richardson,	Watt.
Moore,	Selby,	

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Conference Committee passed,
 And the title of the bill was agreed to.

Mr. McCormick moved
 That the House do now adjourn,
 Which motion prevailed, and
 The House adjourned until 7:30 o'clock p. m.

EVENING SESSION.

House reassembled at 7:30 p. m. o'clock pursuant to adjournment.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
 House Bill No. 279,

A bill for an act amending Articles 4, 9, and 16 of Chapter 73
 of the General Laws of 1887, entitled "An Act to provide for the
 incorporation of cities."

Also,

House Bill No. 283,

A bill for an act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota.

Also,

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home.

Also,

House Bill No. 115,

A bill for an act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof.

Also,

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named.

Also,

House Bill No. 249,

A bill for an act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 162,

A bill for an act to amend Section 1. Chapter 70, of the General Laws of 1885, relating to county mutual insurance companies,

Were delivered to his Excellency, the Governor, for his approval at the hour of 4:30 o'clock p. m., March 12, 1890.

GEO. H. WALSH,
Chairman.

The Conference Committee on Senate Bill No. 78 made the following report:

MR. SPEAKER:

Your Committee of Conference in relation to Senate Bill No. 78, have had the same under consideration and recommend that the House recede from its amendments.

W. E. SWANSTON,

E. H. BELYEA,

H. J. ROWE,

On part of Senate.

JAMES McCORMICK,

E. D. McINTYRE,

W. H. H. RONEY,

On part of House.

Mr. Roney moved

To adopt the report,

Which motion prevailed, and

The report of the Conference Committee was adopted.

Mr. Stevens moved
That the House do now reconsider the vote by which Senate Bill No. 167 was indefinitely postponed.

Mr. Stevens moved
The previous question, and
The question being shall the main question be now put,
Roll call was demanded.

The roll being called there were ayes 23, nays 34.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Milsted,	Tyler
Currier,	Moore,	Walsh,
Estabrook,	Murphy,	Walton,
Hangerud,	Norton,	Watt,
Hoyt,	Renaud,	Wickham,
Ingebretson,	Stadleman,	Zimmer,
Lutz,	Stevens,	Mr. Speaker.
McIntyre,	Thompson of Cass,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Olsgard,
Balkan,	Heglie,	Pinkham,
Beard,	Ink,	Richardson,
Bowen,	Jahr,	Roney,
Brittin,	Johnson,	Selby,
Bye,	Lilly,	Strom,
Christianson,	McCormick,	Tandberg,
Cole,	McCullough,	Thomas,
Court,	McDonald,	Thompson of Walsh,
Foss,	Montgomery,	Ueland,
Gronli,	Nedrud,	Williams.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Reed.
Green,	Rawlings,	

Messrs. Buchanan and Langer being excused.

So the motion was lost.

The question recurring on the original motion,

Mr. McCormick raised the point of order that the motion was out of order,

Which point of order Mr. Speaker submitted to the House for decision, and

The question being shall the point of order be sustained,

The roll being called there were ayes 23, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Milsted,	Tyler,
Britten,	Moore,	Walsh,
Currier,	Murphy,	Walton,
Estabrook,	Norton,	Watt,
Hoyt,	Renaud,	Wickham,

Messrs—
Lutz,
McDonald,
McIntyre,

Messrs—
Stadleman,
Stevens,
Thompson of Cass,

Messrs—
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
Allen,
Balkan,
Beard,
Bowen,
Bye,
Christianson,
Cole,
Court,
Foss,
Gronli,
Hankinson,

Messrs—
Haugen,
Haugerud,
Heglie,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
Montgomery,

Messrs—
Nedrud,
Olsgard,
Pinkham,
Richardson,
Roney,
Strom,
Thomas,
Thomson of Walsh,
Ueland,
Williams.

Absent and not voting:

Messrs—
Buchanan,
Green,
Ingebretson,

Messrs—
Langer,
Rawlings,
Reed,

Messrs—
Selby,
Tandberg.

Messrs. Buchanan and Langer being excused.

And so the point of order was decided well taken by the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has adopted the Conference Committee report on House Bill No. 309 and passed the bill as per their report.

Also,

To return House Bill No. 254. The message was a typographical error, and after inhabitants should read "and" instead of "have."

C. C. BOWSFIELD,
Secretary.

House Bill No. 297,

A bill for an act to provide for the better protection of the earnings of laborers, servants and other employes of corporations, firms or individuals engaged in inter-state business,

Was read the the third time, and

Mr. Milsted moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost, and

The question being on the passage of the bill,

The roll being called there were ayes 18, nays 35.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Nedrud,
Brittin,	Haugerud,	Pinkham,
Christianson,	McCormick,	Rawlings,
Cole,	McCullough,	Renaud,
Gronli,	McDonald,	Walsh,
Hankinson,	Moore,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ink,	Stadleman,
Beard,	Jahr,	Strom,
Belden,	Johnson,	Tandberg,
Bowen,	Lilly,	Thomas,
Bye,	Lutz,	Tyler,
Court,	McIntyre,	Ueland,
Currier,	Milsted,	Walton,
Estabrook,	Murphy,	Watt,
Foss,	Norton,	Wickham,
Heglie,	Richardson,	Zimmer,
Hoyt,	Roney,	Mr. Speaker.
Ingebretson,	Selbv.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Montgomery,	Stevens,
Green,	Olsgard,	Thompson of Cass,
Langer,	Reed,	Thomson of Walsh.

Messrs. Buchanan and Langer being excused.

And so the bill was lost, a majority of the members-elect not voting therefor,

And the bill was indefinitely postponed.

House Bill No. 273,

A bill for an act to authorize the State Auditor to assess, by estimate, specific taxes, upon corporations which neglect or refuse to make the report as required by law,

Was read the third time, and

Mr. Milsted moved

To adopt the following amendments proposed by the Committee on Taxes and Tax Laws:

Strike out the word "circuit" wherever it appears in the bill and insert the word "district."

Strike out the words "Auditor General" wherever they appear in the bill and insert the words "State Auditor."

Insert in Section 5, line 27, the word "Burleigh" in blank.

Insert in Section 6, line 7, the word "March" in blank. Also, in line 9, same section, the words "ninety-one."

Which motion prevailed, and

The bill was so amended.

Mr. Lilly moved

To amend the bill as follows:

Strike out in lines 4 and 5 of Section 6 the words "in the year of our Lord 189—" and insert in lieu thereof the words "in each year."

Which motion prevailed, and
 The question being on the passage of the bill as amended,
 The roll being called there were ayes 55, nays 1.
 Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Lilly,	Stevens,
Brittin,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson.	McDonald.	Thomas,
Cole,	McIntyre,	Thompson of Cass,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tyler,
Estabrook,	Montgomery,	Ueland,
Foss,	Murphy,	Walsh,
Gronli,	Nedrud,	Watt,
Hankinson	Norton,	Wickham,
Haugen,	Olsgard,	Williams,
Haugerud,	Pinkham,	Zimmer,
Heglie,	Rawlings,	Mr. Speaker.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Reed,
Green,	McCullough,	Stadleman.

Mr. Walton voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor, and

The title of the bill was agreed to.

The House having adopted the report of the Conference Committee on Senate Bill No. 78,

The question being shall

Senate Bill No. 78,

A bill for an act to amend Section 2; Chapter 58 of the Session Laws of 1887,

Pass, as amended by the adoption of the report of the Conference Committee,

The roll being called there were ayes 48, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Lilly,	Stevens,
Brittin,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Cole,	McDonald,	Thompson of Cass,
Court,	McIntyre,	Thomson of Walsh,

Messrs—
 Currier,
 Estabrook,
 Gronli,
 Hankinson,
 Haugerud,
 Heglie,
 Hoyt,

Messrs—
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings,

Messrs—
 Tyler,
 Ueland,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Haugen,

Messrs—
 Strom,

Messrs—
 Walton.

Absent and not voting:

Messrs—
 Buchanan,
 Christianson,
 Foss,
 Green,

Messrs—
 Langer,
 McCullough,
 Moore,
 Norton,

Messrs—
 Reed,
 Stadleman,
 Walsh.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Conference Committee passed,

And the title of the bill was agreed to.

Mr. Zimmer moved

That the House concur in the Senate amendments to House Bill No. 254,

Which motion prevailed, and

The question being shall

House Bill No. 254,

A bill for an act to license express companies,

Pass, as amended by the Senate,

The roll being called there were ayes 54, nays none.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Foss,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,

Messrs—
 Hoyt,
 Ink,
 Jahr,
 Johnson,
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings,

Messrs—
 Renaud,
 Richardson,
 Roney,
 Selby,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Wickam,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Buchanan,
 Green,
 Ingebretson,

Messrs—
 Langer,
 Norton,
 Reed,

Messrs—
 Stadleman,
 Watt.

Messrs. Buchanan and Langer being excused.

So the bill as amended by the Senate passed,
And the title of the bill was agreed to.

House Bill No. 38,

A bill for an act amending Sections 6 and 7 of Chapter 130, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds, and fixing the license fee at \$50 upon every public warehouse,

Was read the third time, and

Mr. Lutz moved

To adopt the following amendments proposed by the Committee on Ways and Means:

Strike out all after the enacting clause and insert the following:

SECTION 1. That an annual State license must be obtained through the Commissioners of Railroads for each and every public grain warehouse in operation in this State. That no license issued under this act shall describe more than one public grain warehouse, or grant permission to operate any other public grain warehouse than the one therein described. The license fee is hereby fixed at \$2.50 per 1,000 bushels elevator capacity or major fraction thereof for each public grain warehouse: *Provided*, That no license shall be issued for less than \$25, and before any license is issued the person applying therefor shall file with the Commissioners of Railroads the receipt of the State Treasurer showing that the applicant has paid into the State Treasury the amount of said license fee.

SEC. 2. That the license thus obtained shall be posted in a conspicuous place in the public warehouse so licensed. Every such license shall expire on the first day of August next following the issuance thereof, and no license shall run for a longer period than one year. That any person, association or corporation, who shall transact the business of public warehousemen, without first procuring a license as herein provided, shall, on conviction, be fined a sum not less than \$100 for each and every day such business is carried on.

Also, recommend that the title of said bill be amended to read as follows:

A bill for an act to provide for the licensing of public warehouses.

Which motion prevailed, and

The bill was so amended,

The question being on the passage of the bill as amended,

The roll being called there were ayes 41, nays 12.

Those who voted in the affirmative were:

Messrs—

Beard,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugerud,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Moore,
Montgomery,
Murphy
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Renaud,
Richardson,
Roney,
Strom,
Thomas,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Belden,
Haugen,

Messrs—

Heglie,
Ink,
Johnson,
Tandberg,

Messrs—

Thompson of Cass,
Thomson of Walsh,
Tyler,
Walton.

Absent and not voting:

Messrs—

Buchanan,
Green,
Langer,

Messrs—

McIntyre,
Milsted,
Reed,

Messrs—

Selby,
Stadleman,
Stevens.

Messrs. Allen and Bowen explaining their votes.

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 276,

A bill for an act concerning the payment of rewards,

Was read the third time, and

Mr. Currier moved

To adopt the following amendments proposed by the Committee on Judiciary:

Strike out in Section 1, lines 1 and 2 of printed bill the words and figures "one hundred (100) dollars" and insert in lieu thereof the following: "The sum in which the trial court has jurisdiction."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 50, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingerbretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Renaud,
Richardson,
Roney,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Buchanan,
Green,
Langer,

Messrs—

Lutz,
McIntyre,
Reed,
Selby,

Messrs—

Stadleman,
Stevens,
Ueland.

Mr. Walton voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Estabrook moved

That the further consideration of House Bill No. 330 be indefinitely postponed,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Estabrook (by unanimous consent) introduced—

House Bill No. 348,

A bill for an act to amend Section 2 of an act entitled "An Act to establish a board of inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines," approved January 22, 1890.

Mr. Lutz (by unanimous consent) introduced—

House bill No. 349,

A bill for an act for the appropriation of money to pay James M. Gleason.

Mr. Speaker announced that he had reinstated Mr. Newcomer as a Janitor of the House.

Mr. Lilly moved

That Senate Bill No. 135 be referred to the Committee on Education,

Which motion prevailed.

Mr. McCormick moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 13, 1890.

The House assembled at 9:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Buchanan and Langer, excused.

REPORTS 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. 342,

A bill for an act to provide for the keeping of a printed Journal of the House and Senate, and for filing the same,

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

Also,

Senate Bill No. 117,

A bill for an act to amend Article 3 of Chapter 2 of the Civil Code, entitled "Mortgages on Personal Property,"

And recommend that said bill do pass.

C. A. CURRIER,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein.

Also,
House Bill No. 90,
A bill for an act granting women equal rights with men in the State of North Dakota.

Also,
House Bill No. 286,
A bill for an act entitled "An Act to amend Section 6818, and repealing Section 6819 of the Compiled Laws of 1887, relative to the wearing of Grand Army badges."

Also,
House Bill No. 340,
A bill for an act entitled "An Act to repeal Sections 1 and 3 of Chapter 7, of the Political Code, being Sections 68 and 70 of Chapter 5, of the Compiled Laws of 1887,"

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Beard (by request) introduced—
House Bill No. 350,
A bill for an act to allow persons occupying or having improvements on school lands to remove the same.

UNFINISHED BUSINESS.

House Bill No. 116,
A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties.

Was placed upon its final passage.

The roll being called there were ayes 38, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Olsgard,
Beard,	Haugerud,	Pinkham,
Brittin,	Heglie,	Rawlings,
Bye,	Hoyt,	Richardson,
Christianson,	Ingebretson,	Roney,
Cole,	Jahr,	Strom,
Court,	Johnson,	Tandberg,
Currier,	Lutz,	Thomas,
Estabrook,	McCormick,	Ueland,
Foss,	McCullough,	Watt,
Green,	McDonald,	Williams,
Gronli,	Montgomery,	Mr. Speaker.
Hankinson,	Nedrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Norton,	Walton,

Messrs—
Lilly,
Moore,
Murphy,

Messrs.—
Renaud,
Stadleman.
Tyler.

Messrs—
Wickham,
Zimmer.

Absent and not voting:

Messrs—
Allen,
Bowen,
Buchanan,
Ink,
Langer,

Messrs—
McIntyre,
Milsted,
Reed,
Selby,

Messrs—
Stevens,
Thompson of Cass,
Thomson of Walsh,
Walsh.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor, and

The title of the bill was agreed to.

Mr. Hankinson moved

That further consideration of House Bill No. 41 be indefinitely postponed,

Which motion prevailed.

Mr. McCormick moved

That Senate Bill No. 153 be laid upon the table,

Which motion prevailed.

Mr. Zimmer moved

That the rules be suspended and that Senate Bill No. 203 be now placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887,

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

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were—

Messrs—
Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—
Ingebretson,
Ink,
Jahr,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—
Renaud,
Richardson,
Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Bowen,
Buchanan,
Christianson,
Johnson,

Messrs—
Langer,
Milsted,
Reed,

Messrs—
Selby,
Stevens,
Wickham.

Messrs. Buchanan and Langer being excused.

And the question being on the title of the bill,

Mr. Walsh moved

To amend the title by striking out the words "to read as follows,"

Which motion prevailed, and

The title as amended was agreed to.

Mr. Walsh moved

That the vote by which all bills that have been or shall be passed to-day be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Currier (by unanimous consent) made the following report of the Committee on State Affairs:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred
House Bill No. 341,

A bill for an act to fix the salaries of State and judicial officers of the State of North Dakota,

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

In Section 2 strike out all of line 3.

In Section 8, line 2, strike out the figures "500" and insert the figures "1,000" in lieu thereof.

In Section 10, line 2, strike out the figures "2,500" and insert the figures "3,000" in lieu thereof.

In Section 14, line 6, strike out all after the word "officers."

And when so amended recommend that said bill do pass.

C. A. CURRIER,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 248,

A bill for an act to prevent fraudulent transactions on the part of commission merchants and other consignees of goods,

Was read the third time, and

Mr. Montgomery moved

To amend the bill by striking out the word "he" in line 3 of Section 2 and inserting in lieu thereof the word "him,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 47, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Richardson,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Ueland,
Walsh,
Walton,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Foss,
Green,
Langer,

Messrs—

Milsted,
Reed,
Roney,
Selby,

Messrs—

Stadleman,
Thomson of Walsh,
Tyler,
Wickam.

Messrs. Murphy and Renaud voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That House Bill No. 149 be immediately placed upon its third reading and final passage with privilege of amendment,

Which motion prevailed.

House Bill No. 149,

A bill for an act to revise the law in relation to justices and constables,

Was read the third time, and

Mr. Lilly moved

That wherever the expression, "the people of the State of North Dakota" occurs in the bill the words "the people of" be stricken out,

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 51, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,

Messrs—

Hoyt,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,

Messrs—

Renaud,
Richardson,
Roney,
Stevens,
Strom,
Tandberg,

Messrs—	Messrs—	Messrs—
Christianson,	McCormick,	Thomas,
Cole,	McIntyre,	Thompson of Cass,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tyler,
Estabrook,	Montgomery,	Walsh,
Foss,	Murphy,	Walton,
Gronli,	Nedrud,	Watt,
Hankinson,	Norton,	Wickham,
Haugen,	Olsgard,	Williams,
Haugerud,	Pinkham,	Zimmer,
Heglie,	Rawlings,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Ingebretson,	Selby,
Buchanan,	McDonald,	Stadleman,
Green,	Reed,	Ueland.
Langer,		

Mr. McCullough voting in the negative.

Messrs. Stevens and Williams explaining their votes.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor, and

The title of the bill was agreed to.

Mr. Speaker called Mr. McCormick to the Chair.

House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

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

The roll being called there were ayes 54, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Rawlings,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Stadleman,
Bowen,	Lilly,	Stevens,
Brittin,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McCullough,	Thomas,
Cole,	McDonald,	Thompson of Cass,
Court,	McIntyre,	Thomson of Walsh,
Estabrook,	Milsted,	Tyler,
Foss,	Moore,	Walsh,
Gronli,	Montgomery,	Walton,
Hankinson,	Murphy,	Watt,
Haugen,	Nedrud,	Wickham,
Haugerud,	Norton,	Williams,
Heglie,	Olsgard,	Zimmer,
Hoyt,	Pinkham,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Green,	Reed,
Currier,	Langer,	Selby.

Messrs. Renaud and Ueland voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota,

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

The roll being called there were ayes 55, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Haugerud,

Messrs—

Langer,
Reed,

Messrs—

Watt.

Messrs. McCullough and Moore voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein,

Was read the third time, and

Mr. Walsh moved

To amend House Bill No. 346 by inserting the following as Section 7:

SEC. 7. The judge of the district court shall have authority and he is so authorized, when in his judgment he may deem it necessary and to the best in-

terest of the people, to call additional terms of court in any subdivision, or to adjourn the terms provided for in this act.

Also, further amend the bill by renumbering the present Sections 7 and 8 to 8 and 9.

Also, amend Section 2 in last line thereof after the word "and" and between the word "December" add the following words: "And the first Tuesday in."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christiauson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingrebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Foss,
Langer,

Messrs—

McIntyre,
Reed,

Messrs—

Thomson of Walsh,
Mr. Speaker.

Messrs. Buchanan and Langer being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Speaker called Mr. Roney to the Chair.

Mr. Ink moved

That Senate Bills Nos. 213 and 215 be now taken up,

Which motion prevailed, and

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts,

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

The roll being called there were ayes 51, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Renaud,
Balkan,	Ingebretson,	Richardson,
Beard,	Ink,	Rouey,
Belden,	Lilly,	Selby,
Bowen,	Lutz,	Stadleman,
Brittin,	McCormick,	Strom,
Bye,	McCullough,	Tandberg,
Christianson,	McDonald,	Thomas,
Cole,	McIntyre,	Thompson of Cass,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tyler,
Estabrook,	Montgomery,	Walsh,
Gronli,	Nedrud,	Walton,
Hankinson,	Norton,	Watt,
Haugen,	Olsgard,	Wickham,
Haugerud,	Pinkham,	Williams,
Heglie,	Rawlings,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Johnson,	Reed.
Foss,	Langer,	Stevens,
Green,	Murphy,	Mr. Speaker.
Jahr,		

Mr. Ueland voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor, and

The title of the bill was agreed to.

Mr. Thompson of Cass (by unanimous consent), made the following report of the Committee on Judiciary:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 215,

A bill for an act fixing the terms of courts and defining the practice in county courts having civil and criminal jurisdiction,

Have had the same under consideration and report the same back without recommendation.

F. J. THOMPSON,
Chairman.

Senate Bill No. 215,

A bill for an act fixing the terms of court and defining the practice in county courts having civil and criminal jurisdiction,

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

The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Jahr,	Selby,
Balkan,	Johnson,	Stadleman,
Beard,	Lilly,	Stevens,
Belden,	Lutz,	Strom,
Bowen,	McCormick,	Tandberg,

Messrs—	Messrs—	Messrs—
Brittin.	McCullough,	Thomas,
Bye,	McDonald,	Thompson of Cass,
Cole,	Milsted,	Thomson of Walsh,
Court,	Moore,	Tyler,
Currier,	Murphy,	Ueland,
Estabrook.	Nedrud,	Walsh.
Green,	Olgard,	Walton,
Gronli,	Pinkham,	Watt,
Hankinson,	Rawlings,	Wickham,
Haugen,	Renaud,	Williams,
Haugerud,	Richardson,	Zimmer,
Hoyt,	Roney,	Mr. Speaker.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Ingebretson,	Montgomery,
Foss,	Langer.	Norton,
Heglie,	McIntyre,	Reed.

Mr. Christianson voting in the negative.

Messrs. Buchanan and Langer excused.

So the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr Renaud moved

That the House do now adjourn,

Which motion was lost.

House Bill No. 336,

A bill for an act to amend Chapter 205 of the General Laws of 1887, relating to the preferment for appointment in certain cases, Was read the third time, and placed upon its final passage.

The roll being called there were ayes 29, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Tandberg,
Beard,	Ingebretson,	Thomas,
Bowen,	Johnson,	Thompson of Cass,
Brittin,	McCormick,	Thomson of Walsh,
Christianson,	McCullough,	Tyler,
Cole,	McDonald.	Walsh,
Court,	Norton,	Walton,
Estabrook,	Pinkham,	Wickham,
Green,	Rawlings,	Williams.
Gronli,	Roney,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ink,	Richardson,
Belden,	Jahr,	Strom,
Currier,	Lilly,	Ueland,
Hankinson,	Lutz,	Watt,
Haugen,	Olgard,	Zimmer.
Heglie,		

Absent and not voting:

Messrs—
 Buchanan,
 Bye,
 Foss,
 Haugerud,
 Langer,
 McIntyre,

Messrs—
 Milsted,
 Moore,
 Montgomery,
 Murphy
 Nedrud,
 Reed,

Messrs—
 Renaud,
 Selby,
 Stadleman,
 Stevens,
 Mr. Speaker.

Mr. Williams explaining his vote.

Messrs. Buchanan and Langer being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70 of Chapter 5 of the Compiled Laws of 1887,

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

The roll being called there were ayes 44, nays 6.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Court,
 Currier,
 Estabrook,
 Green,
 Gronli,
 Haugen,

Messrs—
 Heglie,
 Hoyt,
 Ingebretson,
 Jahr,
 Johnson,
 Lutz,
 McCullough,
 McDonald,
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Pinkham,
 Rawlings,

Messrs—
 Roney,
 Selby,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thompson of Walsh,
 Tyler,
 Walsh,
 Walton,
 Wickham,
 Williams,
 Zimmer.

Those who voted in the negative were:

Messrs—
 Hankinson,
 Haugerud,

Messrs—
 Lilly,
 McCormick,

Messrs—
 Olsgard,
 Ueland.

Absent and not voting:

Messrs—
 Buchanan,
 Foss,
 Ink,
 Langer,

Messrs—
 McIntyre,
 Moore,
 Reed,
 Renaud,

Messrs—
 Richardson,
 Stadleman,
 Watt,
 Mr. Speaker.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That the House do now adjourn.

Mr. Norton moved

As an amendment that the House do now take a recess until 2 o'clock p. m.,

Which amendment prevailed, and
The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House reassembled at 2 o'clock p. m.

House Bill No. 315,

A bill for an act amending Section 345, Chapter 13 of the Code of Civil Procedure,

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

The roll being called there were ayes 35, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	McCormick,	Renaud,
Beard,	McCullough,	Richardson,
Bye,	McDonald,	Roney,
Currier,	McIntyre,	Thompson of Cass,
Foss,	Milsted,	Thomson of Walsh,
Green,	Moore,	Walsh,
Haugen,	Montgomery,	Walton,
Ingebretson,	Murphy,	Watt,
Jahr,	Nedrud,	Wickham,
Johnson,	Pinkham,	Zimmer,
Lilly,	Rawlings,	Mr. Speaker.
Lutz,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Selby,
Belden,	Haugerud,	Stadleman,
Bowen,	Heglie,	Stevens,
Brittin,	Hoyt,	Strom,
Christianson,	Ink,	Tandberg,
Estabrook,	Norton,	Ueland.
Gronli,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Tyler,
Cole,	Olgard,	Williams.
Court,	Thomas,	

Messrs. Buchanan and Langer being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

House Bill No. 317,

A bill for an act exempting practicing pharmacists from jury duty,

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

The roll being called there were ayes 50, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Ingebretson,	Reed,
Beard,	Ink,	Richardson,
Belden,	Jahr,	Roney,
Bowen,	Johnson,	Selby,
Britten,	Lilly,	Strom,
Bye,	Lutz,	Tandberg,
Christianson,	McCormick,	Thompson of Cass,
Cole,	McCullough,	Thomson of Walsh,
Court,	McDonald,	Ueland,
Currier,	McIntyre,	Walsh,
Estabrook,	Milsted,	Walton,
Green,	Moore,	Watt,
Gronli,	Montgomery,	Wickham,
Hankinson,	Nedrud,	Zimmer,
Haugen,	Olsgard,	Mr. Speaker.
Haugerud,	Pinkham,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hoyt,	Norton,	Renaud.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Murphy	Thomas,
Foss,	Stadleman,	Tyler,
Langer,	Stevens,	Williams.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 322,

A bill for an act to provide for the levy of State taxes,

Was read the third time, and

Mr. Stevens moved

To amend the bill by striking out the word "four" and inserting in lieu thereof the word "three."

Roll call demanded.

The roll being called there were ayes 31, nays 28.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Milsted,	Stevens,
Beard,	Moore,	Tandberg,
Bowen,	Montgomery,	Thompson of Cass,
Brittin,	Murphy,	Thomson of Walsh,
Court,	Norton,	Walsh,
Green,	Olsgard,	Walton,
Haugerud,	Reed,	Watt,
Hoyt,	Renaud,	Wickham,
Lutz,	Selby,	Zimmer,
McDonald,	Stadleman,	Mr. Speaker.
McIntyre,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Nedrud,
Belden,	Heglie,	Pinkham,
Bye,	Ingebretson,	Richardson,
Christianson,	Ink,	Roney,
Cole,	Jahr,	Strom,
Currier,	Johnson,	Thomas,
Estabrook,	Lilly,	Tyler,
Foss,	McCormick,	Ueland,
Gronli,	McCullough,	Williams.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Rawlings.

Messrs. Buchanan and Langer being excused.

And so the motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 34, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	McDonald,	Stevens,
Balkan,	McIntyre,	Tandberg,
Beard,	Milsted,	Thomas,
Brittin,	Moore,	Thompson of Cass,
Christianson,	Montgomery,	Thomson of Walsh
Court,	Murphy,	Walsh,
Currier,	Norton,	Walton,
Estabrook,	Reed,	Watt,
Green,	Renaud,	Wickham,
Haugerud,	Selby,	Zimmer,
Hoyt,	Stadlemau,	Mr. Speaker.
Lutz,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Ink,	Olsgard,
Cole,	Jahr,	Pinkham,
Gronli,	Johnson	Richardson,
Hankinson,	Lilly,	Roney,
Haugen,	McCormick	Strom,
Heglie,	McCullough,	Tyler,
Ingebretson,	Nedrud,	Ueland.

Absent and not noting:

Messrs—	Messrs—	Messrs—
Bowen,	Foss,	Rawlings,
Buchanan,	Langer,	Williams.
Bye,		

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting
therefor, and

The title of the bill was agreed to.

Mr. McCormick moved

That all appropriation bills be referred to the Committee on Appropriations with instructions to cut the same down in proportion.

Which motion prevailed.

House Bill No. 325,

A bill for an act to amend Section 1, Chapter 48, of the Session Laws of 1889, so as to require county clerks or auditors and county treasurers to make out financial statements of the county twice a year,

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

The rolled being called there were ayes 59, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Renaud,
Balkan,	Ink,	Richardson,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Lilly,	Stadleman,
Brittin,	Lutz,	Stevens.
Bye,	McCormick,	Strom,
Christiansou,	McCullough,	Tandberg,
Cole,	McDonald,	Thomas,
Court,	McIntyre,	Thompson of Cass,
Currier,	Milsted,	Thomson of Walsh,
Estabrook,	Moore,	Tyler,
Foss,	Montgomery,	Ueland,
Green,	Murphy,	Walsh,
Gronli,	Nedrud,	Walton,
Hankinson,	Norton,	Watt,
Haugen,	Olsgard,	Wickham,
Haugerud,	Pinkham,	Williams,
Heglie,	Rawlings,	Mr. Speaker.
Hoyt,	Reed,	

Mr. Zimmer voting in the negative.

Mr. Buchanan and Langer absent and not voting.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 13, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the message containing Senate amendments to House Bill No. 11 of March 10th should not contain the last two amendments, as in message with said bill.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved

That the vote by which House Bill No. 11 was passed be re-considered,

Which motion prevailed.

Mr. Bowen moved

That the House concur in the Senate amendments to House Bill No. 11,

Which motion prevailed, and

The question being, shall

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same,

Pass, as amended by the Senate,

The roll being called there were ayes 54, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson.
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald.
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman.
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Langer,

Messrs—

Lutz,
Moore,

Messrs—

Norton,
Watt.

Messrs. Stevens and Zimmer voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Senate passed,

And the title of the bill was agreed to.

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax,

Was read the third time, and

Mr. Thompson of Cass, moved

To adopt the following amendments proposed by the Committee on Judiciary:

That Section 1 of said bill be amended by striking out of line 2, printed bill, the words "by sample;" also, strike out of line 6, same section, the words "or any samples thereof."

Strike out Section 4 of the bill, and change the number of Section 5 to read "Section 4."

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 52, nays 1.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Carrier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Heglie,
Hoyt,
Ingebretson,

Messrs—
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Wickham,
Williams.
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Bowen,
Buchanan,
Foss,

Messrs—
Haugerud,
Langer,
McCormick,

Messrs—
Stevens,
Uelanó,
Watt.

Mr. Norton voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Walsh (by unanimous consent) introduced—
House Bill No. 351,

A bill for an act to repeal Chapters 124 and 125 of the General Laws of 1887, entitled "Public Examiners."

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 328,

A bill for an act to amend Sections 2, 3, 4, 5, and 6 of Chapter 104 of the Laws of 1887, being Sections 1115, 1116, 1117, 1118 and 1119 of Article 4 of the Compiled Laws, entitled "Changing Limits of Cities and Towns,"

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on State Library made the following report:

MR. SPEAKER:

Your Committee on State Library to whom was referred
Senate Bill No. 216,

A bill for an act to provide for the purchase of books for the
State Library, and for the care and custody of the same,

Have had the same under consideration and recommend that
said bill do pass without amendment.

W. B. ALLEN,
Chairman.

House Bill No. 328,

A bill for an act to amend Sections 2, 3, 4, 5, and 6 of Chapter
104 of the Laws of 1887, being Sections 1115, 1116, 1117, 1118
and 1119 of Article 4 of the Compiled Laws, entitled "Changing
Limits of Cities and Towns,"

Was read the third time, and

Mr. Thompson of Cass, moved

To amend the bill as follows:

Amend Section 1 by adding after the word "section" in line 1 the follow-
ing: "2, 3, 4, 5 and 6 of Chapter 104 of the General Laws of 1887, being."

Add after the figures "1119," in line 1, Section 1, the words "the Compiled
Laws."

Change the figures in the bill corresponding to those given in the Com-
piled Laws so as to conform to the figures of the section of the General Laws
of 1887.

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended.

The roll being called there were ayes 48, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Ingerbretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McCullough,
McDonald,
Moore,
Montgomery
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Foss,
Langer,

Messrs—

Lutz,
McIntyre,
Milsted,
Norton,

Messrs—

Stadleman,
Stevens,
Tyler,
Watt.

Messrs. Hoyt and Wickham voting in the negative.

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The question being on the title of the bill,

Mr. Thompson of Cass, moved

To amend the title as follows:

Amend title by inserting after the word "the" in line 2 of printed bill the word "General."

And add the word "the" after the word "of" before Compiled Laws in line 3 of printed bill.

Which motion prevailed, and

The title as amended was agreed to.

Mr. Hankinson (by unanimous consent) made the following report of the Committee on Municipal Corporations:

The Committee on Corporations Other Than Municipal made the following report:

MR. SPEAKER:

Your Committee on Corporations Other Than Municipal to whom was referred

Senate Bill No. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions,

Have had the same under consideration and recommend that said bill do pass without amendment.

R. H. HANKINSON,
Chairman.

Mr. Bowen moved

To reconsider the vote by which House Bill No. 322 was passed.

Mr. Stevens raised the point of order that the motion was out of order, the House having already decided that the vote by which all bills passed or to be passed to-day shall be reconsidered, and that the motion to reconsider be laid upon the table,

Which point of order Mr. Speaker decided well taken.

Mr. Bowen appealed from the decision of the Chair, and

The question being, shall the decision of the Chair be sustained, The decision of the Chair was not sustained.

The motion to reconsider then being before the House,

Mr. Walsh moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 25, nays 34.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Murphy,	Thomson of Walsh,
Brittin,	Norton,	Tyler,
Estabrook,	Reed,	Walsh.
Green,	Renaud,	Walton,
Haugerud,	Selby,	Watt,
Hoyt,	Stadleman,	Wickham,
McIntyre,	Stevens,	Zimmer,
Moore,	Tandberg,	Mr. Speaker.
Montgomery,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Milsted,
Beard,	Heglie,	Nedrud,
Belden,	Ingebretson,	Olsgard,
Bowen,	Ink,	Pinkham,
Bye,	Jahr,	Richardson,
Christianson,	Johnson,	Roney,
Cole,	Lilly,	Strom,
Court,	Lutz,	Thomas,
Currier,	McCormick,	Thompson of Cass,
Foss,	McCullough,	Ueland,
Gronli,	McDonald,	Williams.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Langer,	Rawlings.

Messrs. Buchanan and Langer being excused.

And so the motion to lay upon the table was lost.

The question then recurring on the motion to reconsider,

Roll call was demanded,

The roll being called there were ayes 35, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Olsgard,
Beard,	Heglie,	Pinkham,
Belden,	Ingebretson,	Rawlings,
Bowen,	Ink,	Richardson,
Bye,	Jahr,	Roney,
Christianson,	Johnson,	Strom,
Cole,	Lilly,	Thomas,
Court,	Lutz,	Thompson of Cass,
Currier,	McCormick,	Tyler,
Foss,	McCullough,	Ueland,
Gronli,	Milsted,	Williams.
Hankinson,	Nedrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Montgomery,	Tandberg,
Brittin,	Murphy,	Thomson of Walsh,
Estabrook,	Norton,	Walsh,
Green,	Reed,	Walton,
Haugerud,	Renaud,	Watt,
Hoyt,	Selby,	Wickham,
McDonald,	Stadleman,	Zimmer,
McIntyre,	Stevens,	Mr. Speaker.
Moore,		

Messrs. Buchanan and Langer absent and not voting.

Messrs. Buchanan and Langer being excused.

So the motion to reconsider prevailed.

Mr. Bowen moved

To reconsider the vote by which the word "four" was stricken out of House Bill No. 322, and the word "three" substituted therefor.

Roll call demanded.

The roll being called there were ayes 34, nays 25.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Heglie,	Olsgard,
Beard,	Ingebretson,	Pinkham,
Belden,	Ink,	Rawlings,
Bowen,	Jahr,	Richardson,
Bye,	Johnson,	Roney,
Christianson,	Lilly,	Strom,
Cole,	Lutz,	Thomas,
Currier,	McCormick,	Thompson of Cass,
Foss,	McCullough,	Tyler,
Gronli,	Milsted,	Ueland,
Hankinson,	Nedrud,	Williams.
Haugen,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Montgomery,	Tandberg,
Brittin,	Murphy,	Thomson of Walsh,
Estabrook,	Norton,	Walsh,
Green,	Reed,	Walton,
Haugerud,	Renaud,	Watt,
Hoyt,	Selby,	Wickham,
McDonald,	Stadleman.	Zimmer,
McIntyre,	Stevens,	Mr. Speaker.
Moore,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Court,	Langer.

Messrs. Buchanan and Langer being excused.

And so the motion to reconsider prevailed.

Mr. McCormick moved

To lay the amendment upon the table.

Roll call demanded.

The roll being called there were ayes 37, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Heglie,	Nedrud,
Beard,	Ingebretson,	Olsgard,
Belden,	Ink,	Pinkham,
Bowen,	Jahr,	Rawlings,
Bye,	Johnson,	Richardson

Messrs—
 Christianson,
 Cole,
 Currier,
 Estabrook,
 Foss,
 Gronli,
 Hankinson,
 Haugen,

Messrs—
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 McDonald,
 Milsted,
 Moore,

Messrs—
 Roney,
 Strom,
 Thomas,
 Thompson of Cass,
 Tyler,
 Ueland,
 Williams.

Those who voted in the negative were:

Messrs—
 Allen,
 Brittin,
 Court,
 Green,
 Haugerud,
 Hoyt,
 McIntyre,
 Montgomery,

Messrs—
 Murphy,
 Norton,
 Reed,
 Renaud,
 Selby,
 Stadleman,
 Stevens,
 Tandberg,

Messrs—
 Thomson of Walsh,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Zimmer,
 Mr. Speaker.

Messrs. Buchanan and Langer being absent and not voting.

Messrs. Buchanan and Langer being excused.

And so the motion to lay upon the table prevailed.

Mr. Stevens raised the point of order, that the amendment having been laid upon the table, the whole section sought to be amended was laid upon the table.

Mr. Stevens quoted as his authority for his point of order the "Rules and Practice of the House of Representatives of the Forty-fifth Congress," page 250-251, and asked that it be entered upon the Journal.

Mr. Speaker submitted the point of order to the House for decision, and

The question being shall the point of order be sustained,
 Roll call was demanded.

The roll being called there were ayes 16, nays 35.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Brittin,
 Estabrook,
 Green,
 Haugerud,
 Hoyt,

Messrs—
 McIntyre,
 Murphy,
 Norton,
 Reed,
 Renaud,

Messrs—
 Thompson of Cass,
 Walsh,
 Walton,
 Watt,
 Wickham.

Those who voted in the negative were:

Messrs—
 Balkan,
 Beard,
 Belden,
 Bowen,
 Bye,
 Christianson,
 Cole,
 Court,

Messrs—
 Haugen,
 Heglie,
 Ingebretson,
 Ink,
 Jahr,
 Johnson,
 Lilly,
 Lutz,

Messrs—
 Nedrud,
 Olsgard,
 Pinkham,
 Rawlings,
 Richardson,
 Roney,
 Selby,
 Strom,

Messrs— Currier, Foss, Gronli, Hankinson,	Messrs— McCormick, McCullough, McDonald, Milsted,	Messrs— Thomson of Walsh, Tyler, Ueland.
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Absent and not voting:

Messrs— Buchanan, Langer, Moore, Montgomery,	Messrs— Stadleman, Stevens, Tandberg, Thomas,	Messrs— Williams, Zimmer, Mr. Speaker.
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Mr. Selby explaining his vote.

Messrs. Buchanan and Langer being excused.

And so the point of order was not sustained.

The question then recurring on the passage of the bill as amended,

The roll being called there were ayes 41, nays 14.

Those who voted in the affirmative were:

Messrs— Allen, Balkan, Beard, Belden, Bowen, Brittin, Bye, Christianson, Cole, Court, Currier, Estabrook, Foss, Green,	Messrs— Gronli, Hankinson, Haugen, Heglie, Ingebretson, Ink, Jahr, Johnson, Lilly, Lutz, McCormick, McCullough, McDonald, Milsted,	Messrs— Nedrud, Olsgard, Pinkham, Rawlings, Richardson, Roney, Selby, Storm, Thomas, Thompson of Cass, Tyler, Ueland, Williams.
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Those who voted in the negative were:

Messrs— Haugerud, Montgomery, Murphy, Norton, Reed,	Messrs— Renaud, Stevens, Thomson of Walsh, Walsh, Walton,	Messrs— Watt, Wickham, Zimmer, Mr. Speaker.
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Absent and not voting:

Messrs— Buchanan, Hoyt, Langer,	Messrs— McIntyre, Moore,	Messrs— Stadleman, Tandberg.
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Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor, and

The title of the bill was agreed to.

The commission to devise means to secure seed grain and feed for the destitute farmers made the following report:

To the House of Representatives of the State of North Dakota :

That a strong necessity exists for prompt and efficient action to relieve a considerable portion of our citizens who are suffering from the lack of seed grain and feed, is conceded by every fair minded man who is acquainted with the facts.

The near approach of seed time leaves no period for inaction and delay. We have deeply realized the onerous duty imposed by the resolution calling on us "to devise means" to procure the grain necessary for seed and feed. With all the revenues of the State more than anticipated; with a number of the counties needing assistance, bonded already to the limit allowed by the Constitution; with the individuals who most need help indebted and mortgaged to the full extent of their property, it seemed that the task laid upon us was similar to that imposed by Pharaoh, "make bricks without straw."

We are not fitted to act the part of beggars, and experience teaches that a fund derived from penny contributions dropped into boxes placed in churches, hotels, theatres, saloons, and other places of resort, is too trivial to be counted in the present emergency.

This State should be, and is, able to relieve its needy citizens. The proposition submitted by this committee, in connection with Senate Bill 167, if it had been accepted, solved the problem. It was not deemed even worthy of consideration by the House of Representatives. In view of this action it is right to infer that the collective wisdom and acumen of that "wise and honorable body" can readily "devise means" to relieve the distress of our suffering citizens, and replenish the depleted coffers of the State.

In our opinion the proposition rejected so summarily violated no maxim of sound morality and was in accord with wise statesmanship.

In order that the desired grain be procured at the earliest possible time, and that the "powers that be" have full scope for action in the premises, we, the undersigned members of said committee, hereby resign and decline to further act under the Concurrent Resolution appointing us.

Dated March 13, 1890.

WM. O'MULCAHY,
JEFF M. MEYERS,
WM. BUDGE,
ALEXANDER MCKENZIE,
R. E. FLEMING,
GEO. E. SPENCER.

Mr. Stevens moved

That the report be referred to the Committee on Ways and Means.

Mr. McCormick moved

As a substitute that the resignations be accepted,
Which substitute motion prevailed.

Mr. Ink moved

That the vote by which the appropriation bills were re-committed be reconsidered,
Which motion prevailed.

Mr. Ink moved

That the bills be recalled,
Which motion prevailed.

House Bill No. 30,

A bill for an act to provide for elections in unorganized counties for State, legislative and judicial purposes,

Was read the third time, and

Mr. Selby moved

That the bill be made a special order for to-morrow at 3 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 152,

A bill for an act to provide for the effect of judgment in action of foreclosure of liens upon real property.

Also,

House Bill No. 155,

A bill for an act to amend Section 2 of Chapter 88 of Session Laws of 1889.

Also,

House Bill No. 262,

A bill for an act to encourage the culture of sugar beets and the manufacturing of sugar from the same.

Also,

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

Also,

House Bill No. 324,

A bill for an act to locate, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

Also,

House Bill No. 324,

A bill for an act to locate and establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890.

Also,

House Bill No. 152,

A bill for an act to provide for the effect of judgment in action of foreclosure of liens upon real property:

Also,

House Bill No. 155,

A bill for an act to amend Section 2 of Chapter 88, of the Session Laws of 1889.

Also,

House Bill No. 262,

A bill for an act to encourage the culture of sugar beets, and the manufacturing of sugar from the same.

House Bill No. 90,

A bill for an act granting women equal rights with man in the State of North Dakota,

Was read the third time, and

Mr. Selby moved

To lay the bill upon the table.

Mr. Pinkham moved

To lay the motion to indefinitely postpone upon the table,

Which motion was lost.

Mr. Williams demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Allen, Buchanan, Hankinson and Langer.

Messrs. Buchanan and Langer being excused.

Mr. Stevens moved

To dispense with further proceedings under call of the House, Which motion prevailed.

All the members being present Mr. Speaker declared further proceedings under call of the House dispensed with.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 13, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 141.

A bill for an act to prevent certain male animals from running at large.

Also,

House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties.

Also,

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise, for parks and public grounds and protection of such real estate,

All of which the Senate has passed unchanged.

Also,

House Bill No. 303,

A bill for an act to provide for amending articles of incorporation of building and loan associations.

Also,

House Bill No. 92,

A bill for an act to amend Section 15, Chapter 130, Laws of 1887, entitled "Grain Warehouses," enabling the seller of grain to appeal to the Railroad Commissioners for an inquiry into and decision upon the grade of his grain,

Which were lost.

Also,

House Bill No. 275,

A bill for an act to provide for the transcribing and delivery of papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the Eighth Subdivision of the Sixth judicial district to the proper counties,

Amended as follows:

In line 14, Section 2, original bill, after the word "clerk" insert the words "of the court."

Also,

House Bill No. 39,

A bill for an act defining usury, and the penalty for taking the same.

Which the Senate has amended by striking out Section 11.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof,

Which the Senate has amended as follows:

Insert in line 8, Section 1 of the printed bill after the word "funding" the words "or refunding" and after the word "warrants" in line 9 of Section 1 insert the word "bonds."

In line 4 of Section 3 of the printed bill, strike out the word "fifteen" and insert the word "twenty" in lieu thereof.

In line 3, Section 4, of the printed bill after the word "warrants" insert the word "bonds."

Amend Section 4, line 3, by striking out the word "evinced" and inserting the word "evidenced" in lieu thereof.

After Section 6 insert the following as Section 7:

SEC. 7. The county treasurer shall be allowed a commission of one-fourth of one per cent. on the face value of said bonds for receiving and disbursing all funds arising from the sale or exchange of said bonds, and the commission herein provided for shall be in lieu of all other commissions allowed by law and shall be paid into the salary fund and be disposed of as is now provided by law.

Renumber Sections 7 and 8 of the bill, making them Sections 8 and 9, and amend Section 9 to read as follows:

SEC. 9 That Chapter 13 of the Session Laws of 1887, and all acts and parts of acts in conflict with this act are hereby repealed.

And your concurrence is respectfully requested.

Also,

House Bill No. 170,

A bill for an act to preserve the waters of the Red, Missouri and James rivers.

Also,

House Bill No. 295,

A bill for an act making an appropriation to pay for publication of the Constitution of North Dakota.

Also,

House Bill No. 292,

A bill for an act defining the boundaries of the Third judicial district, subdividing the same and fixing the terms of court to be held therein.

Also,

House Bill No. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit.

Which were indefinitely postponed.

Also,

Senate Bill No. 221,

A bill for an act to transfer the unexpended balances of the bond funds of certain State Institutions to the general fund.

Also,

Senate Bill No. 224,

A bill for an act to amend an act to provide for the annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products and resources of the State of North Dakota, and to provide for a State Board of Agriculture.

Also,

Senate Bill No. 231,

A bill for an act to provide for the copying of certain records, and making an appropriation therefor.

Also,

Senate Bill No. 227,

A bill for an act providing for a State Board of Equalization of Taxes, for the State of North Dakota, to fix the rate of the State tax annually, and for its meeting and duties and the duty of the State Auditor, the county clerk and the board of county commissioners of counties in relation thereto,

All of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The question recurring on the motion to indefinitely postpone House Bill No. 90,

Roll call was demanded.

The roll being called there were ayes 34, nays 25.

Those voting in the affirmative were:

Messrs—

Allen,
Brittin,
Currier,
Estabrook,
Gronli,
Haugen,
Haugerud,
Heglie,
Lilly,
Lutz,
McDonald,
Milsted,

Messrs—

Montgomery,
Murphy,
Norton,
Olsgard,
Rawlings,
Reed,
Renaud,
Selby,
Stadleman,
Stevens,
Strom,

Messrs—

Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Foss,

Messrs—

Green,
Hankinson,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
McCormick,

Messrs—

McCullough,
McIntyre,
Nedrud,
Pinkham,
Richardson,
Roney,
Ueland,
Walton.

Absent and not voting:

Messrs—

Buchanan,

Messrs—

Langer,

Messrs—

Moore.

Messrs. Buchanan and Langer excused.

And so the motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Speaker called Mr. Bowen to the Chair.

The Committee on Engrossed Bills made the following report:

Mr. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 38,

A bill for an act to provide for the licensing of public ware-
houses.

Also,

House Bill No. 276,

A bill for an act concerning the payment of rewards.

Also,

House Bill No. 318,

A bill for an act to amend Section 1, Chapter 51 of the Session
Laws of 1889, entitled "An Act to authorize the board of county
commissioners of any county to transfer unexpended balances in
the county treasury from funding bond fund, road and bridge
fund or penalty and interest fund to the general fund,"

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 259,

A bill for an act to amend Section 9 of an act entitled "An Act
to prevent the trespass upon school and public lands, and to re-
cover damages therefor," passed by the Joint Legislative Assem-
bly of the State of North Dakota, and approved January 13, A.
D. 1890,

Was read the third time, and

Mr. Strom moved

To amend the bill by striking out the word and figures "Feb-
ruary 10th" and inserting the word and figures "February 15th,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 45, nays 5.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Court,
Carrier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Heglie,
Ingebretson,
Ink,
Johnson,
McCormick,
McIntyre,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—
Cole,
Lilly,

Messrs—
Lutz,
McCullough,

Messrs—
Walton.

Absent and not voting:

Messrs—
Bowen,
Buchanan,
Hoyt,
Jahr,

Messrs—
Langer,
McDonald,
Milsted,
Moore,

Messrs—
Reed,
Stadleman,
Zimmer,
Mr. Speaker.

Messrs. Buchanan and Langer being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the House do not concur in the Senate amendments to House Bill No. 39, but that a conference committee be appointed, Which motion prevailed.

Mr. McDonald moved

That the House concur in the Senate amendments to House Bill No. 96,

Which motion prevailed, and

The question being shall

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness and adjust disputed claims; to issue and dispose of bonds, and to provide for the payment of the principal and interest thereof,

Pass, as amended by the Senate,

The roll being called there were ayes 49, nays 3.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—
Haugerud,
Hoyt,
Ingebretson,
Ink,
Lilly,
Lutz,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—
Renaud,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—
McCormick,

Messrs—
Thomas,

Messrs—
Ueland.

Absent and not voting:

Messrs—
 Buchanan,
 Heglie,
 Jahr,
 Johnson,

Messrs—
 Langer,
 McCullough,
 McIntyre,

Messrs—
 Norton,
 Richardson,
 Roney.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Senate passed,
 And the title of the bill was agreed to.

Mr. Walsh moved

That the House concur in the Senate amendments to House
 Bill No. 181,

Which motion prevailed, and
 The question being shall
 House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel
 mortgage sales, approved March 8, 1889,

Pass, as amended by the Senate,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Estabrook,
 Foss,
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,
 Hoyt,

Messrs—
 Ingebretson,
 Ink,
 Lilly,
 Lutz,
 McCormick,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,

Messrs—
 Renaud,
 Roney,
 Selby,
 Strom,
 Tanberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer.

Absent and and not voting:

Messrs—
 Buchanan,
 Court,
 Currier,
 Green,
 Gronli,

Messrs—
 Jahr,
 Johnson,
 Langer,
 McCullough,
 McDonald,

Messrs—
 Richardson,
 Stadleman,
 Stevens,
 Tyler,
 Mr. Speaker.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Senate passed,
 And the title of the bill was agreed to.

Mr. Ueland moved

That the reading of the Journal be dispensed with, and that a
 committee be appointed to revise and correct the same from and
 after the one hundredth and twelfth day and up to the end of the
 session,

Which motion prevailed.

Mr. Williams moved

That the rules be suspended, and that Senate Bill No. 200 be now placed upon its third reading and final passage.

Mr. Thompson of Cass, moved

To lay the motion upon the table,

Which motion was withdrawn, and

The question recurring on the motion of Mr. Williams,

The motion was lost.

Mr. McCormick moved

That the House concur in the Senate amendments to House Bill No. 272,

Which motion prevailed, and

The question being shall

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers,

Pass, as amended by the Senate,

The roll being called there were ayes 44, nays 5.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Nedrud,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Reed,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Ueland,
Walton,
Watt,
Wickham,
Williams.

Those who voted in the negative were:

Messrs—

Moore,
Murphy,

Messrs—

Norton,
Thompson of Cass,

Messrs—

Thomson of Walsh.

Absent and not voting:

Messrs—

Balkan,
Buchanan,
Currer,
Green,
Johnson,

Messrs—

Langer,
Renaud,
Stadleman,
Thomas,

Messrs—

Tyler,
Walsh,
Zimmer,
Mr. Speaker.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Senate passed,

And the title of the bill was agreed to.

Mr. Lilly moved

That the House concur in the Senate amendments to House Bill No. 234,

Which motion prevailed, and

The question being shall

House Bill No. 234,

A bill for an act to amend Sections 3 and 4 of the Political Code, being Section 1372 of the Compiled Laws, providing the oath of civil officers,

Pass, as amended by the Senate,

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Hangerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Lilly,
Lutz,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tanberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Balkan,
Buchanan,
Currier,
Green,

Messrs—

Ink,
Johnson,
Langer,
McCormick,

Messrs—

McCullough,
Nedrud,
Walton,
Mr. Speaker.

Messrs. Buchanan and Langer being excused.

And so the bill as amended by the Senate passed,

And the title of the bill was agreed to.

Mr. Roney moved

That the House concur in Senate amendments to House Bill No. 208,

Which motion prevailed, and

Mr. Milsted moved

That the House do now adjourn.

Mr. Williams moved

That when the House adjourn it be to meet again at 7:30 o'clock this evening.

Mr. Milsted moved

To lay the motion upon the table,

Which motion prevailed, and

The question recurring on the motion to adjourn,

The motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 14, 1890.

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

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Buchanan, excused.

Mr. Speaker appointed as the committee to revise and correct the Journal from the one hundred and twelfth day to the close of the session, Messrs. Ueland, Watt and Haugerud.

Mr. Speaker announced as the House members of the Conference Committee on House Bill No. 39 the following: Messrs. Selby, Currier and Thompson of Cass.

UNFINISHED BUSINESS.

House Bill No. 208 was considered.

The question being shall

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,

Pass, as amended by the Senate,

The roll being called there were ayes 60, nays none.

Those who voted in the affirmative were

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,

Messrs—

Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Tyler,
Ueland,
Walsh.
Walton,
Watt,
Wickham.
Williams,
Zimmer,
Mr. Speaker.

Messrs. Buchanan and Stevens absent and not voting.

Mr. Buchanan being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Walsh introduced—

House Bill No. 352,

A bill for an act for the appointing of a commissioner to protect the interests of the State of North Dakota in the surveying, and permanently locating the boundary line between North Dakota and South Dakota,

Which was read the first and second times, and referred to the Committee on State affairs.

Also,

House Bill No. 353,

A bill for an act for the appointing of marshals for the Supreme Court of the State; defining his duties and fixing his compensation.

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Thompson of Cass, introduced—

House Bill No. 354,

A bill for an act to correct the Compiled Laws and to provide for the publication of errors that may be found therein,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Olsgard introduced—

House Bill No. 355,

A bill for an act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein,

Which was read the first and second times, and referred to the Committee on Counties.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 348,

A bill for an act to amend Section 2 of an act entitled "An Act to establish a board of inspectors for steam vessels and steam

boilers, and to provide for licensing engineers of steam engines," approved January 22, 1890,

Was read the first time, and

Mr. Walsh moved

That all bills on their first reading be read the first and second times and referred.

Which motion prevailed, and

House Bill No. 348 was read the second time, and referred to the Committee on State Affairs.

House Bill No. 349,

A bill for an act for the appropriation of money to pay James M. Gleason,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 350,

A bill for an act to allow persons occupying or having improvements on school lands to remove the same,

Was read the first time, and

Mr. Beard moved

To amend the bill by inserting an enacting clause,

Which motion prevailed, and

The bill was so amended, and

House Bill No. 350,

A bill for an act allowing persons occupying or having improvements on school lands to remove the same,

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

House Bill No. 351,

A bill for an act to repeal Chapters 124 and 125 of the General Laws of 1887, entitled "Public Examiners,"

Was read the first and second times, and referred to the Committee on Judiciary.

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

Resolved, That House Bill No. 162 be recalled from the Governor for correction.

Which motion prevailed, and

The resolution was adopted.

Mr. Lutz moved

To suspend the rules, and to read all Senate bills on their first reading, the first and second times, and refer them to their appropriate committees,

Which motion was lost.

Mr. Hankinson moved

To suspend the rules and place Senate Bills Nos. 170, 93 and 63 on their third reading and final passage,

Which motion was lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 84,

A bill for an act in relation to dower,

Was read the third time, and

Mr. Thompson of Cass, moved

To adopt the report of the Judiciary Committee on the bill,

Which motion prevailed, and

The bill was indefinitely postponed.

House Bill No. 148,

A bill for an act to prescribe the bond, oath and duties of the Attorney General,

Was read the third time, and considered with Senate Bill No. 22.

Mr. Lilly moved

To amend the bill as follows:

Insert the following as Section 5: "He shall make an annual report to the Governor, stating the number, character, condition and result of the actions prosecuted or defended by him in behalf of the State, the cost of prosecuting or defending each action, and the amount of fines and penalties collected. He shall also direct attention to any defect in the practical operation of the laws relating to revenue and criminal offenses, and suggest such amendments as in his judgment are necessary to subserve the public interest."

Renumber Section 5 as Section 6.

Which motion prevailed, and

The bill was so amended.

Senate Bill No. 22,

A bill for an act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883, entitled "Attorney General,"

Was read the third time, and

Mr. McDonald moved

That the further consideration of the bill be indefinitely postponed.

Mr. Thompson of Cass, moved

As a substitute that Senate Bill No. 22 be now placed upon its final passage, and that House Bill No. 148 be indefinitely postponed.

Mr. Williams moved

As an amendment to the substitute motion that Senate Bill No. 22 be amended by striking out all after the enacting clause and inserting the body of House Bill No. 148 in lieu thereof,

Which motion prevailed, and

The original motion as amended prevailed.

The question being on the passage of the bill as amended,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,

Messrs—

Ink,
Johnson,

Messrs—

Richardson,
Roney,

Messrs—	Messrs—	Messrs—
Beard,	Langer.	Selby,
Belden,	Lilly,	Stadleman,
Brittin,	Lutz,	Strom,
Bye,	McCormick,	Tandberg,
Christianson,	McCullough,	Thomas,
Cole,	McDonald,	Thompson of Cass,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tyler,
Estabrook,	Montgomery,	Ueland,
Foss,	Murphy,	Walsh,
Green,	Nedrud,	Walton,
Grouli,	Olsgard,	Watt,
Hankinson,	Pinkham,	Wickham,
Haugen,	Rawlings,	Williams,
Haugerud,	Reed,	Zimmer,
Heglie,	Renaud,	Mr. Speaker.
Ingebretson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Jahr,	Norton.
Buchanan,	McIntyre,	Stevens.
Hoyt,		

Mr. Buchanan being excused.

The question being on the title of the bill,

Mr. Lilly moved

To amend the title to read: "An act to prescribe the bond, oath and duties of the Attorney General."

Which motion prevailed, and

The title as amended was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 14, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the President, by motion adopted, has appointed Messrs. Lawrence, Slotten and Bell to confer with your committee on House Bill No. 39.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the Committee on Enrollment be instructed to correct House Bill No. 162, to conform to the record,

Which motion prevailed.

Mr. Speaker called Mr. Stevens to the chair.

House Bill No. 314,

A bill for an act relating to building and loan associations, Was read the third time, and placed upon its final passage.

The roll being called there were ayes 42, nays 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Richardson,
Balkan,	Hoyt,	Roney,
Beard,	Ingebretson,	Selby,
Brittin,	Ink,	Stadleman,
Bye,	Langer,	Strom,
Christianson,	McIntyre,	Tandberg,
Cole,	Milsted,	Thomas,
Court,	Moore,	Thomson of Walsh,
Estabrook,	Montgomery,	Walsh,
Green,	Murphy,	Walton,
Gronli,	Nedrud,	Watt,
Hankinson,	Pinkham,	Wickham,
Haugen,	Rawlings,	Zimmer,
Haugerud,	Renaud,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Lilly,	Thompson of Cass,
Jahr,	Lutz,	Tyler,
Johnson,	Stevens,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCormick,	Olgard,
Buchanan,	McCullough,	Reed,
Currier,	McDonald,	Ueland.
Foss,	Norton,	

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

CONSIDERATION OF SPECIAL ORDERS.

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties for State, legislative and judicial purposes,

Which was made a special order for 3 o'clock p. m., was considered.

The question being on the final passage of the bill,

The roll being called there were ayes 34, nays 26.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Moore,	Thomas,
Bowen,	Montgomery,	Thompson of Cass,
Currier,	Murphy,	Thomson of Walsh,
Estabrook,	Norton,	Tyler,
Green,	Rawlings,	Walsh,
Hankinson,	Reed,	Walton,
Haugerud,	Renaud,	Watt,
Hoyt,	Selby,	Wickham,
Ingebretson,	Stadleman,	Williams,
Lutz,	Stevens,	Zimmer,
McDonald,	Tandberg,	Mr. Speaker.
Milsted,		

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Brittin,
Bye,
Christianson,
Cole,
Court,
Foss,

Messrs—

Gronli,
Haugen,
Heglie,
Ink,
Jahr,
Johnson,
Langer,
McCormick,
McCullough,

Messrs—

McIntyre,
Nedrud,
Olsgard,
Pinkham,
Richardson,
Roney,
Strom,
Ueland.

Messrs. Buchanan and Lilly absent and not voting.

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Moore moved

To reconsider the vote by which House Bill No. 300 was passed and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Selby moved

That House Bill No. 347 be now read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 347,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties,

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

The roll being called there were ayes 44, nays 11.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Lutz,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Pinkham,
Reed,
Renaud,
Selby,
Stadleman,

Messrs—

Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Beard,
Foss,
Haugen,
Jahr,

Messrs—

Johnson,
McCormick,
McCullough,
Olsgard,

Messrs—

Richardson,
Roney,
Ueland,

Absent and not voting:

Messrs—
Buchanan,
Gronli,
Hankinson,

Messrs—
Langer,
Lilly,

Messrs—
Nedrud,
Rawlings.

Mr. Buchanan being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,
And the title of the bill was agreed to.

Mr. Williams moved

To reconsider the vote by which House Bill No. 347 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Wickham offered the following resolution, and moved its adoption.

Resolved, It is the sense of this House that the reporter for the St. Paul Pioneer Press be requested to publish the vote taken on House Bills Nos. 300 and 347.

Which resolution Mr. Speaker decided out of order.

Mr. McCullough moved

To adopt the report of the Judiciary Committee on House Bill No. 327,

Which motion was lost, and
House Bill No. 327,

A bill for an act to prohibit the mortgaging of exempt personal property without the joint consent of husband and wife,

Was read the third time, and

Mr. Roney moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 33, nays 23.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Belden,
Brittin,
Green,
Gronli,
Haugerud,
Hoyt,
Ingebretson,
Johnson,
Langer,

Messrs—
Lutz,
McCullough,
McDonald,
McIntyre,
Milsted,
Murphy,
Nedrud,
Norton,
Olsgard,
Reed,
Richardson,

Messrs—
Roney,
Selby,
Stadleman,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Zimmer.

Those who voted in the negative were:

Messrs—
Beard,
Bye,
Christianson,
Cule,

Messrs—
Haugen,
Heglie,
Ink,
Jahr,

Messrs—
Stevens,
Strom,
Tandberg,
Thomson of Walsh,

Messrs—
Court,
Estabrook,
Foss,
Hankinson,

Messrs—
McCormick,
Montgomery,
Rawlings,
Renaud,

Messrs—
Walton,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—
Bowen,
Buchanan,

Messrs—
Carrier,
Lilly,

Messrs—
Moore,
Pinkham.

Mr. Buchanan being excused.

And so the motion to indefinitely postpone prevailed, and
The further consideration of the bill was indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 14, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 233,

A bill for an act to appropriate money to pay the expenses of
the Senate Investigating Committee,

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

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, moved
That the House take a recess for five minutes,
Which motion prevailed, and
The House took a recess.

House reassembled.

Mr. Selby moved
To lay Senate Bill No. 233 upon the table.
Call of the House demanded.

Call seconded.

Roll called.

All members present except Messrs. Allen, Balkan, Buchanan,
Ink, Lutz, Walsh, Wickham and Mr. Speaker.

Mr. Williams moved

To dispense with further proceedings under call of the House,
Which motion prevailed, and

Further proceedings under call of the House were dispensed
with.

Mr. Selby withdrew his motion.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887.

Also,

House Bill No. 328,

A bill for an act to amend Sections 2, 3, 4, 5, and 6 of Chapter 104 of the Laws of 1887, being Sections 1115, 1116, 1117, 1118 and 1119 of Article 4 of the Compiled Laws, entitled "Changing Limits of Cities and Towns."

Also,

House Bill No. 320,

A bill for an act to amend Sections 1 and 2 of Chapter 18 of the Political Code, being Sections 462 and 463 of the Compiled Laws, and to provide how examinations for admission to practice as an attorney at law must be made.

Also,

House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing.

Also,

House Bill No. 259,

A bill for an act to amend Section 9 of an act entitled "An Act to prevent the trespass upon school and public lands, and to recover damages therefor," passed by the First Legislative Assembly of the State of North Dakota, and approved January 13, A. D. 1890,

Also,

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties.

Also,

House Bill No. 273.

A bill for an act to authorize the State Auditor to assess, by estimate, specific taxes upon corporations which neglect or refuse to make the report as required by law upon which specific taxes are computed and to provide for the collection of the same,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 117,

A bill for an act to encourage the building of roads and highways in unorganized townships, and to relieve the owners of the land upon which such roads shall have been built,

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

The roll being called there were ayes 39, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Renaud,
Balkan,	Haugerud,	Roney,
Beard,	Hoyt,	Selby,
Belden,	Ingebretson,	Stadleman,
Bowen,	Johnson,	Stevens,
Brittin,	Langer,	Tandberg,
Bye,	Lutz,	Thomas,
Christianson,	McDonald,	Thompson of Cass,
Cole,	Milsted,	Walsh,
Court,	Moore,	Walton,
Estabrook,	Murphy,	Watt,
Foss,	Norton,	Wickham,
Gronli,	Reed,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	Nedrud,	Strom,
Green,	Olgard,	Thomson of Walsh,
Heglie,	Pinkham,	Ueland,
Lilly,	Rawlings,	Zimmer.
Montgomery,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McCormick,	Richardson,
Haugen,	McCullough,	Tyler,
Ink,	McIntyre,	Williams.
Jahr,		

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Bowen moved

To suspend the rules and take up Senate bills on their third reading,

Which motion was lost.

House Bill No. 260.

A bill for an act amending Section 6 of Chapter 26 of the Laws of 1889, in relation to the foreclosure and sale of property under chattel mortgage,

Was read the third time, and

Mr. Allen moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
March 14, 1890. }

To the Speaker of the House of Representatives:

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

House Bill No. 115,

An act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof.

Also,

House Bill No. 195,

An act to legalize the acts of certain officers therein named.

Also,

House Bill No. 305,

An act for the establishment, government and maintenance of a Soldiers' Home.

Also,

House Bill No. 279,

An act amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, entitled "An Act to provide for the incorporation of cities."

Also,

House Bill No. 249,

An act to encourage the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 324,

An act to locate and establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 14, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 237,

A bill for an act to provide for a more economical management of the North Dakota Agricultural College.

Also,

Substitute for Senate Bill No. 218,

A bill for an act to declare certain combinations, contrivances, agreements or trusts unlawful and to restrain and punish the same,

Both of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE STATE AUDITOR.

The following communication was received from the State Auditor:

AUDITOR'S OFFICE,
BISMARCK, N. D., March 14, 1890.

Hon. David B. Wellman, Speaker of the House of Representatives of the First Legislative Assembly:

DEAR SIR: I herewith hand you a copy of a communication from this department to the Attorney General, submitted on March 12, 1890, for his opinion; also, a copy of his reply thereto.

The Attorney General being the legal advisor of the State officers, this department feels obliged to adhere to his opinion.

I am, your obedient servant,

J. P. BRAY,
State Auditor.

[COPY.]

AUDITOR'S OFFICE,
BISMARCK, March 12, 1890.

Geo. F. Goodwin, Esq., Attorney General:

DEAR SIR: The Chief Clerk of the House of Representatives has filed in this department vouchers for the *per diem* of members and employes of the House of Representatives from December 19, 1889, to January 7, 1890, inclusive, the same being for the recess or holiday adjournment, with a demand that said vouchers be paid, together with a certified copy of your communication to that body, dated March 10, 1890.

The vouchers being properly certified, does it become my duty as State Auditor to issue warrants in payment therefor?

I am, yours very respectfully,

JOHN P. BRAY,
State Auditor.

[COPY.]

AUDITOR'S OFFICE,
BISMARCK, March 13, 1890.

Hon. John P. Bray, State Auditor:

DEAR SIR: I have the honor to acknowledge receipt of your communication of the 12th inst. asking whether it is your duty as State Auditor to issue warrants in payment of the *per diem* of members and employes of the House of Representatives for the time between December 19, 1889, and January 7, 1890, properly certified vouchers therefor having been filed in your office.

In reply your attention is respectfully called to the opinion of this office to your office, dated January 13, 1890, which opinion is hereby reaffirmed and adhered to.

Very respectfully,
GEO. F. GOODWIN,
Attorney General.

Mr. Selby moved

That the communication from the State Auditor together with the opinion of the Attorney General to be referred to the Committee on Judiciary,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the report of the committee on House Bill No. 166 be adopted,

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 287,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justice's Code, an act entitled "An Act to establish a code of procedure in courts of justices of the peace, and to limit the jurisdiction of the same," approved February 15, A. D. 1887,

Was read the third time, and

Mr. Williams moved

To adopt the following amendments proposed by the Committee on Judiciary:

Amend Section 1 of printed bill by striking out of line 1 the words and figure "and three (3)."

Also, amend same section by striking out of line 2 the words "and the same are hereby."

Add the following as Section 2:

Sec. 2. That Section 3 of Chapter 1 of the Justices' Code be amended to read as follows:

Sec. 2. These courts shall have criminal jurisdiction to try and determine all cases of misdemeanor committed within their respective counties, not indictable where the punishment is a fine not exceeding two hundred (200) dollars, or imprisonment in the county jail for a period not exceeding thirty days, or both such fine and imprisonment. And as to all public offenses which are indictable, they have the power of committing magistrates.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Gronli,
Haugen,
Haugerud,
Heglie,
Hoyt,
Ink,
Jahr,

Messrs—

Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
Moore,
Montgomery
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,
Richardson,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Belden,
Buchanan,
Currier,
Foss,

Messrs—

Green,
Hankinson,
Ingerbretson,
McIntyre,

Messrs—

Milsted,
Reed,
Mr. Speaker.

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 326,

A bill for an act to amend Section 7 of Chapter 1 of the General Laws of 1889, entitled, "An Act to provide security to the public against errors, omissions or defects in abstracts of title to real estate,"

Was read the third time, and

Mr. Thompson of Cass, moved

To adopt the following amendment proposed by the Committee on Judiciary:

Amend Section 1 and in line 19 of printed bill by adding after the word "for" in said line the word "such."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Green,
Gronli,
Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,

Messrs—

Jahr,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walton,
Watt,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Belden,
Buchanan,
Currier,
Estabrook,

Messrs—

Foss,
Hankinson,
Johnson,
Milsted,

Messrs—

Murphy,
Reed,
Wickham,
Mr. Speaker.

Mr. Walsh voting in the negative.

Mr. Buchanan being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Thompson of Cass, moved

To reconsider the vote by which House Bill No. 326 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court,

Was read the third time, and placed upon its final passage.
The roll being called there were ayes 30, nays 26.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Rawlings,
Beard,	Langer,	Renaud,
Bowen,	Lutz,	Roney,
Bye,	McCormick,	Stevens,
Court,	McDonald,	Strom,
Currier,	Milsted,	Walsh,
Green,	Moore,	Walton,
Gronli,	Murphy,	Williams,
Ingebretson,	Nedrud,	Zimmer,
Jahr,	Pinkham,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Tandberg,
Brittin,	Lilly,	Thomas,
Christianson,	McCullough,	Thompson of Cass,
Cole,	McIntyre,	Thomson of Walsh,
Estabrook,	Montgomery,	Tyler,
Haugen,	Norton,	Ueland,
Haugerud,	Reed,	Watt,
Heglie,	Richardson,	Wickham.
Hoyt,	Selby,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Foss,	Olsgard,
Buchanan,	Hankinson,	Stadleman.

Mr. Williams explaining his vote.

Mr. Buchanan being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

Mr. Wellman moved
To reconsider the vote just taken.

Mr. Selby moved
To lay the motion upon the table.

Mr. Williams demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Buchanan, Christianson and Hankinson,

Mr. Buchanan being excused.

Mr. Williams moved
To dispense with further proceedings under call of the House,
Which motion was lost.

The absent members returning, Mr. Speaker declared further proceedings under call of the House dispensed with.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties.

Also,

House Bill No. 162,

A bill for an act to amend Chapter 70 of the Session Laws of 1887, relating to county mutual insurance companies.

Also,

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889.

Also,

House Bill No. 254,

A bill for an act to license express companies.

Also,

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof.

Also,

House Bill No. 141,

A bill for an act restraining certain male animals from running at large.

Also,

House Bill No. 170,

A bill for an act to preserve the purity of the waters of all streams flowing in, through or on the boundary lines of the State of North Dakota, and their tributaries.

Also,

House Bill No. 234,

A bill for an act to amend Sections 3 and 4 of the Political Code, being Section 1372 of the Compiled Laws, providing the oath of civil officers.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries for county officers.

Also,

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise, for parks and public grounds and protection of such real estate,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

The question then recurring on the motion of Mr. Selby to lay the motion of Mr. Wellman to reconsider the vote by which House Bill No. 316 was lost, upon the table,

Roll call was demanded.

The roll being called there were ayes 23, nays 36.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Lilly,	Stadleman,
Belden,	McCullough,	Tandberg,
Brittin,	McDonald,	Thomas,
Christianson,	Montgomery,	Thompson of Cass,
Cole,	Norton,	Tyler,
Estabrook,	Olsgard,	Ueland,
Haugerud,	Reed,	Watt.
Ink,	Selby,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Jahr,	Renaud,
Beard,	Johnson,	Richardson
Bowen,	Langer,	Roney,
Bye,	Lutz,	Stevens,
Court,	McCormick,	Strom,
Currier,	McIntyre,	Thomson of Walsh,
Foss,	Milsted,	Walsh,
Green,	Moore,	Walton,
Gronli,	Murphy,	Wickham,
Hankinson,	Nedrud,	Williams,
Haugen,	Pinkham,	Zimmer,
Heglie,	Rawlings,	Mr. Speaker.
Hoyt,		

Mr. Williams explaining his vote.

Messrs. Buchanan and Ingebretson absent and not voting.

Mr. Buchanan being excused.

And so the motion to lay upon the table was lost.

Mr. Thompson of Cass, moved

That the House do now adjourn,

Which motion was lost.

The question recurring on the motion to reconsider,

Mr. Lilly raised the point of order that Mr. Wellman voted on the wrong side to make the motion,

Which point of order was decided well taken, and

The motion was ruled out of order.

Mr. McIntyre moved

To reconsider the vote by which House Bill No. 316 was lost,
Which motion prevailed, and

Mr. Ink moved

To amend by inserting three years for redemption instead of
two where it occurs in the bill.

Mr. Renaud moved

To lay the amendment upon the table,
Which motion prevailed.

Mr. Williams moved

The previous question, and
The question being shall the main question be now put,
The motion prevailed, and
The question being on the passage of the bill,
The roll being called there were ayes 36, nays 25.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Bowen,
Bye,
Court,
Currier,
Foss,
Green,
Gronli,
Haugen,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Renaud,
Roney,
Stevens,
Strom,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Brittin,
Christianson,
Cole,
Estabrook,
Hankinson,
Haugerud,
Ink,

Messrs—

Lilly,
McCullough,
McDonald,
Montgomery,
Norton,
Reed,
Richardson,
Selby,

Messrs—

Stadleman,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Watt.

Mr. Buchanan absent and not voting.

Mr. Buchanan being excused.

Mr. Speaker decided that the bill had passed, but that the
emergency clause was lost,

And the title of the bill was agreed to.

Mr. Pinkham moved

To reconsider the vote by which House Bill No. 316 was passed,
and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Speaker announced his signature to
House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of notaries public, extending the appointive power of the Governor in unorganized counties.

Also,

House Bill No. 162,

A bill for an act to amend Chapter 70 of the Session Laws of 1887, relating to county mutual insurance companies.

Also,

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889.

Also,

House Bill No. 254,

A bill for an act to license express companies.

Also,

House Bill No. 11,

A bill for an act to fix the compensation of the judges of county courts, and to provide a fund to reimburse the county for the same.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness and adjust disputed claims; to issue and dispose of bonds, and to provide for the payment of the principal and interest thereof.

Also,

House Bill No. 141,

A bill for an act restraining certain male animals from running at large.

Also,

House Bill No. 170,

A bill for an act to preserve the purity of the waters of all streams flowing in, through or on the boundary lines of the State of North Dakota, and their tributaries.

Also,

House Bill No. 234,

A bill for an act to amend Sections 3 and 4 of the Political Code, being Section 1372 of the Compiled Laws, providing the oath of civil officers.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers.

Also,

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise for parks or public grounds and protection of such real estate.

Mr. Hoyt (by unanimous consent) introduced—

House Bill No. 356,

A bill for an act to amend an act passed at this session of the Legislative Assembly, entitled "An Act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota,"

Which was read the first and second times, and referred to the Committee on Public Institutions.

Mr. Ink (by unanimous consent) introduced—

House Bill No. 357,

A bill for an act to amend an act passed at this session of the Legislative Assembly, entitled "An Act to locate, establish and maintain the North Dakota Academy of Science and to provide for the government thereof,"

Which was read the first and second times, and referred to the Committee on Public Institutions.

Mr. Roney moved

That the rules be suspended and that Senate Bill No. 217 be read the first and second times, and referred,

Which motion was lost.

The Committee to revise and correct the Journal made the following reports:

MR. SPEAKER:

Your Committee on Correction of the Journal have examined the printed Journal of the one hundred and thirteenth day and find the same correct.

Also, the Journal of the one hundred and fourteenth day and recommend the following corrections:

On page 26, line 2, insert after the words "report be" the words "referred to the Committee on State Affairs."

On page 33, in the eighth line from bottom of page, strike out all after the word "ayes" and insert the following: "31, nays 23." In line 7 from bottom of same page, strike out the word "affirmative" and insert the word "negative."

One page 34, line 5, strike out the word "negative" and insert the word "affirmative."

Also, have examined House Journal of the one hundred and fifteenth day, and recommend the following corrections:

On page 30, lines 27 and 28, strike out the word "February" where it occurs and insert the word "April" in place thereof.

On page 22, strike out the name of Moore" as having voted "aye" and insert as having voted "nay" on first roll call recorded on said page.

L. A. Ueland,
Chairman.

Mr. Williams moved

That when the House adjourn it be to take a recess until 7:30 o'clock this evening,

Which motion prevailed.

Mr. Thompson of Cass, moved
That all bills referred to-day be recalled and referred to the
House,

Which motion prevailed.

Mr. Wickham moved

That the House do now take a recess until 7:30 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 7:30 o'clock p. m.

EVENING SESSION.

House reassembled at 7:30 o'clock p. m.

Third reading of House bills continued.

House Bill No. 285,

A bill for an act to provide for an uniform system of free text-
books throughout the State,

Was read the third time.

Mr. Walsh moved

To amend line 4, Section 5, after the word "act," by adding the
words "not to exceed thirty days."

Mr. Bowen moved

To adopt the amendment,

Which motion prevailed, and

The amendment was adopted.

Mr. Heglie moved

To amend Section 6, line 20, by striking out the word "free."

Mr. Thompson of Cass, moved

To lay the amendment upon the table,

Which motion was lost, and

The question being on the original motion,

The motion was prevailed.

Mr. Stevens moved

To amend by striking out all after the enacting clause and in-
serting House Bill No. 156.

Mr. Thompson of Cass, moved

That the bill with the amendments be made a special order for
to-morrow at 10 o'clock a. m.,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 347,

A bill for an act to provide for the taxation of real and personal
property situated in unorganized counties.

Also,

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties, for State, Legislative and Judicial purposes.

Also,

House Bill No. 243,

A bill for an act to prohibit the mortgaging of real and personal property in the same instrument, and providing a penalty therefor.

Also,

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax.

Also,

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

The Committee on Enrolled Bills made the following report:

Mr. SPEAKER:

Your Committee on Enrolled Bills respectfully report that

House Bill No. 152,

A bill for an act to provide for the effect of judgment in action of foreclosure of liens upon real property.

Also,

House Bill No. 155,

A bill for an act to amend Section 2 of Chapter 88 of the Session Laws of 1889,

Also,

House Bill No. 262,

A bill for an act to encourage the culture of sugar beets and the manufacture of sugar from the same,

Also,

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

Also,

House Bill No. 324,

A bill for an act to locate and establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

Also,

House Bill No. 309,

A bill for an act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890,

Were delivered to his Excellency, the Governor, for his approval at the hour of 2:30 o'clock p. m., March 14, 1890.

GEO. H. WALSH,
Chairman.

House Bill No. 344,

A bill for an act granting certain powers to county commissioners,

Was read the third time, and

Mr. Stevens moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

Mr. Belden moved

To amend as follows:

Add after the word "dollars" in Section 1, line 16, printed bill, the words "per annum."

Which motion prevailed, and

The amendment was adopted.

Mr. Thompson of Cass, moved

To amend by adding to line 3 the words "for said register of deeds and county clerk,"

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 314,

A bill for an act relating to building and loan associations.

Also,

House Bill No. 117,

A bill for an act to encourage the building of roads and highways in unorganized towns, and to relieve the owners of the land upon which such roads shall have been built,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

Mr. Currier moved

That all Senate bills be read the first and second times, and referred to their appropriate committees,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

House Bill No. 351,

A bill for an act entitled "An Act to repeal Chapter 124 and 125 of the General Laws of 1887, entitled 'Public Examiners,'"

Herewith return the same agreeably to a resolution of the House, adopted March 13, 1890.

Also,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of North Dakota,

Report the same back without recommendation.

Also,

House Bill No. 350,

A bill for an act to allow persons occupying or having improvements on school lands to remove the same,

Herewith return the same agreeably to a resolution adopted by the House March 13, 1890.

F. J. THOMPSON,
Chairman.

Substitute for Senate Bill No. 218,

A bill for an act to declare certain combinations, contrivances, agreements or trusts unlawful,

Was read the first and second times, and referred to the Committee of the Whole.

Mr. Wellman moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn.

Mr. Selby moved

That the courtesies of the floor of the House be accorded to Hon. S. H. Moer,

Which motion prevailed.

Senate Bill No. 175,

A bill for an act to amend Chapter 109 of the General Laws of 1889, relating to the construction of railroads,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 173,

A bill for an act to establish an uniform system of accounts for public funds in the State educational, charitable and penal institutions, and to appropriate miscellaneous receipts for the use of the said institutions,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 237,

A bill for an act to provide for a more economical management of the North Dakota Agricultural College,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 233,

A bill for an act to appropriate money to pay the expenses of the Senate Investigating Committee,

Was read the first and second times, and referred to the Committee of the Whole.

Mr. Roney moved

That the rules be suspended and that

Senate Bill No. 194,

A bill for an act to appropriate money to pay the amounts due the militia of North Dakota,

Be read the third time and placed upon its final passage,

Which motion prevailed, and

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugerud,
Haugen,

Messrs—

Ingebretson,
Ink,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,
Olgard,
Pinkham,
Rawlings,

Messrs—

Renaud,
Richardson,
Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Brittin,
Buchanan,
Heglie,
Hoyt,

Messrs—

Jahr,
Moore,
Norton,
Reed,

Messrs—

Stadleman,
Thomson of Walsh,
Tyler,
Watt.

Mr. Langer voting in the negative.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Haugen moved

That the rules be suspended, and that Senate Bills Nos 123 and 210 be placed upon their third reading and final passage,

Which motion prevailed.

Mr. Hankinson moved

That Senate Bill No. 123 be indefinitely postponed.

Mr. Wickham moved

That the motion be laid upon the table,

Which motion prevailed, and

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

Was read the third time.

Mr. Zimmer moved

To strike out Section 10 of the bill,

Which motion was lost.

Mr. Montgomery moved

That the further consideration of the bill be deferred until 10 o'clock a. m. to-morrow,

Which motion was withdrawn.

Mr. Currier moved

To amend Section 1 by adding after the words "provided for" in line 7, the following:

Provided, That nothing in this act shall be construed to mean patent medicines.

Which amendment was withdrawn.

The roll being called on the final passage of the bill there were ayes 41, nays 7.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Haugen,
Haugerud,
Heglie,
Ingebretson,

Messrs—

Ink,
Johnson,
Langer,
Lilly,
McCullough,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Olsgard,
Pinkham,
Rawlings,
Richardson,

Messrs—

Roney,
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Foss,
Gronli,

Messrs—

Lutz,
McCormick,

Messrs—

Renaud,
Zimmer.

Absent and not voting:

Messrs—

Allen,
Brittin,
Buchanan,
Hankinson,
Hoyt,

Messrs—

Jahr,
Moore,
Nedrud,
Norton,
Reed,

Messrs—

Stadleman,
Thomson of Walsh,
Tyler,
Watt.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 15, 1890.

The House assembled at 9:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Currier, Estabrook, Hankinson, Ingebretson, Ink, Lilly, McCullough, McDonald, McIntyre, Milsted, Montgomery, Murphy, Rawlings, Reed, Renaud, Roney, Selby, Stadleman, Stevens, Tyler, Walsh, Walton, Wickham and Williams who subsequently reported present, and

Messrs. Buchanan and Thompson of Cass who were excused.

Mr. McCormack moved

That the House take a recess until 10:30 o'clock a. m.

Mr. Ueland moved.

As an amendment that the House take a recess for five minutes,

Which amendment prevailed, and

The original motion as amended prevailed.

The House took a recess.

House reassembled.

UNFINISHED BUSINESS.

House Bill No. 344,

A bill for an act granting certain powers to county commissioners,

Was placed upon its final passage.

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

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,

Messrs—

Haugerud,
Heglie,
Hoyt,

Messrs—

Rawlings,
Reed,
Renaud,

Messrs—
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McDonald,
Montgomery,
Nedrud,
Olsgard,
Pinkham,

Messrs—
Richardson,
Selby,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Wickham,
Williams,
Zimmer.
Mr. Speaker.

Absent and and not voting:

Messrs—
Allen,
Buchanan,
Currier,
Lutz,
McCullough,
McIntyre,

Messrs—
Milsted,
Moore,
Murphy,
Norton,
Roney,
Stadleman,

Messrs—
Stevens,
Thompson of Cass,
Tyler,
Walton,
Watt.

Messrs. Buchanan and Thompson of Cass being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

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

WHEREAS, The Sergeant-at-Arms of the House has several times been compelled to go to considerable expense in the performance of his duties without provision of the compensation, now, therefore, be it

Resolved, That the compensation of the Sergeant-at-Arms of the House be, and it is hereby fixed at \$6 per day, being the same as that paid by the Senate.

Mr. Haugen moved

To lay the resolution upon the table.

Roll call demanded.

The roll being called there were ayes 27, nays 23.

Those who voted in the affirmative were:

Messrs—
Allen,
Balkan,
Beard,
Bye,
Christianson,
Cole,
Estabrook,
Foss,
Gronli,

Messrs—
Haugen,
Haugerud,
Heglie,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,

Messrs—
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Renaud,
Richardson,
Strom,
Ueland,
Zimmer.

Those who voted in the negative were:

Messrs—
Belden,
Bowen,
Brittin,

Messrs—
Lutz,
Moore,
Norton,

Messrs—
Thomas,
Thomson of Walsh,
Walsh,

Messrs—	Messrs—	Messrs—
Court,	Rawlings,	Watt,
Currier,	Reed,	Wickham,
Hankinson,	Selby,	Williams,
Hoyt,	Stadleman,	Mr. Speaker.
Ingebretson,	Tandberg,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McIntyre,	Stevens,
Green,	Milsted,	Thompson of Cass,
McCullough,	Murphy,	Tyler,
McDonald,	Roney,	Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion prevailed, and
The resolution was laid upon the table.

CONSIDERATION OF SPECIAL ORDERS.

House Bill No. 285,

A bill for an act to provide for a uniform system of free text books throughout the State,

Which was made a special order for 10 o'clock a. m., was considered.

The question being on the amendment of Mr. Stevens, i. e., strike out all after the enacting clause, and insert House Bill No. 156,

The amendment was lost.

Mr. Hankinson moved

That the further consideration of House Bill No. 285 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 10, nays 40.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Green,	Lutz,	Selby,
Hankinson,	McIntyre,	Thomas,
Heglie,	Rawlings,	Watt.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Reed,
Balkan,	Hoyt,	Renaud,
Beard,	Ingebretson,	Richardson,
Belden,	Jahr,	Stadleman,
Bowen,	Johnson,	Strom,
Brittin,	Langer,	Tandberg,
Bye,	Lilly,	Thomson of Walsh,
Cole,	McCormick,	Ueland,
Court,	Moore,	Walsh,
Currier,	Montgomery,	Wickham,
Estabrook,	Nedrud,	Williams,
Foss,	Olsgard,	Zimmer,
Gronli,	Pinkham,	Mr. Speaker.
Haugen,		

Absent and not voting:

Messrs—

Buchanan,
Christianson,
McCullough,
McDonald,

Messrs—

Milsted,
Murphy,
Norton,
Roney,

Messrs—

Stevens,
Thompson of Cass,
Tyler,
Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion to indefinitely postpone was lost.

Mr. Montgomery moved

To amend Section 6 by adding at the end thereof the following proviso:

Provided, That the question of "Free Text Books" shall be submitted to a vote of the qualified electors of the school district at the annual school election, and notice of the submission of such question shall be incorporated in the notice of such election. If a majority of the qualified school electors in any such district vote in favor of furnishing such free text books, such board of education or school board thereof, shall proceed under the provisions of this act to furnish the same.

Which motion prevailed, and the bill was so amended.

Mr. Zimmer moved

To amend the bill as follows:

In Section 6, line 14, strike out all of said section after the word "*Provided*" and insert in lieu thereof the following: "Said board of education shall sell said books at their actual cost to any person wishing to purchase the same."

Mr. Walsh moved

To refer all amendments to the Committee on Education,
Which motion was lost.

Mr. Lilly moved

As an amendment to the motion of Mr. Zimmer, that all after the word "establish" in line 17 down to the word "*Provided*" in line 19 be stricken out and the amendment of Mr. Zimmer inserted in lieu thereof,

Which motion prevailed, and

The original motion as amended prevailed, and

The bill was so amended.

Mr. Lilly moved

To amend the bill as follows:

In Section 7, line 1, after the word "State" insert the words "in which it has been decided by vote to furnish free text books."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 43, nays 8.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Bowen,
Brittin,

Messrs—

Hoyt,
Ink,
Jahr,
Johnson,

Messrs—

Renaud,
Richardson,
Stadleman,
Strom,

Messrs—	Messrs—	Messrs—
Bye,	Langer,	Tandberg,
Christianson,	Lilly,	Thomas,
Cole,	McCormick,	Thomson of Walsh,
Court,	Montgomery,	Ueland,
Currier,	Nedrud,	Walsh,
Estabrook,	Norton,	Watt,
Foss,	Olgard,	Wickham,
Gronli,	Pinkham,	Williams,
Haugen,	Rawlings,	Zimmer,
Haugerud,	Reed.	Mr. Speaker.
Heglie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Hankinson,	Moore,
Belden,	Lutz,	Selby.
Green,	McIntyre,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Milsted,	Thompson of Cass,
Ingebretson,	Murphy,	Tyler,
McCullough,	Roney,	Walton.
McDonald,	Stevens,	

Messrs. Buchanan and Thomson of Walsh, being excused.

And so the bill passed, a majority of the members-elect voting therefor, and

The title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote by which House Bill No. 285 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Speaker called Mr. Selby to the Chair.

The Committee on Judiciary made the following report:

MR. SPEAKER:

In accordance with the resolution adopted by the House yesterday, I herewith return House Bills Nos. 353 and 354.

J. F. SELBY,
Chairman *pro tem*.

The Committee on Agriculture made the following report:

MR. SPEAKER:

Your Committee on Agriculture to whom was referred Senate Bill No. 204,

A bill for an act to amend Section 4, Chapter 60, Laws of 1881, regulating the herding and driving of stock,

Have had the same under consideration and recommend that said bill be indefinitely postponed, for the reason that we have passed a bill of the same nature.

A. C. NEDRUD,
Chairman.

The Committee on Public Institutions made the following report:

MR. SPEAKER:

Your Committee on Public Institutions to whom was referred House Bill No. 356,

A bill for an act to amend an act passed at this session of the Legislative Assembly, entitled "An Act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota,"

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

Also,

House Bill No. 357,

A bill for an act to amend an act passed at this session of the Legislative Assembly, entitled "An Act to locate, establish and maintain the North Dakota Academy of Science and to provide for the government thereof,"

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

E. A. WILLIAMS,
Chairman.

Mr. Ink moved

To adopt the report of the committee on Public Institutions on House Bills Nos. 356 and 357, and that the bills be now placed upon their third reading and final passage,

Which motion prevailed, and

House Bill No. 356,

A bill for an act to amend an act passed at this session of the Legislative Assembly, entitled "An Act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota,"

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

The roll being called there were ayes 41, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Brittin,
Bye,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Hoyt,
Ingebretson,
Ink,
Langer,
Lilly,
Lutz,
McCormick,
Moore,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Selby,
Stadleman,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Beard,
Belden,
Bowen,
Buchanan,
Heglie,
Jahr,
Johnson,

Messrs—

McCullough,
McDonald.
McIntyre,
Milsted,
Montgomery,
Murphy,
Roney,

Messrs—

Stevens,
Strom,
Thompson of Cass,
Tyler,
Walton,
Mr. Speaker.

Mr. Christianson voting in the negative.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor, and

The question being on the title of the bill,

The title was amended by striking out the words "this session" and inserting the words "first session," and

The title as amended was agreed to.

House Bill No. 357,

A bill for an act to amend an act passed at this session of the Legislative Assembly, entitled "An act to locate, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof,"

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

Mr. Ink moved

To amend the bill by striking out the words "this session of the Legislature," wherever they occur in the bill or title, and inserting in lieu thereof the words "first session of the Legislative Assembly,"

Which motion prevailed, and

The question being on the passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bowen,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Haugerud,
Hoyt,
Ingerbretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
Moore,
Nedrud,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Belden,
Brittin,
Buchanan,
Heglie,
McCullough,
McDonald,

Messrs—

McIntyre,
Milsted,
Montgomery,
Murphy,
Richardson,
Roney,

Messrs—

Stevens,
Thompson of Cass,
Tyler,
Walton,
Wickham,
Mr. Speaker.

Messrs. Thompson of Cass, and Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Ink moved

To reconsider the vote by which House Bills Nos. 356 and 357 were passed, and to lay the motion to reconsider upon the table, Which motion prevailed.

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. 139,

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

Have had the same under consideration and recommend that said bill be reported without recommendation.

Also,

House Bill No. 339,

A bill for an act to prescribe the manner of conducting elections, and to prevent fraud and deception at elections in this State,

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

Also,

House Bill No. 106,

A bill for an act regulating the delivery and care of poll books and ballot boxes used at elections and the ballots deposited therein,

Have had the same under consideration and recommend that said bill be returned without recommendation.

Also,

House Bill No. 222,

A bill for an act for the prevention and punishment of corrupt practices, bribery and other illegal acts at elections,

Have had the same under consideration and recommend that said bill be reported back without recommendation.

W. W. BEARD,
Chairman.

The Committee on State Affairs made the following report:

MR. SPEAKER:

Your Committee on State Affairs to whom was referred

House Bill No. 348,

A bill for an act to amend Section 2 of an act entitled "An Act to establish a board of inspectors for steam vessels and steam

boilers, and to provide for licensing engineers of steam engines," approved January 22, 1890,

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

Also,

House Bill No. 352,

A bill for an act for the appointing of a commissioner to protect the interests of the State of North Dakota in the surveying, and permanently locating the boundary line between North Dakota and South Dakota,

And recommend that said bill do pass.

C. A. CURRIER,
Chairman.

House Bill No. 353,

A bill for an act for the appointing of marshals for the Supreme Court of the State: defining his duties and fixing his compensation,

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

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

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Moore,
Montgomery,
Nedrud,
Norton,
Olsgard,

Messrs—

Reed,
Renaud,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Walsh,
Ueland,
Walsh,
Watt,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Buchanan,
Foss,
Haugen,
Haugerud,
Heglie,
McCullough,

Messrs—

McDonald,
Milsted,
Murphy,
Pinkham,
Rawlings,
Richardson,

Messrs—

Roney,
Stevens,
Thompson of Cass,
Tyler,
Walton,
Wickham.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 354,

A bill for an act to correct the Compiled Laws and to provide for the publication of errors that may be found therein,

Was read the third time, and

Mr. Cole moved

That further consideration of the bill be indefinitely postponed.

Mr. Williams moved

As a substitute that the bill be laid upon the table until the return of the author,

Which substitute motion prevailed, and

The bill was laid upon the table.

House Bill No. 352,

A bill for an act for the appointing of a commissioner to protect the interests of the State of North Dakota in the surveying, and permanently locating the boundary line between North Dakota and South Dakota,

Was read the third time, and

Mr. Walsh moved

To amend the bill as follows:

Amend title of House Bill No. 352, by striking out the words "assist in" and inserting the words "to supervise the."

Also, in lines 5 and 6, Section 1, printed bill, strike out the words "aid in running" and insert the words "to supervising the surveying."

Also, amend Section 2, line 3, printed bill, by inserting in the blank thereof the word "five."

Amend Section 2 by adding at the end thereof the following: "*Provided*, That the *per diem* and expenses of such commission shall be paid out of the government appropriations therefor.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The rolled being called there were ayes 45, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Moore,
Montgomery,
Nedrud,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Reed,
Renaud,
Selby,
Strom,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Green,
Hoyt,
Jahr,
McCullough,
McDonald,

Messrs—

Milsted,
Murphy,
Norton,
Richardson,
Roney,
Stadleman,

Messrs—

Stevens,
Tandberg,
Thompson of Cass,
Tyler,
Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

House Bill No. 355,

A bill for an act to amend an act entitled "An Act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein,"

Was read the third time, and

Mr. Olsgard moved

To amend the bill as follows:

Amend Section 1, by inserting after the words and figure "that Section 1" the following words and figures "of an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, approved February 14, 1890."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 41, nays 2.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Hoyt,
Jahr,
Johnson,
Lally,
McCormick,
McIntyre,
Moore,
Montgomery,
Nedrud,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Selby,
Strom,
Tanberg,
Thomas,
Thomson of Walsh,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Beard,
Buchanan,
Ingebretson,
Ink,
Langer,
Lutz,
McCullough,

Messrs—

McDonald,
Milsted,
Murphy,
Norton,
Reed,
Richardson,

Messrs—

Roney,
Stadleman,
Stevens,
Thompson of Cass,
Tyler,
Walton.

Messrs. Green and Renaud voting in the negative.

Messrs. Buchanan and Thomson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote by which House Bill No. 355 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

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

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined House Journal of the one hundred and sixteenth day and recommend the following coorections:

On page 2, line 29, strike out the word "and" after the word "second."

On page 18, line 4 from bottom of page, strike out the name "Thompson" and insert the name "Wellman."

On page 22, line 13, strike out the words "was lost" and insert the word "prevailed."

L. A. UELAND,
Chairman.

Mr. Williams (by unanimous consent) offered the following amendment to Senate Bill No 14, and asked that it be considered when the bill is considered:

Strike out all after the enacting clause and inserting the following:

SECTION 1. That all steam and water mills now in operation, or which hereafter may be put in operation in this State, whose owners or occupiers grind grain for toll or pay, or exchange the manufactured products of grain for grain, are hereby declared public mills.

SEC. 2. Every public mill in this State shall grind or exchange with customers in turn, as grain shall be bought in; and shall grind the grain of customers as well as the condition of the mill will permit.

SEC. 3. The owner or operator of a public mill shall be responsible for safe-keeping of all grain received for the purpose of being ground, or exchange; also for the articles in which such grain was received; but he shall not be liable for the loss of any grain so received nor for the articles in which it was received, unless said articles containing and accompanying such grain, be branded or marked with the initials, and full surname of the owner thereof, nor for losses that may happen without the fault or neglect of said owner or operator, nor if by unavoidable accident.

SEC. 4. No owner or operator of a public mill nor any person employed by him, shall demand or take as toll a greater proportion than one-sixth of any grain brought to him to be ground and bolted.

SEC. 5. The owners and operators of public mills shall when exchanging the manufactured products of grain for grain, give of such manufactured product in kind and quality, the equivalent of the products of five-sixths of the grain offered for exchange; *Provided, however,* That the person so offering grain in exchange for other manufactured products of the same may demand and receive the entire product of the grain so offered, or what a similar quantity of grain of the same grade products when ground and bolted, by tendering in payment therefor a sum of money or its equivalent in grain at its current price equal to one-sixth of the grain so offered for exchange at its current price.

SEC. 6. Every mill shall provide a schedule showing the number of pounds of flour of the different grades (if more than one grade is manufactured) together with the number of pounds of other manufactured products of wheat that are usually made from a bushel of wheat, as near as can be ascertained, from each of the several grades of wheat as graded in this State. And each schedule shall be open to the inspection of every person offering wheat in exchange for flour or other manufactured products of wheat.

SEC. 7. The owners or operators of any public mill, except water mills which shall have been erected pursuant to the provisions of Chapter 39 of the Civil Code, may by giving thirty days notice in writing change such public mill into a private one; such notice shall be posted on the mill, and in at least two other conspicuous places in the county, but if there be a newspaper published in the county in which the mill is located such notice shall be given by

publication for four successive weeks; *Provided, however,* That such mill shall no longer grind for toll or exchange the manufactured products of grain for grain, after the expiration of the date of said notice.

SEC. 8. Any mill for the grinding of grain run or operated in whole or in part by water power furnished by means of any dam across any stream which by Section 210 of the Constitution of this State is declared to be the property of the State, shall while it shall be so run or operated be taken and held to be a public mill and subject to the law regulating public mills.

SEC. 9. And if any person or persons owning or operating such mills shall refuse to grind the grain of the citizens of this State for the tolls, and in the manner provided by law or shall refuse to exchange the manufactured product of grain for grain as provided by law, and shall continue such refusal for the period of thirty days, then and thereupon the person or persons so owning or operating such mill or mills shall forfeit the right to maintain such dam on such streams or to continue to use the water of such streams for the purpose of so operating his or their said mill.

SEC. 10. And the maintenance of any such dam after the expiration of said thirty days shall be unlawful, and every dam so maintained is hereby declared to be a public nuisance, and it shall be the duty of the Attorney General upon the verified petition of any person aggrieved by such refusal showing the facts to commence and prosecute proper proceedings in the name of and on behalf of the State to abate said dam, and remove such nuisance.

SEC. 11. Any miller, owner or operator of any mill in this State subject to the provisions of this act, who shall demand or receive a rate of toll or exchange greater than that provided in this act, is guilty of a misdemeanor.

Mr. Williams moved

To further amend the title of Senate Bill No. 14 so as to read as follows:

An Act declaring certain mills, public mills, and fixing the rate of toll and regulating the exchange of the manufactured products of grain for grain, and declaring the maintenance of mill dams across the flowing streams and natural water courses of this State unlawful when not used to furnish power for public mills.

Mr. Renaud moved

That the House do now adjourn.

Mr. Hankinson moved

That the House take a recess until 2 o'clock p. m.,

Which motion prevailed, and

The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

House reassembled at 2 o'clock p. m.

Mr. Hankinson moved

To suspend the rules and take up Senate bills on their third reading,

Which motion was lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 350,

A bill for an act to allow persons occupying or having improvements on school lands to remove the same,

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

The roll being called there were ayes 51, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Pinkham,
Balkan,	Hoyt,	Rawlings,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Bowen,	Jahr,	Roney,
Brittin,	Johnson,	Selby,
Bye,	Langer,	Stadleman,
Cole,	Lutz,	Stevens,
Court,	McCormick,	Strom,
Currier,	McIntyre,	Tandberg,
Estabrook,	Milsted,	Thomas,
Foss,	Moore,	Thomson of Walsh,
Green,	Montgomery,	Tyler,
Gronli,	Murphy,	Walsh,
Hankinson,	Nedrud,	Watt,
Haugen,	Norton,	Wickham,
Haugerud,	Olsgard,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald,	Ueland,
Christianson,	Reed,	Walton,
Lilly,	Thompson of Cass,	Williams.
McCullough,		

Mr. Zimmer voting in the negative.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Estabrook moved

That the further consideration of House Bill No. 348 be indefinitely postponed,

Which motion prevailed, and

The bill was indefinitely postponed.

House Bill No. 351,

A bill for an act to repeal Chapters 124 and 125 of the General Laws of 1887, entitled "Public Examiners,"

Was read the third time, and

Mr. Walsh moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Stevens moved

That the further consideration of House Bill No. 342 be indefinitely postponed,

Which motion prevailed.

House Bill No. 334,

A bill for an act to protect farm laborers and secure the payment of their wages,

Was read the third time, and

Mr. Belden moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question being on the passage of the bill,

The roll being called there were ayes 38, nays 17.

Those who voted in the affirmative were:

Messrs—

Balkan,
Bowen,
Brittin,
Bye,
Christianson,
Court,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud,
Ingebretson,

Messrs—

Jahr,
Johnson,
Langer,
Lutz,
McCormick,
Moore,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Reed,
Richardson,
Roney,

Messrs—

Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Beard,
Belden,
Cole,
Currier,
Hankinson,

Messrs—

Heglie,
Hoyt,
Ink,
Lilly,
McIntyre,
Milsted,

Messrs—

Norton,
Rawlings,
Renaud,
Stadleman,
Watt.

Absent and not voting:

Messrs—

Buchanan,
McCullough,
McDonald,

Messrs—

Murphy,
Thompson of Cass,

Messrs—

Walsh,
Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the privileges of the floor be accorded to Hon. E. M. Paulson,

Which motion prevailed.

House Bill No. 240,

A bill for an act providing for an appropriation for the current and contingent expenses of the Penitentiary at Bismarck and for making needed permanent improvements,

Was read the third time.

Mr. Hankinson moved

That Senate Bill No. 155 be considered with the bill,
Which motion prevailed, and

Senate Bill No. 155,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements,

Was read the third time, and

Mr. Hankinson moved

That the further consideration of House Bill No. 240 be indefinitely postponed,

Which motion prevailed.

The question then being on the final passage of Senate Bill No. 155,

The roll being called there were ayes 44, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Renaud,
Balkan,	Jahr,	Richardson,
Beard,	Johnson,	Roney,
Belden,	Lilly,	Stadleman,
Brittin,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	Milsted,	Thomson of Walsh
Cole,	Moore,	Tyler,
Court,	Montgomery,	Ueland,
Estabrook,	Murphy,	Watt,
Hankinson,	Nedrud,	Wickham,
Haugen,	Norton,	Williams,
Haugerud,	Pinkham,	Zimmer,
Hoyt,	Rawlings,	Mr. Speaker.
Ingebretson,	Reed,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Green,	Langer,	Strom.
Gronli,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCullough,	Stevens,
Buchanan,	McDonald,	Thompson of Cass,
Currier,	McIntyre,	Walsh,
Foss,	Olsgard,	Walton.
Heglie,	Selby,	

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Bowen moved

To reconsider the vote by which House Bill No. 350 was passed

Which motion prevailed.

Mr. Bowen moved

To amend the bill by striking out Section 3,

Which motion prevailed, and

Mr. Tyler moved

To amend House Bill No. 350 as follows:

Amend by striking out Section 3 and inserting the following as Section 3:
 SEC. 3. Whereas, an emergency exists, in that the rights of occupants of school lands to their improvement should be protected prior to July 1st; therefore, this act shall take effect and be in force immediately after its passage and approval.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,

Messrs—

Hoyt,
 Ingebretson,
 Ink,
 Jahr,
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McCormick,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,

Messrs—

Pinkham,
 Reed,
 Renaud,
 Richardson,
 Roney,
 Selby,
 Stadleman,
 Strom,
 Tandberg,
 Thomas,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Wickham,
 Williams,
 Zimmer.

Absent and not voting:

Messrs—

Buchanan,
 Currier,
 McCullough,
 McDonald.

Messrs—

Olsgard,
 Rawlings,
 Stevens,
 Thompson of Cass,

Messrs—

Walsh,
 Walton,
 Watt,
 Mr. Speaker.

Mr. Christianson voting in the negative.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Williams moved

That the privileges of the floor be accorded to Gen. Beardsly of Grand Forks,

Which motion prevailed.

Mr. Renaud moved

To take up House Bill No. 27 and place it upon its third reading and final passage,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bills Nos. 22 and 203, and adopted the concurrent resolution memorializing Congress regarding school land for the use of the North Dakota Academy of Science and the Soldiers Home.

Also,

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities.

Also,

Senate Bill No. 239,

A bill for an act to provide for changing from the school township to the school district system.

Both of which the Senate has passed and your favorable consideration is respectfully requested.

Also,

That the Senate refuses to concur in the House amendments to Senate Bill No. 5, and by motion adopted, the President has appointed Messrs. Swanston, McBride and Dodds as a committee on conference on part of the Senate to confer with a like committee from the House.

Also,

That the Senate has received the report of conference committee on Senate Bill No. 41, and by motion adopted, the President has appointed another committee consisting of Messrs. LaMoure, Slotten and Appleton to confer with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

The Conference Committee on Senate Bill No. 41 made the following report:

MR. SPEAKER:

Your Conference Committee to whom was referred the differences in relation to

Senate Bill No. 41,

A bill for an act to regulate common carriers, and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota,

Have had the same under consideration and beg leave to report

that your committee are unable to come to an agreement and recommend that your committee be discharged.

R. N. STEVENS,
JOHN MILSTED,
W. H. H. RONEY,
On part of House.
C. B. LITTLE,
ROGER ALLIN,
M. L. McCORMACK,
On part of Senate.

Mr. Bowen moved
To adopt the report,
Which motion prevailed, and
The report of the Conference Committee was adopted.

Mr. Bowen moved
That a conference committee be appointed on Senate Bill No. 41.

Mr. Roney moved
As a substitute that Senate No. 41 be recalled from the Senate,
Which substitute motion prevailed.

Mr. Walsh moved
That a committee be appointed to look up the record on House
Bill No. 170,
Which motion prevailed, and
Mr. Speaker appointed as such committee Messrs. Thomson of
Walsh, Walsh and Watt.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 15, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith a

CONCURRENT RESOLUTION

WHEREAS, The condition of the farmers of our State and of the northwest generally is apparently yearly becoming more serious, as is evinced in the enormous reported increase in farm and chattel mortgage indebtedness. That agriculture is the foundation upon which rests all the other industries of our country, and that anything which oppresses, or tends to discourage it, must in the end react upon these other industries so long as they continue to exclusively depend upon the agriculturalists of our country for support. Whether such conditions really exist or not, the belief that they do is very general in this State. We therefore deem it wise on the part of Congress to take cognizance of these complaints coming from so large and important a branch of our body politic. That while upon most of the lesser industries of our country exhaustive and complete statistics exist, unfortunately those relating to farm and farmers indebtedness are wanting. If the farmers of this country are financially sick, and yearly growing worse, they desire to know it, that the remedy may at least be sought, if not then that piece of intelligence will be joyfully received; be it therefore,

Resolved, That our Senators and Representative in Congress use every endeavor to secure the enactment of a bill by that honorable body, instructing the Superintendent of the Eleventh Census to secure full, complete and accurate statistics of the number and amount of farm mortgages and for what created, and also of the number and amount of the chattel mortgage indebtedness of the farmers of these United States, or at least the Trans-Mississippi States, and that a copy of these resolutions be forwarded to each of our Representatives in Congress.

Which the Senate has adopted, and your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
House Bill No. 124,

A bill for an act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of Notaries Public, extending the appointive power of the Governor to unorganized counties.

Also,

House Bill No. 162,

A bill for an act to amend Section 1, Chapter 70, of the General Laws of 1885, relating to county mutual insurance companies.

Also,

House Bill No. 181,

A bill for an act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889.

Also,

House Bill No. 141,

A bill for an act restraining certain male animals from running at large.

Also,

House Bill No. 234,

A bill for an act to amend Sections 3 and 4 of the Political Code, being Section 1372 of the Compiled Laws, providing the oath of civil officers.

Also,

House Bill No. 254,

A bill for an act to license express companies.

Also,

House Bill No. 11,

A bill for an act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same.

Also,

House Bill No. 96,

A bill for an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds and to provide for the payment of the principal and interest thereof.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers.

Also,

House Bill No. 256,

A bill for an act to empower cities and villages to acquire real estate by gift or devise, for parks and public grounds and protection of such real estate,

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:50 o'clock p. m., March 15, 1890.

GEO. H. WALSH,
Chairman.

Mr. Bowen moved

To reconsider the vote by which Senate Bill No. 41 was recalled from the Senate.

Mr. Wickham moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 32, nays 21.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Green,
Hankinson,

Messrs—

Haugen,
Heglie,
Hoyt,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
Milsted,
Moore,

Messrs—

Murphy,
Norton,
Pinkham,
Rawlings,
Roney,
Stadleman,
Strom,
Tyler,
Watt,
Wickham.

Those who voted in the negative were:

Messrs—

Balkan,
Bowen,
Estabrook,
Foss,
Gronli,
Haugerud,
Ingebretson,

Messrs—

McCormick,
Montgomery,
Nedrud,
Olsgard,
Reed,
Renaud,
Richardson,

Messrs—

Stevens,
Tandberg,
Thomson of Walsh,
Ueland,
Walsh,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
McCullough,
McDonald,

Messrs—

McIntyre,
Selby,
Thomas,

Messrs—

Thompson of Cass,
Walton,
Zimmer.

Messrs, Buchanan and Thompson of Cass, being excused.

And so the motion to lay upon the table prevailed,
And the motion was laid upon the table.

Mr. Williams moved

That the further consideration of House Bill No. 27 be indefinitely postponed.

Mr. Stadleman moved

To lay the motion to indefinitely postpone upon the table,
Which motion prevailed.

The question recurring on the motion to indefinitely postpone,
Roll call was demanded.

The roll being called there were ayes 40, nays 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Richardson,
Balkan,	Ink,	Roney,
Beard,	Jahr,	Selby,
Belden,	Johnson,	Tandberg,
Bowen,	Langer,	Thomas,
Brittin,	Lilly,	Thomson of Walsh,
Bye,	Moore,	Tyler,
Christianson,	Montgomery,	Ueland,
Cole,	Nedrud,	Walsh,
Court,	Olsgard,	Watt,
Estabrook,	Pinkham,	Wickham,
Green,	Rawlings,	Williams,
Hankinson,	Reed,	Mr. Speaker.
Heglie,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Foss,	Lutz,	Stadleman,
Gronli,	McCormick,	Stevens,
Haugen,	Milsted,	Strom,
Haugerud,	Murphy,	Zimmer.
Ingebretson,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald,	Thompson of Cass,
Currier,	McIntyre,	Walton.
McCullough,	Norton,	

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion to indefinitely postpone prevailed, and
The further consideration of the bill was indefinitely postponed.

Mr. Lutz moved

That the rules be suspended, and that Senate Bills Nos. 145 and
168 be now placed upon their third reading and final passage,

Which motion prevailed, and

Senate Bill No. 145,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown,

Was read the third time, and

Mr. Christianson moved

To adopt the following amendment proposed by the Committee on Appropriations:

In line 7, page 2, insert the figures "\$2,000" in lieu of the figures "\$6,000."

Mr. Milsted moved

To lay the report of the committee upon the table,

Which motion prevailed.

Mr. Williams moved

To amend Senate Bill No. 145 by adding to the end of Section 1 the following:

"No part of the appropriation made in this act for fuel, shall be expended for coal other than that taken from mines within the State; *Provided*, The same costs the State not more than \$3.25 per ton delivered at the hospital. A violation of the provisions of this section by any officer of this State shall work a forfeiture of his office."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt,
Wickham,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
McCullough,
McDonald,

Messrs—

Selby,
Stadleman,
Stevens,

Messrs—

Thompson of Cass,
Walton,
Zimmer.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Ueland (by unanimous consent) offered the following memorial, and moved its adoption.

JOINT MEMORIAL.

WHEREAS, It is desirable to make a thorough test of artesian well water for irrigation purposes, and

WHEREAS, Owing to the facility for getting a good flow of water, the vicinity of the city of Edgeley, LaMoure county, North Dakota, would be a good location for making such test; therefore

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring: That our Senators in Congress be instructed, and our Representative requested, to use their best endeavors to secure through Congress the passage of an act appropriating \$15,000 per annum for sinking artesian wells on an experiment farm, near the city of Edgeley, for the purpose of testing the utility of the water from such wells for irrigation, and that certified copies of the foregoing Memorial, signed by the presiding officers and Chief Clerks of the Legislative Assembly, be forwarded to our Senators and Representative in Congress.

Mr. Wickham moved

To amend the memorial by striking out the word "Edgeley" and inserting the word "Mandan,"

Which motion was lost, and

The amendment was lost.

The question recurring on the motion to adopt,

The motion prevailed, and

The memorial was adopted.

Mr. Ueland moved

To reconsider the vote just taken, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Lutz moved

To reconsider the vote by which Senate Bill No. 145 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

The Committee on Education (by unanimous consent) made the following report:

MR. SPEAKER:

Your Committee on Education to whom was referred
Senate Bill No. 135,

A bill for an act providing for the establishing of independent school districts within the incorporated limits of cities of the State of North Dakota,

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

Amend title to read as follows: "An Act providing for the establishing of independent school districts, in cities heretofore organized for school purposes under special laws, and provided with boards of education."

In Section 1, lines 1 and 2, strike out the words "now existing in this State" and insert the words "heretofore organized for school purposes under a special law and provided with a board of education."

In Section 3, lines 4 and 5 strike out the words "under general law," and in lines 6 and 7, strike out the words "under general law" and insert in each case the words "under an act approved March—, 1890," (giving date of approval) and in line 16 strike out the words "under general law" and insert the words "under this act."

In Section 5, line 4, strike out the word "equal," and insert the word "even."

In Section 5, last line, strike out the word "annually," and insert the words "bi-ennially in the even numbered years."

In Section 10, last line, strike out the word "notice," and insert the word "meeting."

In Section 11, line 14, strike out the word "electors," and insert the words "the members of said board,"

In Section 13, line 8, strike out the word "rate," and insert the word "amount."

In Section 14, line 15, strike out the word "same" and insert the word "said."

In Section 16, last line, strike out the words "said Grand Forks county" and insert the words "the county in which the same may be situated."

In Section 19, Subdivision 10, line 25, strike out the word "of——."

In Section 19, Subdivision 10, line 4, on the third page on which said section appears, strike out the word "said——" and insert the word "the."

In Section 23 strike out all after the word "to" in line 4 down to and including the word "city of" in line 7 and insert the following: "Any such independent school district shall be vested in the independent school district."

In Section 28, lines 2 and 3, strike out the words "independent school district No. —, county of ——" and insert the words "the independent school district of any such city."

Strike out Section 29.

And when so amended recommend that said bill do pass.

GEO. W. LILLY,
Chairman.

Senate Bill No. 168,

A bill for an act making an appropriation for the State University, and to fix the salaries of the president and professors of the same,

Was read the third time, and

Mr. Williams moved

To amend Senate Bill No. 168 by adding to Section 1 the following:

All coal purchased to be used for fuel at the State University at Grand Forks shall be native coal taken from mines within the State; *Provided*, Such coal can be purchased for the State delivered at the University at a price not to exceed three (3) dollars and twenty-five cents per ton; *Provided, further*, That this section shall not be construed as prohibiting the use of wood for fuel at the University.

A violation of the provisions of this section by any officer of this State shall work a forfeiture of his office.

Mr. Wellman moved

To amend the amendment by inserting the word "Dakota" before the word "wood,"

Which motion was lost.

The question recurring on the motion of Mr. Williams,

Mr. Williams demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Buchanan, McCullough, McDonald, Thompson of Cass, and Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

Mr. Williams moved

To dispense with further proceedings under call of the House,
Which motion prevailed, and

Further proceedings under call of the House were dispensed
with.

The question recurring on the motion of Mr. Williams to
amend Senate Bill No. 168,

Roll call was demanded.

The roll being called there were ayes 36, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Milsted,
Balkan,	Hankinson,	Moore,
Beard,	Haugen,	Nedrud,
Belden,	Haugerud,	Olsgard,
Bowen,	Heglie,	Pinkham,
Brittin,	Hoyt,	Rawlings,
Bye,	Ingebretson,	Reed,
Christianson,	Ink,	Stevens,
Court,	Langer,	Thomas,
Estabrook,	Lilly,	Tyler,
Foss,	Lutz,	Wickham,
Green,	McCormick,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	Norton,	Tandberg,
Jahr,	Richardson,	Thomson of Walsh,
Johnson,	Roney,	Walsh,
McIntyre,	Selby,	Zimmer,
Montgomery,	Stadleman,	Mr. Speaker.
Murphy,	Strom,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald,	Ueland,
Cole,	Renaud,	Walton,
McCullough,	Thompson of Cass,	Watt.

Messrs. Buchanan and Thompson of Cass being excused.

And so the motion prevailed, and

The bill was so amended.

The question then recurring on the final passage of Senate Bill
No. 168 as amended,

The roll being called there were ayes 50, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings,
Balkan,	Ingebretson,	Reed,
Beard,	Ink,	Renaud,
Belden,	Jahr,	Richardson,
Bowen,	Johnson,	Roney,
Brittin,	Langer,	Stadleman,

Messrs—	Messrs—	Messrs—
Bye,	Lilly,	Strom,
Christianson,	McCormick,	Tandberg,
Court,	McIntyre,	Thomas,
Currier,	Milsted,	Thomson of Walsh,
Estabrook,	Moore,	Tyler,
Foss,	Montgomery,	Walsh,
Gronli,	Murphy,	Wickham,
Hankinson,	Nedrud,	Williams,
Haugen,	Norton,	Zimmer,
Haugerud,	Olsgard,	Mr. Speaker.
Heglie,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McCullough,	Ueland,
Cole,	McDonald,	Walton.
Green,	Stevens,	Watt.
Lutz,	Thompson of Cass,	

Mr. Selby voting in the negative.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith a veto message from the Governor on Senate Bill No. 31:

To the President of the Senate:

I herewith respectfully return
Senate Bill No. 31,

An Act to create an institute for the education of the deaf and dumb of North Dakota and providing for its support and management,

Without my approval.

I fully appreciate and recognize the claims upon the State of that class of our children whom the Creator, in his inscrutable wisdom, has seen fit to deprive of one of the great blessings of life, and the care and education of whom is contemplated by this bill. The primary purpose of the bill is to provide for the proper education and care of the deaf mutes of our State. How can this best be accomplished? It would seem that the educational welfare of these children would in no way suffer if the State should provide for their education and care at the Sioux Falls school for the present, but rather the advantages thus furnished would be superior to those which it will be possible to furnish under the provisions of this bill. From the report of the Superintendent of the Sioux Falls Deaf Mute School, North Dakota now has in attendance at that schools twelve pupils, eight of whom are over 12 years of age. This school was started in 1880. There has been expended in buildings, workshops, apparatus, and all the appliances necessary to equip a first-class school of this character, upwards of \$50,000, all of which is under the supervision and care

of an efficient superintendent and crops of instructors. In connection with this school is an industrial department furnished with shops, tools and machinery, in which the students are taught various trades such as printing, cabinet making, carpentry, etc., all of which is essential and important in order that they may be self-supporting after leaving school. It is therefore evident that these pupils who are in attendance at the school in South Dakota, provided with these excellent facilities, have advantages which must be far superior to the facilities which can be furnished by the limited appropriation provided for in this bill. I have information from the Governor of South Dakota, and also from the Superintendent of the Sioux Falls Deaf Mute School that they will have ample accommodations for the care and instruction of twenty pupils from North Dakota for the next two years and will care for them at a cost per annum of not to exceed \$180 per capita. It will hardly be claimed that equal facilities can be furnished at the same, or even a much larger cost per capita, by the establishment of the school proposed. By the report of the State Board of Corrections and Charities of the State of Minnesota, we find that the per capita cost for the pupils in schools for the deaf mutes for the year ending July 1, 1887, was \$339.16, and for 1888, \$342.35. This amount represents the actual cost for the maintenance and education of each pupil, exclusive or any expense for buildings, apparatus, etc., and this in a school whose average number of pupils in attendance is 116. It must therefore be apparent that it will be impossible to furnish anything like the advantages which are now enjoyed by the pupils at Sioux Falls for the amount of the appropriation provided, should their number reach twenty or even less, for it must be admitted that the cost per capita will be largely in excess, even under the most favorable circumstances, of that in old established schools with a large average attendance. The present school year at Sioux Falls will close in June, and the next school year will begin about September 15, 1890. As the proposed law would not take effect until July 1, provisions would necessarily have to be made for North Dakota's pupils until the close of the present school year. The next school year not commencing until September 15th, it will be seen that only a few months of the next school year will elapse before the meeting of the next Legislature, when, should the plan of providing for our deaf mutes at Sioux Falls prove unsatisfactory, or the improved condition of our finances justify such an appropriation as will enable the State to establish such a school as our needs demand, we will be called upon to pay for only a few months more schooling at Sioux Falls than we would if this bill should become a law. There is no doubt that our State will have to soon make provision for the instruction, within our own borders, of our deaf mutes, but I believe it to be the better policy, under the existing conditions, that it be deferred for the present.

Respectfully,

JOHN MILLER,
Governor.

Which the Senate has passed, the objections of the Governor to the contrary notwithstanding.

C. C. BOWSFIELD,
Secretary.

The Committee on Engrossed Bills made the following report:
MR. SPEAKER:

Your Committee on Engrossed Bills have examined
House Bill No. 326,

A bill for an act to amend Section 7 of Chapter 1 of the General Laws of 1889, entitled, "An Act to provide security to the public against errors, omissions or defects in abstracts of title to real estate."

Also,

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court.

Also,

House Bill No. 344,

A bill for an act granting certain powers to county commissioners.

Also,

House Bill No. 355,

A bill for an act to amend an act "Authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

House Bill No. 353,

A bill for an act providing for the appointment of Marshals of the Supreme Court of the State, defining his duties and fixing his compensation.

Also,

House Bill No. 352,

A bill for an act providing for the appointment of a commission on the part of North Dakota to supervise the surveying, ascertaining and definitely marking the boundary line between the States of North Dakota and South Dakota.

Also,

House Bill No. 357,

A bill for an act to amend an act passed at the first session of the Legislative Assembly entitled "An Act for an act to locate establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

Also,

House Bill No. 356,

A bill for an act to amend an act passed at the first session of the Legislative Assembly entitled "An Act for an act to locate and provide for the government of a State Reform School at Mandan, Morton County, North Dakota, approved March 14, 1890."

Also,

House Bill No. 287,

A bill for an act to amend Sections 2 and 3 of Chapter 1 of the Justice's Code, entitled "An Act to establish a code of procedure in courts of justices of the peace, and to limit the jurisdiction of the same," approved February 15, A. D. 1887.

Also,

House Bill No. 334,

A bill for an act to protect farm laborers and secure the payment of their wages.

Also,

House Bill No. 285,

A bill for an act to provide for an uniform system of free text books throughout the State.

Also,

House Bill No. 350,

A bill for an act to allow persons occupying or having improvements on school lands to remove the same,

And find the same correctly engrossed,

E. W. BOWEN,
Chairman.

The Conference Committee on House Bill No. 39 made the following report:

MR. SPEAKER:

You Conference Committee on the differences on House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same,

Have carefully considered the same, and respectfully recommend as follows:

That the Senate recede from its amendments to said bill in striking out Section 11 thereof, and that said Section 11 be amended by striking out the word "or" after the word "building" in line 1 of said section as printed on page 16 of Senate Journal of March 10, and inserting the word "and," and that said section as so amended be reinstated.

Your committee would further respectfully recommend that Section 6 of said bill be amended by adding the following proviso at the end thereof: "*Provided*, That the provisions of this section shall not apply to nor prevent the collection of any bond, bill of exchange, promissory note, mortgage, conveyance or other contract of security while in the hands of the original or any holder who has not participated in such fee or compensation nor authorized the taking of the same.

And your committee recommend that the recommendations submitted be concurred in, and the bill as so amended pass.

Respectfully Submitted,

J. F. SELBY,
C. A. CURRIER,
F. J. THOMPSON,
On part of House.

N. C. LAWRENCE,
ANDREW SLOTTEN,
JAS. BELL,
On part of Senate.

Mr. Currier moved

To adopt the report,

Which motion prevailed, and

The report of the Conference Committee was adopted.

The question being shall

House Bill No. 39,

A bill for an act defining usury, and the penalty for taking the same,

Pass as amended by the adoption of the report of the Conference Committee,

The roll being called there were ayes 46, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Ingebretson,	Reed,
Beard,	Ink,	Renaud,
Brittin,	Jahr,	Roney,
Bye,	Johnson,	Selby,
Christianson,	Langer,	Stadleman,
Cole,	Lutz,	Stevens,
Court,	McCormick,	Strom,
Currier,	Milsted,	Tandberg,
Estabrook,	Moore,	Thomas,
Foss,	Montgomery,	Thomson of Walsh,
Green,	Nedrud,	Watt,
Gronli,	Norton,	Williams,
Hankinson,	Olsgard,	Zimmer,
Haugen,	Pinkham,	Mr. Speaker.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	McDonald,	Ueland,
Bowen,	McIntyre,	Walsh,
Buchanan,	Murphy,	Walton,
Lilly,	Richardson,	Wickham.
McCullough,	Thompson of Cass,	

Messrs. Hoyt and Tyler voting in the negative.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill as amended by the Conference Committee passed, and

The title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 238,

A bill for an act to extend the time in which petitions and applications may be made to county commissioners for seed grain as provided by law.

Also,
Senate Bill No. 232,

A bill for an act to amend Section 14 of an act entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota.

Also,
Senate Bill No. 121,

A bill for an act requiring the county commissioners of the

several counties of the State of North Dakota to adjust the fees of the office of register of deeds in certain cases.

Also,

Senate Bill No. 228,

A bill for an act making invalid bonds or other evidence of debt of counties, and bonds of townships and other political corporations, unless the same have endorsed thereon a certificate of issue, and designating the proper officer for making such certificate,

All of which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The Committee on Municipal Corporations made the following report:

MR. SPEAKER:

Your Committee on Municipal Corporations to whom was referred

House Bill No. 337,

A bill for an act to amend Section 2 of Article 13 of Chapter 70 of the General Laws of 1887,

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

Strike out the word "Territorial" in the last line of Section 1 and insert in lieu thereof the word "State."

And when so amended recommend that said bill do pass.

GEORGE LUTZ,
Chairman.

Mr. Allen moved

To adopt the report,

Which motion prevailed, and

The report of the committee was adopted.

House Bill No. 337,

A bill for an act to amend Section 2 of Article 13 of Chapter 70 of the General Laws of 1887,

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

The roll being called there were ayes 49, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,

Messrs—

Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McIntyre,

Messrs—

Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,
Roney,
Selby,
Stadleman,
Strom,
Tandberg,

Messrs—

Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Lilly,
McCullough,

Messrs—

Milsted,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,

Messrs—

McDonald.
Moore,
Stevens,
Thompson of Cass,

Messrs—

Thomas,
Thomson of Walsh.
Tyler,
Walsh,
Watt,
Wickham.

Messrs—

Ueland,
Walton,
Williams.
Zimmer.

Mr. Speaker voting in the negative.

Messrs. Buchanan, Thompson of Cass, and Walton being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The title of the bill was agreed to.

Mr. Allen moved

To reconsider the vote by which House Bill No. 337 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Walsh moved

To reconsider the vote by which Senate Bill No. 168 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

Mr. Tyler moved

That Senate Bill No. 237 be now placed upon its third reading and final passage.

Mr. McCormick moved

To amend by including also Senate Bills Nos. 170, 93, 180, 198 and 63.

Mr. Walsh moved

To include also Senate Bills Nos. 173, 212, 121 and 228,

Which amendments were accepted, and

The original motion as amended prevailed.

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith Senate Bill No. 41 as requested by the House.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 237,

A bill for an act to provide for a more economical management of the North Dakota Agricultural College,

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

The roll being called there were ayes 28, nays 21.

Those who voted in the affirmative were:

Messrs—

Bowen,
Brittin,
Court,
Currier,
Estabrook,
Green,
Hoyt,
Ingebretson,
Langer,
Lutz,

Messrs—

McIntyre,
Milsted,
Moore,
Murphy,
Norton,
Rawlings,
Reed,
Renaud,
Stadleman.

Messrs—

Stevens,
Thomas,
Tyler,
Walsh,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Belden,
Bye,
Christianson,
Gronli,
Hankinson,
Haugerud,

Messrs—

Heglie,
Johnson,
Lilly,
McCormick,
Montgomery,
Nedrud,
Olsgard,

Messrs—

Pinkham,
Richardson,
Roney,
Selby,
Strom,
Tanaberg,
Thomson of Walsh.

Absent and not voting:

Messrs—

Allen,
Buchanan,
Cole,
Foss,

Messrs—

Haugen,
Ink,
Jahr,
McCullough,

Messrs—

McDonald,
Thompson of Cass,
Ueland,
Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 15, 1890. }

MR. SPEAKER:

I have the honor to inform you that the Senate has requested the return from the House of Senate Bill No. 233,

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the House return Senate Bill No. 233 as requested,

Which motion prevailed.

Senate Bill No. 170,

A bill for an act to license peddlers and prescribing penalties for the violation thereof,

Was read the third time, and placed upon its final passage.
The roll being called there were ayes 40, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Murphy
Beard,	Heglie,	Nedrud,
Belden,	Hoyt,	Pinkham,
Bowen,	Ingebretson,	Renaud,
Britten,	Ink,	Richardson,
Bye,	Jahr,	Selby,
Christianson,	Johnson,	Stadleman,
Court,	Langer,	Strom,
Estabrook,	Lilly,	Tandberg,
Foss,	McCormick,	Thomas,
Green,	McIntyre,	Thomson of Walsh,
Gronli,	Milsted,	Walsh,
Hankinson,	Montgomery,	Williams.
Haugen,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Moore,	Rawlings,	Tyler,
Norton,	Reed,	Wickham.
Olsgard,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	McCullough,	Ueland,
Buchanan,	McDonald,	Walton,
Cole,	Roney,	Watt,
Currier,	Stevens,	Zimmer,
Lutz,	Thompson of Cass,	Mr. Speaker.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 93,

A bill for an act making it the duty of the township clerks in every organized township to report to the register of deeds all births and deaths in his township,

Was read the third time, and

Mr. Roney moved

To adopt the following amendments proposed by the Committee on Judiciary:

Insert the word "and" after the word "birth" in line 2, Section 1, printed bill; also, strike out the word "and marriages" in same line. Strike out lines 8, 9 and 10 of Section 1. After the word "township" in line 2, Section 1, insert the words "city recorder or city auditor in every city, and town clerk in every town." After the word "township" in line 3, Section 1, insert the words "city or town."

Insert the following as Section 2:

SEC. 2. The parent, if a birth, and if a death, the person in whose house the death occurs, shall report to the proper person within ten days from the date of such birth or death, the facts required in Section 1 of this act.

Amend Section 2 by inserting after the word "clerk" in line 1, the words "city recorder or auditor and town clerk."

Renumber Section Section 2 as Section 3.

Amend the title by inserting after the word "township" in line 2, the words "city recorder or auditor and town clerk."

And when so amended recommend that said bill do pass,
Which motion prevailed, and
The question being on the passage of the bill as amended,
The roll being called there were ayes 23, nays 30.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Estabrook,	Lutz,
Belden,	Foss,	McCormick,
Bowen,	Hankinson,	Milsted,
Brittin,	Haugen,	Roney,
Christianson,	Haugerud,	Strom,
Cole,	Ingebretson,	Thomas,
Court,	Johnson,	Mr. Speaker.
Currier,	Langer,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	McIntyre,	Renaud,
Beard,	Moore,	Richardson
Bye,	Montgomery,	Selby,
Green,	Murphy,	Tandberg,
Gronli,	Nedrud,	Thomson of Walsh,
Heglie,	Norton,	Walsh,
Hoyt,	Olsgard,	Watt,
Ink,	Pinkham,	Wickham,
Jahr,	Rawlings,	Williams,
Lilly,	Reed,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Stadleman,	Tyler,
McCullough,	Stevens,	Ueland,
McDonald,	Thompson of Cass,	Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 15, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in House amendments to Senate Bill No. 145 and passed the bill as amended.

C. C. BOWSFIELD,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 March 15, 1890. }

To the Speaker of the House of Representatives :

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

House Bill No. 283,

An Act to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota.

Also,

House Bill No. 263,

An Act to amend Sections 171, 172 and 173 of the Probate Code,
 And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
 Governor.

Mr. Reed moved

That the House do now adjourn.

Mr. Williams moved

That when the House adjourn it be to meet again at 7:30 o'clock this evening.

Roll call demanded.

The roll being called there were ayes 34, nays 19.

Those who voted in the affirmative were:

Messrs—

Balkan,
 Beard,
 Belden,
 Bowen,
 Bye,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,

Messrs—

Hankinson,
 Haugen,
 Haugerud,
 Ingebretson,
 Jahr,
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McIntyre,
 Milsted,

Messrs—

Montgomery,
 Nedrud,
 Olsgard,
 Pinkham,
 Roney,
 Strom,
 Tandberg,
 Thomas,
 Walsh,
 Wickham,
 Williams.

Those who voted in the negative were:

Messrs—

Allen,
 Brittin,
 Currier,
 Hoyt,
 Ink,
 McCormick,
 Moore,

Messrs—

Murphy,
 Norton,
 Rawlings,
 Reed,
 Renaud,
 Richardson,

Messrs—

Selby,
 Stadleman,
 Tyler,
 Watt,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
 Heglie,
 McCullough,

Messrs—

McDonald,
 Stevens,
 Thompson of Cass,

Messrs—

Thomson of Walsh,
 Ueland,
 Walton.

Messrs. Buchanan and Thompson of Cass being excused.

And so the motion prevailed.

Mr. Selby moved

That the House do now proceed to the consideration of House bills on their third reading,

Which motion prevailed.

Mr. Williams moved

That House Bill No. 62 be laid upon the table,

Which motion prevailed.

House Bill No. 341,

A bill for an act to fix the salaries of State and judicial officers of the State of North Dakota,

Was read the third time, and

Mr. McCormick moved

To amend by striking out all after the enacting clause and inserting Senate Bill No. 45.

Mr. Norton moved

To lay the amendment upon the table.

Roll call demanded.

The roll being called there were ayes 34, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Reed,
Beard,	Jahr,	Renaud,
Belden,	Langer,	Richardson,
Brittin,	Lutz,	Stadleman,
Christianson,	McIntyre,	Tandberg,
Court,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Walsh,
Estabrook,	Montgomery,	Watt,
Green,	Murphy,	Wickham,
Hankinson,	Norton,	Williams,
Hangerud,	Rawlings,	Zimmer.
Heglie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bowen,	Ink,	Pinkham,
Bye,	Johnson,	Roney,
Cole,	Lilly,	Selby,
Foss,	McCormick,	Strom,
Gronli,	Nedrud,	Thomas,
Haugen,	Olsgard,	Ueland.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	McDonald,	Tyler,
Buchanan,	Stevens,	Walton,
Hoyt,	Thompson of Cass,	Mr. Speaker.
McCullough,		

Messrs. Buchanan and Thompson of Cass, being excused.
And so the motion to lay upon the table prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 223,

A bill for an act making an appropriation for the payment of
the salaries of the various State officers for the year 1890,

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

C. C. BOWFIELD,
Secretary.

Mr. Cole moved

To adopt the following amendments to House Bill No. 341, pro-
posed by the Committee on State Affairs:

In Section 2 strike out all of line 3.

In Section 8, line 2, strike out the figures "500" and insert the figures
"1,000" in lieu thereof.

In Section 10, line 2, strike out the figures "2,500" and insert the figures
"3,000" in lieu thereof.

In Section 14, line 6, strike out all after the word "officers."

Which motion prevailed, and

The bill was so amended.

Mr. McCormick moved

To increase the compensation of the Railroad Commissioners
to \$1,500.

Mr. Moore moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 35, nays 19.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Brittin,
Christianson,
Cole,
Court,
Carrier,
Estabrook,
Green,
Haugerud,
Ingebretson,

Messrs—

Ink,
Jahr,
Langer,
Lutz,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Stadleman,
Tandberg,
Thomson of Walsh,
Tyler,
Walsh,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Bowen,
Bye,

Messrs—

Johnson,
Lilly,
McCormick,

Messrs—

Roney,
Selby,
Strom,

Messrs—
Foss,
Gronli,
Haugen,
Heglie,

Messrs.—
Nedrud,
Olsgard,
Pinkham,

Messrs—
Thomas,
Ueland,
Watt.

Absent and not voting:

Messrs—
Buchanan,
Hankinson,
Hoyt,

Messrs—
McCullough,
McDonald,
Stevens,

Messrs—
Thompson of Cass,
Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion to lay upon the table prevailed, and
The amendment was laid upon the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 323,

A bill for an act to amend an act entitled "An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,' " approved January 10, 1890,

Which the Senate has passed unchanged.

Also,
Senate Bill No. 226,

A bill for an act to amend Section 29 of an act, entitled "An Act prescribing the mode of making assessments, and the levy and collection of taxes, and for other purposes relative thereto," approved March 12, 1890,

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

C. C. BOWSFELD,
Secretary.

Mr. Lilly moved
To amend House Bill 341 as follows:

In Section 6, line 2, Strike out the figures "\$1,500" and insert the figures "\$1,800."

Mr. Norton moved to lay the amendment upon the table,
Which motion prevailed.

Mr. McCormick moved
To amend by fixing the salary of the Secretary of State at \$1,500.

Mr. Reed moved
To lay the motion upon the table.
Roll called demanded.

The roll being called there were ayes 13, nays 35.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brittin,	Norton,	Watt,
Foss,	Reed,	Wickam.
Green,	Stadleman,	Zimmer,
Milsted,	Walsh,	Mr. Speaker.
Moore,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	Murphy,
Balkan,	Haugerud,	Nedrud,
Beard,	Heglie,	Olsgard,
Belden,	Ingebretson,	Pinkham,
Bowen,	Ink,	Richardson,
Bye,	Jahr,	Roney,
Christianson,	Langer,	Selby,
Cole,	Lilly,	Strom,
Court,	Lutz,	Thomas,
Currier,	McCormick,	Ueland,
Estabrook,	McIntyre,	Williams.
Gronli,	Montgomery,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald,	Thompson of Cass,
Hankinson,	Rawlings,	Thomson of Walsh,
Hoyt,	Renaud,	Tyler,
Johnson,	Stevens,	Walton.
McCullough,	Tandberg,	

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion to lay upon the table was lost.

The question recurring on the motion of Mr. McCormick,
The motion prevailed.

Mr. Thomas moved

That the House do now adjourn,
Which motion was lost.

Mr. McCormick moved

That the salary of the State Auditor and State Treasurer be
fixed respectively at \$1,500 each.

Mr. Currier moved

To lay the motion upon the table,
Roll call demanded.

The roll being called there were ayes 13, nays 37.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brittin,	Rawlings,	Walsh.
Currier,	Reed,	Watt,
Ingebretson,	Thomson of Walsh,	Wickham.
Moore,	Tyler,	Mr. Speaker.
Norton,		

Those who voted in the negative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Bye,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,

Messrs—
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,
 Ink,
 Johnson,
 Langer,
 Lilly,
 McCormick,
 Montgomery,
 Murphy,
 Nedrud,

Messrs—
 Olsgard,
 Pinkham,
 Renaud,
 Richardson,
 Roney,
 Selby,
 Strom,
 Tandberg,
 Thomas,
 Ueland,
 Williams,
 Zimmer.

Absent and not voting:

Messrs—
 Buchanan,
 Hoyt,
 Jahr,
 Lutz,

Messrs—
 McCullough,
 McDonald,
 McIntyre,
 Milsted,

Messrs—
 Stadleman,
 Stevens,
 Thompson of Cass,
 Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion to lay upon the table was lost.

Mr. Wickham moved

That the House do now adjourn,

Which motion was lost, and

The question recurring on the motion of Mr. McCormick,

Roll call was demanded.

The roll being called there were ayes 36, nays 14.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Bye,
 Christianson,
 Cole,
 Estabrook,
 Foss,
 Green,
 Gronli,

Messrs—
 Hankinson,
 Haugen,
 Haugerud,
 Heglie,
 Ink,
 Johnson,
 Langer,
 Lilly,
 McCormick,
 Montgomery,
 Murphy,
 Nedrud,

Messrs—
 Norton,
 Olsgard,
 Pinkham,
 Renaud,
 Richardson,
 Roney,
 Selby,
 Strom,
 Tandberg,
 Thomas,
 Ueland,
 Williams.

Those who voted in the negative were:

Messrs—
 Brittin,
 Currier,
 Ingebretson,
 Milsted,
 Moore,

Messrs—
 Rawlings,
 Reed,
 Thomson of Walsh,
 Tyler,
 Walsh,

Messrs—
 Watt,
 Wickham,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Buchanan,
 Court,
 Hoyt,
 Jahr,

Messrs—
 Lutz,
 McCullough,
 McDonald,
 McIntyre,

Messrs—
 Stadleman,
 Stevens,
 Thompson of Cass,
 Walton.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the motion prevailed, and

The bill was so amended,

Mr. Reed moved

That the House do now adjourn,

Which motion was lost.

The question being on the passage of the bill as amended,

The roll being called there were ayes 37, nays 15.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,

Messrs—

Hankinson,
Haugen,
Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
Milsted,
Moore,

Messrs—

Montgomery,
Murphy,
Nedrud,
Norton,
Pinkham,
Renaud,
Roney,
Tandberg,
Thomson of Walsh,
Walsh,
Williams,
Zimmer.

Those who voted in the negative were:

Messrs—

Brittin,
Hangerud,
McCormick,
Olsgard,
Rawlings,

Messrs—

Reed,
Richardson,
Selby,
Strom,
Thomas,

Messrs—

Tyler,
Ueland,
Watt,
Wickham,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Court,
Hoyt,
McCullough,

Messrs—

McDonald,
McIntyre,
Stadleman,

Messrs—

Stevens,
Thompson of Cass,
Walton.

Messrs. Williams and Zimmer explaining their votes.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, a majority of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

To reconsider the vote by which House Bill No. 341 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined House Bill No. 337,

A bill for an act to amend Section 2 of Article 13 of Chapter 70 of the General Laws of 1887,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 235,
A bill for an act to amend Section 29 of Chapter 21 of the Political Code,
Which the Senate has passed, and your favorable consideration is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Rawlings moved
That the House do now adjourn,
Which motion prevailed, and
The house took a recess until 7:30 o'clock p. m.

EVENING SESSION.

House reassembled at 7:30 o'clock p. m.

Mr. Selby moved
To adjourn until Monday morning at 9:30 o'clock,
Which motion was lost.

Mr. Williams moved
That the House proceed to the first and second reading of Senate bills,

Which motion prevailed, and
Senate Bill No. 239,

A bill for an act to provide for changing from the school township to the school district system,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities and municipalities,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 232,

A bill for an act to amend Section 14 of an act entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota,"

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 228,

A bill for an act making invalid bonds or other evidences of debt of counties and bonds of townships and other political corporations, unless the same have endorsed thereon a certificate showing legality of issue and designating the proper officer for making such certificate,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 121,

A bill for an act requiring the board of county commissioners of the several counties of the State of North Dakota to adjust the fees of the officers of the register of deeds in certain cases,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 238,

A bill for an act to extend the time in which petition and application may be made to county commissioners for seed grain as provided in an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein, approved February 14, 1890, enacted by the First Legislative Assembly of the State of North Dakota,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 223,

A bill for an act making an appropriation for the salaries of the various State officers for the year 1890,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 226,

A bill for an act to amend Sections 29 and 70 of an act entitled "An Act prescribing the mode of making the assessments and the levy and collection of taxes, and for other purposes relative thereto," approved March 12, 1890,

Was read the first and second times, and referred to the Committee of the Whole.

Mr. Wickham moved

That the House adjourn until 9:30 o'clock Monday morning,
Which motion was lost.

Mr. Roney moved

To take up Senate Bills Nos. 41, 183 and 156 and put them upon their third reading,

Which motion prevailed.

Mr. Ueland asked unanimous consent to introduce a bill,

Which consent was granted, and

Mr. Ueland introduced—

House Bill No. 358,

A bill for an act governing the election of school officers,

Which was read the first and second times, and referred to the Committee of the Whole.

Mr. Selby moved

That the House adjourn until 9:30 o'clock a. m. on Monday,
Which motion was lost.

Mr. McCormick moved

That the House recede from its amendments to Senate Bill No.
41,

Which motion prevailed, and

Senate Bill No. 41 was placed upon its final passage.

The roll being called there were ayes 38, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,

Messrs—

Haugen,
Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,
Montgomery,

Messrs—

Nedrud,
Olsgard,
Pinkham,
Roney,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Currier,
Green,
Haugerud,
Hoyt,
McCullough,
McDonald,

Messrs—

Moore,
Murphy,
Norton,
Rawlings,
Reed,
Renaud,
Richardson,
Selby,

Messrs—

Stadleman,
Stevens,
Thompson of Cass,
Walsh,
Walton,
Watt,
Wickham,
Zimmer.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, and the title of the bill was agreed to.

Senate Bill No. 183 was read the third time.

Mr. Roney moved

That the following amendments reported by the Committee on
Military Affairs be adopted,

Which motion prevailed.

Amend the title to read as follows: "An Act to reduce the expenses of the State by suspending Sections 7 and 14 of Chapter 113, laws of 1885, and Sections 20, 37 and 69 of Chapter 100, laws of 1887, relating to the militia, and to make appropriations for armory rent of companies, and for Adjutant General's salary and expenses.

Also, Strike out all of Section 1, and insert the following in lieu thereof:
SECTION 1. Sections 7 and 14 of Chapter 113 of the General Laws of 1885, and Sections 20, 37 and 69 of Chapter 100 of the General Laws of 1887, are hereby suspended and made inoperative until the second Tuesday of January, 1893, and from and after that date they shall be in full force and effect the same as if this act had never been passed.

Strike out all of Section 2 and insert the following in lieu thereof:

SEC. 2 * During the suspension provided for in Section 1, there is hereby appropriated out of the State Treasury the sum of three hundred (300) dollars a year for armory rent of each company, troop or battery that shall maintain its organization at its own expense, which sum shall be paid quarterly in advance. There is further appropriated the sum of six hundred (600) dollars a year for salary and expenses of the Adjutant General.

And when so amended, recommend that said bill do pass.

W. H. H. RONEY,
Chairman.

The roll being called on the final passage of the bill there were ayes 36, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Milsted,
Balkan,	Haugen,	Montgomery,
Beard,	Heglie,	Nedrud,
Belden,	Ingebretson,	Olsgard,
Bowen,	Ink,	Pinkham,
Bye,	Jahr,	Roney,
Christianson,	Johnson,	Tandberg,
Cole,	Langer,	Thomson of Walsh,
Court,	Lilly,	Tyler,
Estabrook,	Lutz,	Ueland,
Foss,	McCormick,	Williams,
Gronli,	McIntyre,	Mr. Speaker.

Absent and and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Murphy,	Strom,
Buchanan,	Norton,	Thomas,
Currier,	Rawlings,	Thompson of Cass,
Green,	Reed,	Walsh,
Haugerud,	Renaud,	Walton,
Hoyt,	Richardson,	Watt,
McCullough,	Selby,	Wickham,
McDonald,	Stadleman,	Zimmer.
Moore,	Stevens,	

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. McCormick moved

That Senate Bill No. 234 be indefinitely postponed,
Which motion prevailed.

Mr. Estabrook offered the following resolution:

Resolved, That the salary of the Janitors fixed by resolution of the House on December 18, 1889, shall commence on the day of their appointment the same as other employes, and the Speaker of the House and Chief Clerk are hereby directed and authorized to issue vouchers in full for amount due.

Mr. Cole moved

That further consideration of this resolution be postponed until
Monday,

Which motion prevailed.

Senate Bill No. 231,

A bill for an act to provide for the copying of certain records and making an appropriation therefor,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 235,

A bill for an act to amend Section 29 of Chapter 21 of the Political Code,

Was read the first and second times, and referred to the Committee of the Whole.

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

Was read the third time.

Mr. Williams moved

That the report of the committee be adopted,

Which motion prevailed, and

The following amendment was adopted:

Amend Section 1 by adding the following: "*Provided*, That the aggregate amount of such license shall not exceed the amount of \$5,000 per annum."

The roll being called on the final passage of the bill, there were ayes 37, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Gronli,
Hankinson,

Messrs—

Haugen,
Heglie,
Ingerbretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McIntyre,
Milsted,

Messrs—

Montgomery
Nedrud,
Olsgard,
Pinkham,
Roney,
Strom,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Ueland,
Williams.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Currier,
Green,
Haugerud,
Hoyt,
McCullough,
McDonald,
Moore,

Messrs—

Murphy,
Norton,
Rawlings,
Reed,
Renaud,
Richardson,
Selby,
Stadleman,

Messrs—

Stevens,
Thompson of Cass,
Walsh,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Messrs. Buchanan and Thompson of Cass, being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Williams moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The Committee on Appropriations made the following report:

MR. SPEAKER:

Your Committee on Appropriations to whom was referred House Bill No. 349,

A bill for an act for the appropriation of money to pay James M. Gleason,

Have had the same under consideration and return same without recommendation.

R. N. INK,
Chairman.

Mr. Lilly moved

That when the House adjourn, it adjourn to meet at 9:30 o'clock a. m. on Monday,

Which motion prevailed.

Mr. Williams moved

That the House proceed to the third reading of House bills,

Which motion prevailed.

Mr. Bowen moved

That the further consideration of House Bill No. 349 be indefinitely postponed,

Which motion was lost, and

House Bill No. 349,

A bill for an act to make an appropriation to pay J. M. Gleason, Was placed upon its third reading and final passage.

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Bye,
Christianson,
Cole,
Estabrook,
Gronli,

Messrs—

Hankinson,
Haugen,
Heglie,
Ingebretson,
Ink,
Lutz,
McCormick,
Milsted,

Messrs—

Nedrud,
Pinkham,
Roney,
Thomas,
Tyler,
Ueland,
Williams.

Those who voted in the negative were:

Messrs—

Belden,
Foss,

Messrs—

Lilly,
Montgomery,

Messrs—

Strom,
Thomson of Walsh.

Absent and not voting:

Messrs—

Bowen,
Brittin,
Buchanan,
Court,
Currier,

Messrs—

McCullough,
McDonald,
McIntyre,
Moore,
Murphy

Messrs—

Selby,
Stadleman,
Stevens,
Tandberg,
Thompson of Cass,

Messrs—

Green,
Haugerud,
Hoyt,
Jahr,
Johnson,
Langer,

Messrs—

Norton,
Olsgard,
Rawlings,
Reed,
Renaud,
Richardson,

Messrs—

Walsh,
Walton,
Watt,
Wickham,
Zimmer,
Mr. Speaker.

Messrs. Buchanan and Thompson of Cass, being excused.

So the bill was lost, it not having received the constitutional majority.

Mr. Williams moved

That the vote by which the bill was lost be reconsidered,
Which motion prevailed.

Mr. Ueland moved

That the rules be suspended, and that the House proceed to the third reading of House bills,
Which motion prevailed.

House Bill No. 338,

A bill for an act to amend Section 15 of Article 15 of Chapter 70 of the General Laws of 1887,

Was read the third time, and

Mr. Thomas moved

That the further consideration of House Bill No. 338 be indefinitely postponed,

Which motion prevailed.

The Committee on Military Affairs made the following report:

MR. SPEAKER:

Your Committee on Military Affairs to whom was referred House Bill No. 345,

A bill for an act providing that the Lieutenant Governor shall be *ex-officio* Adjutant General of the State,

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

W. H. H. RONEY,
Chairman.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined House Bill No. 341,

A bill for an act to fix the salaries of State and judicial officers of the State of North Dakota,

And find the same correctly engrossed.

E. W. BOWEN,
Chairman.

House Bill No. 312,

A bill for an act to authorize and empower cities to surrender their charter and providing for reorganizing as towns,

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

Mr. Estabrook moved
That the report of the committee be adopted,
Which motion prevailed, and
The following amendments were adopted:

Strike out the words "her government" in line 3 of Section 3, and insert in lieu thereof the word "charter;" also strike out all after said word "government" and insert in lieu thereof the following:

But no rights or liabilities, either in favor of or against such incorporated city, existing at the time of such change from a city to a town organization, and no action or proceeding of any kind shall be affected by such change, but the same shall have the same force and effect as if no change had been made; *Provided*, That this act shall not apply to any city incorporated under the General Law for the incorporation of cities as contained in the General Laws of 1887, and subsequent amendments thereto.

The roll being called on the final passage of the bill there were ayes 25, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Gronli,	Olsgard,
Balkan,	Hankinson,	Roney,
Beard,	Ingebretson,	Strom,
Bowen,	Ink,	Tandberg,
Bye,	Lilly,	Thomas,
Christianson,	Milsted,	Thomson of Walsh,
Cole,	Montgomery,	Tyler,
Estabrook,	Nedrud,	Williams,
Foss,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haugen,	McCormick,	Ueland.
Jahr,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Lutz,	Richardson,
Brittin,	McCullough,	Selby,
Buchanan,	McDonald,	Stadleman,
Court,	McIntyre,	Stevens,
Currier,	Moore,	Thompson of Cass,
Green,	Murphy,	Walsh,
Haugerud,	Norton,	Walton.
Heglie,	Pinkham,	Watt.
Hoyt,	Rawlings,	Wickham,
Johnson,	Reed,	Zimmer,
Langer,	Renaud,	Mr. Speaker.

Messrs. Buchanan and Thompson of Cass, being excused.
So the bill was lost, it not having received the constitutional majority.

Mr. Cole moved
That the House do now adjourn until 9:30 o'clock a. m. Monday,

Which motion prevailed, and
The House adjourned until 9:30 o'clock a. m. Monday.

J. G. HAMILTON,
Chief Clerk.

ONE HUNDRED AND NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 17, 1890.

The House assembled at 9:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Buchanan, excused.

Mr. Cole moved

That a conference committee be appointed on Senate Bill No. 5,

The motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Cole, Stadlerman and Walsh.

THIRD READING OF SENATE BILLS.

Senate Bill No. 74,

A bill for an act to reimburse the compiler and printer of Long's Legislative Hand Book for 1889,

Was read the third time, and

Mr. Currier moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Hankinson moved

To amend by striking out in line 4 of Section 1 the words and figures "seven hundred and fifty (750) dollars" and inserting in lieu thereof the words and figures "five hundred (500) dollars."

Mr. Stevens moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring on the motion of Mr. Hankinson,

The motion was lost, and

The amendment was lost.

Mr. Reed moved

To adopt the following amendment proposed by the Committee on Judiciary:

Strike out Section 2 of the bill and insert in lieu thereof the following:

SEC. 2. An emergency exists, in that the debt existing which the bill seeks to liquidate has been justly due for a long period, and to wait until this act becomes operative by virtue of the constitutional provision would impose an unnecessary hardship; therefore, this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 43, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Stadleman,
Balkan,	Ink,	Stevens,
Beard,	Johnson,	Tandberg,
Belden,	Lilly,	Thompson of Cass,
Brittin,	McIntyre,	Thomson of Walsh,
Bye,	Milsted,	Tyler,
Christianson,	Moore,	Ueland,
Cole,	Montgomery,	Walsh,
Court,	Olsgard,	Walton,
Estabrook,	Pinkham,	Watt,
Green,	Rawlings,	Wickham,
Gronli,	Reed,	Williams,
Haugen,	Richardson,	Zimmer,
Haugerud,	Selby,	Mr. Speaker.
Hoyt,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hankinson,	Langer,	Nedrud.
Heglie,	McCormick,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Lutz,	Renaud,
Buchanan,	McCullough,	Roney,
Currier,	McDonald,	Strom,
Foss,	Murphy,	Thomas.
Jahr,	Norton,	

Mr. Montgomery and Mr. Speaker explaining their votes.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

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

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:
That Joint Rule No. 10 be and the same is hereby suspended for this 17th day of March, A. D. 1890.

Which motion prevailed, and

The resolution was adopted.

Senate Bill No. 193,

A bill for an act appropriating money to pay certain newspapers for publishing the Constitution of the State of North Dakota,

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

The roll being called there were ayes 48, nays 1.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCullough,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Renaud,
Richardson,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and and not voting:

Messrs—

Allen,
Buchanan,
Foss,
Jahr,
Lutz,

Messrs—

McCormick,
McDonald,
Murphy,
Norton,

Messrs—

Rawlings,
Reed,
Strom,
Thomas.

Mr. Heglie voting in the negative.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 191,

A bill for an act appropriating money for the maintenance of the public offices of the State,

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

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Court,

Messrs—

Hoyt,
Ingerbretson,
Ink,
Jahr,
Johnson,
Langer,
McCormick,
McCullough,
Milsted,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,

Messrs—

Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Moore,
Montgomery
Nedrud,
Olsgard,
Pinkham,
Rawlings,
Reed,
Renaud,
Richardson,

Messrs—

Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Lilly,

Messrs—

Lutz,
McDonald,
McIntyre,

Messrs—

Murphy,
Norton,
Thomas.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 216,

A bill for an act to provide for the purchase of books for the State Library, and for the care and custody of the same,

Was read the third time, and

Mr. Pinkham moved

To strike out all after the enacting clause and insert the following:

SECTION 1. The sum of \$4,500 for the year 1890, and \$1,000 for each year thereafter is hereby appropriated out of the State Treasury, to be expended by the Governor, Secretary of State and Superintendent of Public Instruction, acting jointly as a Library Board, in purchasing for the State Library such volumes of Supreme Court Reports, Digests and Statutes of any State or Territory, where such volumes cannot be procured by exchange, and for the purchase of such other documents as may be deemed desirable for the best uses and purposes of such Library.

SEC. 2. That a sum not exceeding \$500 annually shall be appropriated for the care and custody of said library.

SEC. 3. That upon the presentation of a verified account of the Library Board for the purchase and cost of transportation of any such volumes, or documents and for the care and custody of the library, the State Auditor shall draw his warrant on the State Treasurer for the amount of such verified account.

SEC. 4. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 5. There being an emergency existing by virtue of there being no provision for the purchase of books for the State Library, therefore this act shall take effect and be in force from and after its passage and approval.

Mr. Thompson of Cass, moved

To lay the amendment upon the table.

Roll call demanded.

The roll being called there were ayes 28, nays 26.

Those who voted in the affirmative were:

Messrs—

Bowen,
Brittin,

Messrs—

Nedrud,
Rawlings,

Messrs—

Thomson of Walsh,
Tyler,

Messrs—
 Currier,
 Green,
 Haugerud,
 Hoyt,
 Ingebretson,
 McIntyre,
 Milsted,
 Moore,

Messrs—
 Reed,
 Selby,
 Stadleman,
 Stevens,
 Strom,
 Tandberg,
 Thompson of Cass,

Messrs—
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Bye,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Foss,

Messrs—
 Gronli,
 Hankinson,
 Haugen,
 Heglie,
 Ink,
 Jahr,
 Langer,
 Lilly,
 McCormick,

Messrs—
 McCullough,
 Montgomery,
 Olsgard,
 Pinkham,
 Renaud,
 Richardson,
 Roney,
 Ueland.

Absent and not voting:

Messrs—
 Belden,
 Buchanan,
 Johnson,

Messrs—
 Lutz,
 McDonald,
 Murphy,

Messrs—
 Norton,
 Thomas

Mr. Buchanan being excused.

And so the motion prevailed, and

The amendment was laid upon the table.

The question being on the passage of the bill,

The roll being called there were ayes 41, nays 14.

Those who voted in the affirmative were:

Messrs—
 Balkan,
 Bowen,
 Brittin,
 Cole,
 Court,
 Currier,
 Estabrook,
 Green,
 Haugen,
 Haugerud,
 Hoyt,
 Ingebretson,
 Jahr,
 Johnson,

Messrs—
 Lilly,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Nedrud,
 Rawlings,
 Reed,
 Renaud,
 Roney,
 Selby,
 Stadleman,
 Stevens,

Messrs—
 Strom,
 Tandberg,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Allen,
 Beard,
 Bye,
 Christianson,
 Foss,

Messrs—
 Gronli,
 Hankinson, •
 Heglie,
 Ink,
 Langer,

Messrs—
 McCormick,
 McCullough,
 Olsgard,
 Pinkham,
 Richardson.

Absent and not voting:

Messrs—

Belden,
Buchanan,

Messrs—

Lutz,
Murphy,

Messrs—

Norton,
Thomas.

Mr. Buchanan being excused.

To the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Lilly moved

That Senate Bill No. 227 be now read the first and second times and referred,

Which motion prevailed, and

Senate Bill No. 227,

A bill for an act providing for a State Board of Equalization of Taxes for the State of North Dakota, to fix the rate of the State tax annually, and for its meeting and duties and the duty of the State Auditor, the county clerk and the board of county commissioners of counties in relation thereto,

Was read the first and second times.

Mr. Hankinson moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Speaker called Mr. Reed to the Chair.

Senate Bill No. 63,

A bill for an act to protect stockraisers, and promote the breeding of improved live stock within the State of North Dakota,

Was read the third time, and

Mr. Wickham moved

To indefinitely postpone the further consideration of the bill,

Which motion was lost.

Mr. Walsh moved

To adopt the following amendment proposed by the Committee on Agriculture.

In Section 3, line 2, original bill, add after the word "with" the words "the provisions of"; also, in line 8, same section, strike out the words "six months" and insert in lieu thereof the words "one year."

Which motion prevailed, and

The bill was so amended.

Mr. Stevens moved

To amend the bill by striking out the enacting clause.

Roll call demanded.

The roll being called there were ayes 14, nays 39.

Those who voted in the affirmative were:

Messrs—

Beard,
Hoyt,
Ingebretson,
McDonald,
McIntyre,

Messrs—

Moore,
Reed,
Renaud,
Richardson,
Stevens,

Messrs—

Walton,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,

Messrs—

Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
Milsted,

Messrs—

Montgomery,
Nedrud,
Pinkham,
Rawlings,
Roney,
Stadleman,
Strom,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Watt.

Absent and not voting:

Messrs—

Buchanan,
Lutz,
Murphy,

Messrs—

Norton,
Olsgard,
Selby,

Messrs—

Tandberg,
Thomas,
Williams.

Mr. Buchanan being excused.

And so the motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 17, 1890. }

MR. SPEAKER:

I have the honor to return herewith your concurrent resolution suspending Rule 10, which the Senate has amended to read "up to 3 o'clock p. m." and adopted, and ask your concurrence.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the House concur in the Senate amendment to the above resolution,

Which motion prevailed.

Mr. Stevens moved

To amend Senate Bill No. 63 as follows:

Strike out the words "one year" and insert the words "ninety days," strike out the words "six months" and insert the words "sixty days" where they occur in Section 3 in relation to the time when lien shall be filed, also time lien shall continue.]

Mr. Pinkham moved

To lay the motion upon the table,

Which motion prevailed, and

The amendment was laid upon the table.

The question being on the passage of the bill as amended,

The roll being called there were ayes 29, nays 27.

Those who voted in the affirmative were:

Messrs—

Belden,
Bowen,
Bye,
Cole,
Court,
Currier,
Foss,
Gronli,
Hankinson,
Hangerud,

Messrs—

Heglie,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
Nedrud,
Pinkham,

Messrs—

Rawlings,
Renaud,
Roney,
Stadleman,
Strom,
Thompson of Cass,
Tyler,
Ueland,
Walsh.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Brittin,
Christianson,
Estabrook,
Green,
Haugen,
Hoyt,

Messrs—

Ingebretson,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Olsgard,
Reed,
Richardson,

Messrs—

Stevens,
Tandberg,
Thomson of Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Lutz,

Messrs—

Murphy,
Norton,

Messrs—

Selby,
Thomas.

Messrs. McIntyre, Wickham and Williams explaining their votes.

Mr. Buchanan being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

Mr. Williams moved

To reconsider the vote just taken.

Mr. Moore moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring on the motion to reconsider,

The motion to reconsider prevailed.

Mr. Williams moved

That the bill be made a special order for this afternoon at 5 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 189,

A bill for an act to amend Section 37, Chapter 6 of the Code of Civil Procedure.

Also,

Senate Bill No. 225,

A bill for an act relating to local improvements in cities not organized and incorporated under the general laws for the incorporation of cities.

Also,

Senate Bill No. 230,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of Cities and towns."

Also,

Senate Bill No. 234,

A bill for an act to name and describe the senatorial and representative districts of the state of North Dakota.

Also,

Senate Bill No. 178,

A bill for an act to organize a county board of supervisors, one from each township, ward of city, and incorporated village to take the place of the board of county commissioners, and prescribing the duties thereof.

All of which the Senate has passed, and your favorable consideration thereof is respectfully requested.

Also,

That the Senate has concurred in the House amendments to Senate Bills Nos. 168 and 156, and passed them as amended.

Also,

House Bill No. 221,

A bill for an act to prohibit the blacklisting or publishing of employes when they shall have been discharged, and fixing the punishment of the same,

Which was lost.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 228,

A bill for an act making invalid bonds or other evidences of debt of counties, and bonds of townships and other political corporations, unless the same have endorsed thereon a certificate of issue, and designating the proper officer for making such certificate,

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

The roll being called there were ayes 50, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard

Messrs—

Haugerud,
Heglie,
Hoyt,

Messrs—

Reed,
Richardson,
Roney,

Messrs—

Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Nedrud,
Pinkham,
Rawlings,

Messrs—

Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Lutz,
Moore,
Montgomery,

Messrs—

Murphy,
Norton,
Olsgard,
Renaud,

Messrs—

Selby,
Thomas,
Tyler,
Mr. Speaker.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No 180,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889,

Was read the third time, and

Mr. Walsh moved

To amend the bill by striking out lines 3 and 4 on page 2 of the engrossed copy of the bill the words "January, April, July and October" and inserting in lieu thereof the words "March, June, September and December,"

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 42, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Britten,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Foss,
Green,
Gronli,

Messrs—

Haugen,
Haugerud,
Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
McCormick,
McDonald,
McIntyre,
Milsted,
Nedrud,
Olsgard,
Pinkham,

Messrs—

Reed,
Renaud,
Roney,
Selby,
Stadleman,
Tandberg,
Thompson of Cass,
Tyler,
Ueland,
Walsh,
Walton,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Moore,	Stevens,
Court,	Montgomery,	Strom,
Hankinson,	Murphy,	Thomas,
Heglie,	Norton,	Thomson of Walsh,
Langer,	Rawlings,	Watt,
Lutz,	Richardson,	Wickham.
McCullough,		

Mr. Hoyt voting in the negative.

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 198,

A bill for an act to require the Secretary of State to keep a record of bonds of the State officers and to regulate the depository of the bonds of all the State officers of the State of North Dakota,

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

The roll being called there were ayes 42, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Roney,
Balkan,	Heglie,	Selby,
Beard,	Ingebretson,	Stadleman,
Belden,	Ink,	Strom,
Bowen,	Jahr,	Tandberg,
Bye,	Johnson,	Thompson of Cass,
Christianson,	Lilly,	Thomson of Walsh,
Cole,	McDonald,	Tyler,
Currier,	McIntyre,	Ueland,
Estabrook,	Milsted,	Walsh,
Foss,	Nedrud,	Walton,
Green,	Olsgard,	Williams,
Gronli,	Reed,	Zimmer,
Haugen,	Renaud,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	McCormick,	Rawlings,
Buchanan,	McCullough,	Richardson,
Court,	Moore,	Stevens,
Hankinson,	Montgomery,	Thomas,
Hoyt,	Murphy,	Watt,
Langer,	Norton,	Wickham.
Lutz,	Pinkham,	

Mr. Buchanan being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

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

MR. SPEAKER:

Your committee to revise and correct the Journal have examined the House Journal of the one hundred and seventeenth day and find the same correct.

L. A. UELAND,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 74 and passed the bill as amended.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 173,

A bill for an act to establish an uniform system of accounts for public funds in the State educational, charitable and penal institutions, and to appropriate miscellaneous receipts for the use of the said institutions,

Was read the third time, and

Mr. Lilly moved

To amend the bill as follows:

In Section 1, line 4, strike out the word "prison" and insert the word "penitentiary."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 49, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,

Messrs—

Heglie,
Hoyt,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Rawlings,

Messrs—

Reed,
Renaud,
Roney,
Stadleman,
Stevens,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—
 Buchanan,
 Currier,
 Ingebretson,
 Lutz,
 McCormick,

Messrs—
 McCullough,
 Murphy,
 Norton,
 Richardson,

Messrs—
 Selby,
 Thomas,
 Watt,
 Mr. Speaker.

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 223,

A bill for an act making an appropriation for the payment of the salaries of the various State officers for the year 1890,

Was read the third time, and

Mr. Selby moved

To amend Section 2 to read as follows:

SEC. 2. Whereas, it is necessary and admissable that the State officers should receive their salaries as the same become due, and at a time long prior to July first next, an emergency exists; therefore, this act shall take effect and be in force immediately after its passage and approval.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Brittin,
 Bye,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Foss,
 Green,
 Gronli,
 Hankinson,
 Haugen,

Messrs—
 Haugerud,
 Heglie,
 Hoyt,
 Ink,
 Jahr,
 Langer,
 Lilly,
 McCormick,
 McCullough,
 McDonald,
 McIntyre,
 Milsted,
 Moore,
 Montgomery,
 Nedrud,
 Olsgard,

Messrs—
 Pinkham,
 Rawlings,
 Reed,
 Renaud,
 Roney,
 Selby,
 Strom,
 Tandberg,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Walsh,
 Watt,
 Zimmer,

Absent and not voting:

Messrs—
 Buchanan,
 Currier,
 Ingebretson,
 Johnson,
 Lutz,

Messrs—
 Murphy,
 Norton,
 Richardson,
 Stadleman,
 Stevens,

Messrs—
 Thomas,
 Walton,
 Wickham,
 Williams,
 Mr. Speaker.

Mr. Buchanan being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor, and

The question being on the title of the bill,

Mr. Walsh moved

To amend the title to conform to the body of the bill,
Which motion prevailed, and
The title as amended was agreed to.

Mr. Stevens moved

That the House do now take a recess until 2 o'clock p. m.,
Which motion was lost.

Mr. Speaker announced his signature to
Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts.

Also,

Senate Bill No. 155,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements.

Also,

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota.

Also,

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887.

Also,

Senate Bill No. 215,

A bill for an act fixing the terms of court and defining the practice in county courts having civil and criminal jurisdiction.

Mr. Haugen moved

That the House take a recess until 2 o'clock p. m.,
Which motion prevailed, and
The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

House reassembled at 2 o'clock p. m.

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section 3156 of the Compiled Laws of 1887,

Was read the third time, and

Mr. Williams moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 24, nays 22.

Those who voted in the affirmative were:

Messrs—
 Brittin,
 Christianson,
 Cole,
 Court,
 Estabrook,
 Green,
 Haugen,
 Haugerud,

Messrs—
 Heglie,
 Hoyt,
 Langer,
 Lutz,
 McDonald,
 McIntyre,
 Moore,
 Murphy,

Messrs—
 Reed,
 Renaud,
 Tyler,
 Walsh,
 Walton,
 Wickham,
 Williams,
 Zimmer.

Those who voted in the negative were:

Messrs—
 Balkan,
 Carrier,
 Foss,
 Gronli,
 Hankinson,
 Ingebretson,
 Ink,
 Johnson,

Messrs—
 McCormick,
 McCullough,
 Montgomery,
 Nedrud,
 Norton,
 Rawlings,
 Roney,

Messrs—
 Selby,
 Strom,
 Tandberg,
 Thompson of Cass,
 Thomson of Walsh,
 Ueland,
 Watt.

Absent and not voting:

Messrs—
 Allen,
 Beard,
 Belden,
 Bowen,
 Buchanan,
 Bye,

Messrs—
 Jahr,
 Lilly,
 Milsted,
 Olsgard,
 Pinkham,

Messrs—
 Richardson,
 Stadleman,
 Stevens,
 Thomas,
 Mr. Speaker.

Mr. Buchanan being excused.

And so the motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
 House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags.

Also,

House Bill No. 323,

A bill for an act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of the public credit," approved January 10, 1890,

And find the same correctly enrolled.

GEO. H. WALSH,
 Chairman.

Mr. Speaker announced his signature to
 House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags.

Also,

House Bill No. 323

A bill for an act to amend sections 2 and 4 of chapter 58 of the Session Laws of 1879, entitled "An Act for the protection of the public credit, approved January 10, 1890."

Senate Bill No. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 42, nays 6.

Those voting in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Hankinson,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Jahr,
Johnson,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Norton,
Renaud,

Messrs—

Richardson,
Roney,
Selby,
Stadleman,
Tandberg,
Thomas,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Those voting in the negative were:

Messrs—

Gronli,
Haugen,

Messrs—

Nedrud,
Strom,

Messrs—

Thompson of Cass,
Ueland.

Absent and not voting:

Messrs—

Beard,
Buchanan,
Foss,
Green,
Ink,

Messrs—

Langer,
Milsted,
Murphy,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Stevens,
Zimmer.

Mr. Buchanan being excused.

And so the bill passed. a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the use of the Legislative Assembly and the various State officers and making an appropriation therefor,

Also,

House Bill No. 344,

A bill for an act granting certain powers to county commissioners,

Both of which the Senate has passed unchanged.

Also,

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881, relative to sheep husbandry,

Which the Senate has amended as follows:

Amend Section 1, line 4, by striking out the word "shall" and inserting the word "may" in lieu thereof.

Also,

House Bill No. 347,

A bill for an act to provide for the taxation of real and personal property situated in unorganized counties,

Which is amended as follows:

Amend Section 1, line 3, by striking out the words "in the nearest county thereto."

Strike out all after Section 1 and insert the following in lieu thereof:

SEC. 2. The board of county commissioners of the county to which such unorganized county is attached for judicial purposes shall at the time and place they equalize and correct the assessment roll of their county, equalize and correct the assessment roll of such unorganized county, and at the time and place they make their tax levy for county purposes, levy a tax upon the assessed property of such unorganized county, for State purposes only, in the same manner and form that they make their levy for State purposes in their own county, and when such tax list is completed, the board of county commissioners shall attach to such tax list their warrant under their hand and official seal, in general terms, requiring the county treasurer to collect the tax therein levied according to law, and they shall require an additional bond from the said county treasurer in such amount as they may deem necessary for the faithful discharge of his duties in collecting the said tax, and they shall audit and allow the necessary expenses of the assessor and treasurer for the assessment and collection of such tax, which shall be paid upon their warrant out of the tax so assessed and collected.

SEC. 3. Such tax list when completed shall be kept by the county clerk or auditor as the property of such unorganized county. The clerk or auditor shall also prepare a duplicate of such tax list with the warrant of the county commissioners attached, and deliver the same to the county treasurer and take a receipt for the same on or before the first day of November following the date of the levy, for the current year; and such tax list shall be full and sufficient authority for the collection by the treasurer of all taxes therein contained.

SEC. 4. It shall be the duty of the county treasurer, upon receipt of the tax list as aforesaid to proceed and collect said tax in the same manner and form in which other taxes are collected, and he shall pay the warrants drawn by the county commissioners upon said tax for necessary expenses of assessing and collecting the same and remit the remainder of the said tax to the State Treasurer.

SEC. 5. Whenever any organized county to which such unorganized county may be attached for judicial purposes, is organized into civil townships, then the board of county commissioners of such organized county may appoint a special assessor for the purpose of assessing such unorganized county; said special assessor shall be required by the board of county commissioners to give bond and qualify the same as other assessors in this State.

SEC. 6. An emergency existing for reason that the assessing is required to

be done long before July 1, 1890; therefore this act shall take effect and be in force on and after its passage and approval.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or abitration,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 43, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Norton,
Balkan,	Ink,	Olsgard,
Beard,	Jahr,	Pinkham,
Belden,	Johnson,	Rawlings,
Bye,	Lilly,	Reed,
Christianson,	Lutz,	Renaud,
Cole,	McCormick,	Richardson,
Court,	McCullough,	Roney,
Currier,	McDonald,	Strom,
Foss,	McIntyre,	Thomas,
Gronli,	Milsted,	Ueland,
Hankinson,	Moore,	Walton,
Haugerud,	Montgomery,	Wickham,
Heglie,	Nedrud,	Mr. Speaker.
Hoyt,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Green,	Selby,	Walsh,
Haugen,	Tandberg,	Watt,
Langer,	Thompson of Cass,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Murphy,	Thomson of Walsh,
Brittin,	Stadleman,	Tyler,
Buchanan,	Stevens,	Williams.
Estabrook,		

Mr. Buchanan being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Moore moved

That the House concur in the Senate amendments to House Bill No. 31,

Which motion prevailed, and

The question being shall

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the Session Laws of 1881, relating to seep husbandry,

Pass, as amended by the Senate,

The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Richardson,
Balkan,	Jahr,	Roney,
Beard,	Langer,	Selby,
Belden,	Lilly,	Stadleman,
Bye,	Lutz,	Strom,
Christianson,	McDonald,	Tandberg,
Cole,	McIntyre,	Thomas,
Court,	Milsted,	Thompson of Cass,
Currier,	Moore,	Thomson of Walsh,
Estabrook,	Montgomery,	Tyler,
Foss,	Murphy,	Ueland,
Green,	Nedrud,	Walsh,
Gronli,	Norton,	Walton,
Hankinson,	Olsgard,	Watt,
Haugen,	Pinkham,	Wickham,
Haugerud,	Rawlings,	Williams,
Heglie,	Reed,	Zimmer,
Hoyt,	Renaud,	Mr. Speaker.
Ingebretson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Johnson,	McCullough,
Brittin,	McCormick,	Stevens.
Buchanan,		

Mr. Buchanan being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

Mr. Reed moved

That the House concur in the Senate amendments to House
Bill No. 347,

Which motion prevailed, and

The question being, shall

House Bill No. 347,

A bill for an act to provide for taxation of real and personal
property situated in unorganized counties,

Pass as amended by the Senate,

The roll being called there were ayes 45, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Renaud,
Balkan,	Hoyt,	Richardson,
Beard,	Ingebretson,	Selby,
Belden,	Langer,	Tandberg,
Brittin,	McDonald,	Thomas,
Bye,	McIntyre,	Thompson of Cass,
Christianson,	Milsted,	Thomson of Walsh,
Cole,	Moore,	Tyler,
Court,	Montgomery,	Walsh,
Currier,	Murphy,	Walton,
Estabrook,	Nedrud,	Watt,
Green,	Norton,	Wickham,

Messrs—
Gronli,
Hankinson,
Haugen,

Messrs—
Pinkham,
Rawlings,
Reed,

Messrs—
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—
Bowen,
Buchanan,
Foss,
Heglie,
Ink,

Messrs—
Jahr,
Lilly,
Lutz,
McCormick,
McCullough,

Messrs—
Olsgard,
Roney,
Stadleman,
Stevens,
Strom.

Messrs. Johnson and Ueland voting in the negative.

Mr. Buchanan being excused.

So the bill as amended by the Senate passed, more than two-thirds of the members present and voting, voting therefor, And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bills Nos. 173 and 223, and passed the bills as amended.

Also,

That the Senate refuses to concur in the House amendments to Senate Bill 183, and by motion adopted the President has appointed Messrs. Harmon, Winship and Robinson, as a Conference Committee on the part of the Senate to confer with a like committee from the House.

C. C. BOWSFIELD,
Secretary.

Mr. Roney moved

That the House appoint a Conference Committee on Senate Bill No. 183,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Roney, Tyler and Estabrook.

Mr. Selby (by unanimous consent) made the following report of the Committee on Ways and Means:

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred Senate Bill No. 86,

A bill for an act amending Chapter 13 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act entitled an act authorizing and empowering the organized counties of Dakota to issue and dispose of

bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the principal and interest thereof,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out Section 1 and insert the following in lieu thereof:

That Section 1 of Chapter 13 of the General Laws of 1887, relating to the issuing of bonds by organized counties be amended to read as follows:

SECTION 1. COUNTY COMMISSIONERS TO ISSUE BONDS.] Each and every organized county of this State is hereby authorized and empowered by and through its board of county commissioners, when in the judgment of said board it is deemed to be to the best interests of the county, to issue its negotiable bonds in the name of the county corporation, for the sole purpose of funding its outstanding indebtedness; *Provided*, That no bonds shall be issued under the provisions of this act to pay or fund any indebtedness except such as is represented by the legally issued county warrants or orders of such county, issued since January 1, 1880; said bonds shall be in denomination of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars; shall clear the date of their issue, shall be made payable to the purchaser or bearer, and shall be made payable in not less than five nor more than fifteen years from their date, and bear interest at the rate of not exceeding 7 per cent. per annum, payable semi-annually, with coupons attached for each interest payment; *Provided*, That no bonds shall be issued under the provisions of this act to provide money to pay or to fund any indebtedness created after October 15, 1889, which in the aggregate, including the then existing indebtedness exceeds 5 per centum upon the assessed value of the taxable property in such county. The bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the county clerk; *Provided*, That in counties having an auditor, the attestation shall be made by the auditor; the seal of the county shall be affixed to each bond, but not to the coupons; said bonds shall be printed, engraved or lithographed on good bond paper, and each bond shall state on its face that it is issued in accordance, and in strict compliance with an act of the Legislative Assembly of the State of North Dakota, entitled "An Act authorizing and empowering organized counties of North Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the principal and interest thereof," approved _____, 1890, (inserting date of the approval of this act) and a copy of this act shall be printed on the back of each bond. Said bonds may be made payable anywhere in the United States.

Amend the title to read as follows:

"A bill for an act to amend Section one (1) of Chapter thirteen (13) of the General Laws of the Territory of Dakota, passed by the Legislative Assembly for the year 1887, relating to the issue and disposal of bonds in organized counties."

And when so amended recommend that said bill do pass.

J. F. SELBY,
Chairman.

Mr. Selby moved

To adopt the report,

Which motion prevailed, and

The report of the committee was adopted.

The Committee on Public Printing made the following report:

MR. SPEAKER:

Your Committee on Public Printing, to whom was referred Senate Bill No. 192,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Have had the same under consideration and report the bill back herewith pursuant to a resolution of the House adopted heretofore.

D. P. THOMAS,
Chairman.

Senate Bill No. 86,

A bill for an act amending Chapter 13 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the principal and interest thereof,"

Was read the third time, and placed upon its final passage,
The roll being called there were ayes 55, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingehretson,	Rawlings,
Balkan,	Ink,	Reed,
Beard,	Jahr,	Renaud,
Belden,	Johnson,	Richardson,
Bowen,	Langer,	Selby,
Brittin,	Lilly,	Strom,
Bye,	Lutz,	Tandberg,
Christianson,	McCormick,	Thomas,
Cole,	McDonald,	Thompson of Cass,
Court,	McIntyre,	Thomson of Walsh,
Currier,	Milsted,	Tyler,
Foss,	Moore,	Ueland,
Green,	Montgomery,	Walsh,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Watt,
Haugen,	Norton,	Williams,
Haugerud,	Olsgard,	Zimmer,
Heglie,	Pinkham,	Mr. Speaker.
Hoyt,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Roney,	Stevens,
Estabrook,	Stadleman,	Wickham.
McCullough,		

Mr. Buchanan being excused.

And so the bill as amended passed, and
The title of the bill was agreed to.

Mr. McCormick moved

That House Bill No. 150 be now considered,

Which motion prevailed, and

House Bill No. 150,

A bill for an act for county and township government,

Was read the third time, and

Mr. Foss moved

To adopt the amendments proposed by the Committee on
Counties,

Which motion prevailed, and

The question being on the passage of the bill as amended,

Mr. Walsh moved

That the further consideration of the bill be indefinitely postponed.

Mr. Ink moved

As a substitute that all from Sections 1 to 19 of the bill be stricken out.

Mr. Walsh moved

As an amendment to the substitute motion, that all after Section 19 be stricken out also,

Which amendment was lost, and

The question recurring on the substitute motion,

The substitute motion prevailed.

Mr. Zimmer moved

To amend the bill by striking out the enacting clause.

Mr. McCormick moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 32, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Milsted,
Balkan,	Heglie,	Nedrud,
Beard,	Ingebretson,	Norton,
Belden,	Ink,	Pinkham,
Bowen,	Jahr,	Richardson,
Bye,	Johnson,	Selby,
Cole,	Langer,	Stadleman,
Court,	Lilly,	Strom,
Estabrook,	McCormick,	Tyler,
Foss,	McCullough,	Ueland.
Gronli,	McIntyre,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brittin,	Murphy,	Walsh,
Currier,	Olgard,	Walton,
Green,	Rawlings,	Watt,
Haugen,	Reed,	Wickham,
Hangerud,	Renaud,	Williams,
Hoyt,	Tandberg,	Zimmer,
Moore,	Thompson of Cass,	Mr. Speaker.
Montgomery,	Thomson of Walsh,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald,	Stevens,
Christianson,	Roney,	Thomas.
Lutz,		

Mr. Buchanan being excused.

And so the motion to lay upon the table prevailed.

Mr. Strom moved

To amend the bill by striking out in line 6 of Section 22 the figures "\$200" and inserting the figures "\$300,"

Which motion was lost, and

The amendment was lost.

Mr. Strom moved

To strike out all of Section 29 after the words "county court" in line 9.

Mr. McCormick moved

To lay the amendment upon the table,

Which motion prevailed, and

The amendment was laid upon the table.

The question being on the passage of the bill as amended,

The roll being called there were ayes 30, nays 26.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,

Messrs—

Currier,
Estabrook,
Foss,
Hankinson,
Ingebretson,
Ink,
Jahr,
Langer,
Lilly,
McCormick,

Messrs—

McCullough,
McIntyre,
Milsted,
Nedrud,
Norton,
Pinkham,
Rawlings,
Richardson,
Roney,
Ueland.

Those who voted in the negative were:

Messrs—

Green,
Gronli,
Haugen,
Haugerud,
Heglie,
Hoyt,
Johnson,
Moore,
Montgomery,

Messrs—

Murphy,
Olsgard,
Reed,
Renaud,
Selby,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,

Messrs—

Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
Lutz,

Messrs—

McDonald,
Stadleman,

Messrs—

Stevens,
Thomas.

Mr. Buchanan being excused.

Mr. Strom explaining his vote.

So the bill was lost, a majority of the members-elect not voting therefor.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 208.

A bill for an act to authorize school boards to purchase United States flags.

Also,

House Bill No. 323,

A bill for an act to amend an act entitled "An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'" approved January 10, 1890,

Were delivered to His Excellency, the Governor, for his approval at the hour of 2:25 o'clock p. m., March 17, 1890.

GEO. H. WALSH,
Chairman.

Senate Bill No. 132,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota,

Was read the third time, and

Mr. Olsgard moved

To adopt the following amendment to the bill proposed by the Committee on Ways and Means:

Strike out the words "five thousand" in Section 1 and insert in lieu thereof the words "two thousand and five hundred."

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 48, nays 8.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Green,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,
Langer,
Lilly,
McCormick,
McDonald,
McIntyre,
Milsted,
Montgomery,
Murphy,
Nedrud,

Messrs—

Olsgard,
Pinkham,
Rawlings,
Reed,
Richardson,
Selby,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Tyler,
Ueland,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Norton,
Renaud,
Roney,

Messrs—

Stadleman,
Thomson of Walsh,
Walsh,

Messrs—

Watt,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Jahr,

Messrs—

Lutz,
McCullough,

Messrs—

Moore,
Stevens.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 38,

A bill for an act amending Sections 6 and 7 of Chapter 120, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds, and fixing the license fee at \$50 upon every public warehouse.

Also,

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota,

Both of which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Selby moved

To reconsider the vote by which Senate Bill No. 237 was lost.

Mr. Heglie moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 17, nays 37.

Those who voted in the affirmative were:

Messrs—

Balkan,
Bye,
Cole,
Foss,
Gronli,
Hankinson,

Messrs—

Haugen,
Haugerud,
Heglie,
Ink,
Jahr,
McCormick,

Messrs—

McCullough,
Nedrud,
Pinkham,
Richardson,
Roney.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Christianson,
Court,
Currier,
Estabrook,
Green,
Hoyt,
Ingebretson,
Langer,
Lutz

Messrs—

McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Reed,
Renaud,
Selby,
Stadleman,
Tandberg,

Messrs—

Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickam,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Lilly,	Stevens,
Buchanan,	Olsgard,	Strom.
Johnson,	Rawlings,	

Mr. Richardson explaining his vote.

Mr. Buchanan being excused.

And so the motion to lay upon the table was lost.

The question recurring on the motion to reconsider,

The motion to reconsider prevailed.

Mr. McCullough demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Buchanan, Lilly, McIntyre and Stevens.

Mr. Buchanan, excused.

Mr. Selby moved

To dispense with further proceedings under call of the House,
Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

The question being on the passage of the bill,

The roll being called there were ayes 40, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Lutz,	Tanberg,
Belden,	McDonald,	Thomas,
Bowen,	McIntyre,	Thompson of Cass,
Brittin,	Milsted,	Thomson of Walsh,
Christianson,	Moore,	Tyler,
Court,	Montgomery,	Ueland,
Currier,	Murphy,	Walsh,
Estabrook,	Norton,	Walton,
Green,	Rawlings,	Watt,
Hoyt,	Reed,	Wickham,
Ingebretson,	Renaud,	Williams,
Jahr,	Selby,	Zimmer,
Johnson,	Stadleman,	Mr. Speaker.
Langer,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	Nedrud,
Beard,	Haugerud,	Olsgard,
Bye,	Heglie,	Pinkham,
Cole,	Ink,	Richardson,
Foss,	Lilly,	Roney,
Gronli,	McCormick,	Strom.
Hankinson,	McCullough,	

Messrs. Buchanan and Stevens absent and not voting.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Tyler moved

To reconsider the vote just taken and to lay the motion to reconsider upon the table,

Which motion prevailed.

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139 of the General Laws of 1887, entitled "An Act to authorize cities and towns and villages to levy and collect taxes for municipal purposes,

Was read the third time, and

Mr. Walsh moved

To adopt the following amendments proposed by the Committee on Judiciary:

Strike out all after the enacting clause and insert the following in lieu thereof:

SECTION 1. To levy and collect taxes not exceeding twenty mills on the dollar for all other municipal purposes in any one year, on all taxable property within said municipality, and taxes so levied and collected to be kept in a fund to be called the general fund.

SEC. 2. Whereas, the fact exists that the tax levy is made long before July 1st, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 46, nays none.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Brittin,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Gronli,
Haugen,
Haugerud,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,

Messrs—

Langer,
Lilly,
Lutz,
McCormick,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Renaud,
Richardson,
Roney,

Messrs—

Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams;
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Belden,
Bowen,
Buchanan,
Bye,
Foss,

Messrs—

Green,
Hankinson,
Heglie,
McCullough,
McDonald,

Messrs—

McIntyre,
Milsted,
Reed,
Stevens,
Watt.

Mr. Buchanan being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Stevens moved

That a committee of three be appointed to investigate the question of why the national flag does not fly over the Capitol on St. Patrick's day,

Which motion Mr. Speaker decided out of order.

Mr. Stevens appealed from the decision of the Chair, and The question being shall the decision of the Chair be sustained, The decision of the Chair was sustained.

Senate Bill No. 148,

A bill for an act relating to the duties of Public Examiner, Was read the third time.

Mr. Speaker called Mr. Walsh to the Chair.

Mr. Cole moved

To adopt the following amendment proposed by the Committee on Judiciary:

Strike out the words "shall also be" in line 4 of Section 2, and insert the words "is hereby" in lieu thereof.

Which motion prevailed, and

The question being on the passage of the bill as amended, The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Court,
Currier,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Olsgard,
Pinkham,
Rawlings,
Reed,

Messrs—

Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—

Allen,
Buchanan,
Green,
McCormick,

Messrs—

McCullough,
McDonald,
McIntyre,

Messrs—

Renaud,
Richardson,
Stevens.

Mr. Buchanan being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of North Dakota,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 41, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beard,	Ink,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Langer,	Strom,
Brittin,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	Milsted,	Thompson of Cass,
Court,	Moore,	Thomson of Walsh,
Currier,	Montgomery,	Tyler,
Estabrook,	Murphy,	Ueland,
Gronli,	Nedrud,	Walsh,
Hankinson,	Pinkham,	Walton,
Heglie,	Rawlings,	Wickham,
Hoyt,	Reed,	Zimmer.
Ingebretson,	Renaud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cole,	Haugerud,	Olsgard,
Foss,	Lilly,	Watt,
Green,	McDonald,	Williams.
Haugen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	McCullough,	Stadleman,
Balkan,	McIntyre,	Stevens,
Buchanan,	Norton,	Mr. Speaker.
Jahr,	Richardson,	

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 200,

A bill for an act providing for the disorganization of civil townships,

Was read the third time, and

Mr. Green moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions,

Was read the third time, and
 Mr. Stevens moved
 That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 27, nays 32.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Murphy,	Thompson of Cass,
Bowen,	Norton,	Tyler,
Brittin,	Rawlings,	Walsh,
Court,	Reed,	Walton,
Estabrook,	Renaud,	Watt,
Green,	Selby,	Wickham,
Hoyt,	Stadleman,	Williams,
Langer,	Stevens,	Zimmer,
Moore,	Tandberg,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Montgomery,
Beard,	Heglie,	Nedrud,
Belden,	Ink,	Olsgard,
Bye,	Jahr,	Pinkham,
Christianson,	Johnson,	Richardson,
Cole,	Lilly,	Roney,
Currier,	Lutz,	Strom,
Foss,	McCormick,	Thomas,
Gronli,	McCullough,	Thomson of Walsh,
Hankinson,	McDonald,	Ueland.
Haugen,	Milsted,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Ingebretson,	McIntyre.

Mr. Buchanan being excused.

And so the motion to indefinitely postpone was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
 March 17, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bills Nos. 86 and 132, and passed the bills as amended.

C. C. BOWSFIELD,
 Secretary.

Mr. Selby moved a call of the House.

Call Seconded.

Roll called.

All members present except Messrs. Buchanan, Ingebretson and McIntyre.

Mr. Buchanan being excused.

Mr. McCormick moved

To dispense with further proceedings under call of the House,
Which motion was lost.

The absent members returning,

Mr. Speaker announced further proceedings under call of the
House dispensed with.

Mr. McCullough moved

That the House do now adjourn.

Mr. Williams moved

As a substitute that when the House adjourn it be to meet
again at 7:30 o'clock p. m. this evening.

Mr. Stevens moved

To amend by fixing the hour at 8:45 o'clock to-morrow morn-
ing.

Roll call demanded.

The roll being called there were ayes 28, nays 31.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	McDonald,	Selby,
Belden,	Milsted,	Stadleman,
Brittin,	Moore,	Stevens,
Currier,	Murphy,	Tyler,
Estabrook,	Norton,	Walton,
Gronli,	Olgard,	Watt,
Heglie,	Rawlings,	Wickham,
Hoyt,	Reed,	Zimmer,
Ingebretson,	Renaud,	Mr. Speaker.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Jahr,	Pinkham,
Beard,	Johnson,	Richardson,
Bowen,	Langer,	Roney,
Bye,	Lilly,	Strom,
Christianson,	Lutz,	Tandberg,
Cole,	McCormick,	Thomas,
Court,	McCullough,	Thompson of Cass,
Foss,	McIntyre,	Thomson of Walsh,
Hankinson,	Montgomery,	Ueland,
Haugen,	Nedrud,	Williams.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Green,	Walsh.

Mr. Buchanan being excused.

And so the amendment was lost.

The question recurring on the motion to adjourn until 7:30
o'clock,

Roll call was demanded.

The roll being called there were ayes 32, nays 24.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Rawlings,
Beard,	Jahr,	Stevens,
Belden,	Johnson,	Strom,
Bowen,	Lilly,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	McCullough,	Thompson of Cass,
Cole,	Milsted,	Thomson of Walsh,
Estabrook,	Montgomery,	Ueland,
Gronli,	Nedrud,	Walsh,
Hankinson,	Olsgard,	Williams.
Haugen,	Pinkham,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brittin,	McDonald,	Selby,
Court,	McIntyre,	Stadleman,
Foss,	Moore,	Tyler,
Heglie,	Murphy,	Walton,
Hoyt,	Norton,	Watt,
Ingebretson,	Reed,	Wickham,
Ink,	Renaud,	Zimmer,
Langer,	Richardson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Currier,	Lutz,
Buchanan,	Green,	Roney.

Mr. Buchanan being excused.

So the motion to adjourn until 7:30 o'clock p. m. prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled "University of North Dakota,"

Which the Senate has passed with the following amendments:

Strike out all after the enacting clause and insert the following:

SECTION 1. That Section 9 of Chapter 40 of the General Laws of the Territory of Dakota of 1883 be and the same is hereby amended by changing the number of Subdivision 4 to Subdivision 6, and adding to said Section 1 the following subdivisions after Subdivision 3 of said section, and to be known as Subdivision 4 and Subdivision 5, and which shall read as follows:

4. The School of Mines, the object of which shall be to furnish facilities for the education of such persons as may desire to receive instruction in chemistry, metallurgy, minerology, geology, mining, milling and engineering.

5. The military department or school, the object of which shall be to in-

struct and train students in the manual of arms and such military manoeuvres and tactics as are taught in military colleges.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the House concur in the Senate amendments to House Bill No. 228,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined House Bill No. 344,

A bill for an act granting certain powers to county commissioners.

Also,

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881, relating to sheep Husbandry.

Also,

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota.

Also,

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the public printing and for use in the Legislature and State offices.

Also,

House Bill No. 38,

A bill for an act amending Sections 6 and 7 of Chapter 120, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds, and fixing the license fee at \$50 upon every public warehouse.

Also,

House Bill No. 347,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881, relating to sheep husbandry.

Also,

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota.

Also,

House Bill No. 347,

A bill for an act to provide for taxation of real and personal property situate in unorganized counties.

Also,

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the public printing and for use in the Legislature and State offices,

Also,

House Bill No. 344,

A bill for an act granting certain powers to county commissioners.

Also,

House Bill No. 38,

A bill for an act to provide for the licensing of public warehouses.

The question being shall

House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled "University of North Dakota,"

Pass as amended by the Senate,

The roll being called there were ayes 51, nays 4.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Christianson,
Cole,
Court,
Estabrook,
Green,
Gronli,
Haugen,
Heglie,
Hoyt,
Ingebretson,
Ink,
Johnson,

Messrs—

Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Olsgard,
Rawlings,
Reed,
Renaud,
Richardson,
Roney,

Messrs—

Selby,
Stadleman,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Bowen,
Bye,

Messrs—

Langer,

Messrs—

Nedrud.

Absent and not voting:

Messrs—

Buchanan,
Currier,
Foss,

Messrs—

Hankinson,
Haugerud,

Messrs—

Jahr,
Pinkham.

Mr. Stevens explaining his vote.

Mr. Buchanan being excused.

So the bill as amended by the Senate passed,
And the title of the bill was agreed to.

Mr. Stevens moved

That the House do now adjourn.

Mr. Murphy moved

As an amendment that the House do now adjourn until 8:45
o'clock a. m. to-morrow,

Which amendment was accepted,

Which motion was ruled out of order.

MESSAGE FROM THE SENATE.

The following message was received form the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has
adopted the Conference Committee report on Senate Bill No. 183,
and passed the bill as per their report.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 14, nays 44.

Those who voted in the affirmative were:

Messrs—

Court,
Estabrook,
Hoyt,
Johnson,
McIntyre,

Messrs—

Moore,
Reed,
Renaud,
Stadleman,
Tyler,

Messrs—

Walsh,
Walton,
Watt,
Zimmer.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,

Messrs—

Ingebretson,
Ink,
Jahr,
Langer,
Lilly,
Lutz,
McCormick,

Messrs—

Pinkham,
Rawlings,
Richardson,
Roney,
Selby,
Stevens,
Strom,

Messrs—
 Cole,
 Currier,
 Foss,
 Gronli,
 Hankinson,
 Haugen,
 Haugerud,
 Heglie.

Messrs—
 McCullough,
 McDonald,
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,

Messrs—
 Tandberg,
 Thomas,
 Thomson of Walsh,
 Ueland,
 Wickham,
 Williams,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Brittin,
 Buchanan,

Messrs—
 Green,

Messrs—
 Thompson of Cass.

Mr. Stevens explaining his vote.

Mr. Buchanan being excused.

And so the motion to adjourn was lost.

Mr. Williams moved

That the rules be suspended and that Senate Bill No. 218 be now read the third time and placed upon its final passage,

Which motion was declared out of order.

Mr. McCormick moved

The previous question on Senate Bill No. 181, and

The question being, shall the main question be now put,

The motion prevailed.

Mr. Selby moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 15, nays 42.

Those who voted in the affirmative were:

Messrs—
 Court,
 Currier,
 Estabrook,
 Green,
 McIntyre,

Messrs—
 Moore,
 Norton,
 Reed,
 Stadleman,
 Walsh,

Messrs—
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer.

Those who voted in the negative were:

Messrs—
 Allen,
 Balkan,
 Beard,
 Belden,
 Bowen,
 Bye,
 Christianson,
 Cole,
 Foss,
 Gronli,
 Hankinson,
 Haugen,
 Heglie,
 Ingebretson,

Messrs—
 Ink,
 Jahr,
 Johnson,
 Langer,
 Lilly,
 Lutz,
 McCormick,
 McCullough,
 McDonald,
 Milsted,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,

Messrs—
 Pinkham,
 Rawlings,
 Richardson,
 Roney,
 Selby,
 Stevens,
 Strom,
 Tandberg,
 Thomas,
 Thompson of Cass,
 Thomson of Walsh,
 Tyler,
 Ueland,
 Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Haugerud,	Renaud.
Buchanan,	Hoyt,	

Mr. Murphy explaining his vote.

Mr. Buchanan being excused.

So the motion to adjourn was lost.

Mr. Stevens demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Beard, Brittin, Buchanan, Hoyt and Langer.

Mr. Buchanan being excused.

Mr. Lilly moved

To dispense with further proceedings under call of the House.

Mr. Stevens moved

To amend by adding immediately after the report of the Sergeant-at-Arms is received,

Which amendment was lost, and

The question recurring on the original motion,

The original motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Stevens moved

That the House do now adjourn,

Which motion Mr. Speaker decided out of order, and

The question being shall the decision of the Chair be sustained,

Roll call was demanded.

The roll being called there were ayes 43, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Murphy,
Balkan,	Ingebretson,	Nedrud,
Beard,	Ink,	Olsgard,
Belden,	Jahr,	Pinkham,
Bowen,	Johnson,	Richardson,
Bye,	Langer,	Roney,
Christianson,	Lilly,	Stevens,
Cole,	Lutz,	Strom,
Court,	McCormick,	Tandberg,
Currier,	McCullough,	Thomas,
Foss,	McDonald,	Thomson of Walsh,
Gronli,	McIntyre,	Tyler,
Hankinson,	Milsted,	Ueland,
Haugen,	Montgomery,	Walton.
Haugerud,		

Those who voted in the negative were:

Messrs—
Green,
Moore,
Norton,
Rawlings,
Reed,

Messrs—
Renaud,
Selby,
Stadleman,
Thompson of Cass,
Walsh,

Messrs—
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—
Brittin,
Buchanan,

Messrs—
Estabrook,
Hoyt,

Messrs—
Mr. Speaker.

Mr. Buchanan being excused.

And so the decision of the Chair was sustained.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith a joint memorial in the interest of forestry irrigation water supply for the benefit of agriculture and the welfare of the people, which the Senate has passed unchanged.

Also,

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Which the Senate has amended as follows:

Amend Section 8 of the printed bill by striking out in line 11 the word "and" and inserting in lieu thereof the word "or," and by inserting after the word "practice" in said line 11, and the beginning of line 12 the words "as a Veterinary Surgeon."

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

The question being on the passage of Senate Bill No. 181,

The roll being called there were ayes 33, nays 23.

Those who voted in the affirmative were:

Messrs—
Balkan,
Beard,
Belden,
Bye,
Christianson,
Cole,
Court,
Foss,
Gronli,
Hankinson,
Haugen,

Messrs—
Haugerud,
Heglie,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,

Messrs—
Milsted,
Montgomery,
Nedrud,
Olsgard,
Pinkham,
Richardson,
Roney,
Strom,
Thomas,
Thomson of Walsh,
Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Rawlings,	Walsh,
Bowen,	Reed,	Walton,
Currier,	Renaud,	Watt,
Green,	Selby,	Wickham,
McIntyre,	Stadleman,	Williams,
Moore,	Stevens,	Zimmer,
Murphy,	Thompson of Cass,	Mr. Speaker.
Norton,	Tyler,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Estabrook,	Lutz,
Buchanan,	Hoyt,	Tandberg.

Mr. Bowen explaining his vote.

Mr. Buchanan being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled "University of North Dakota,"

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. McCullough moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned until 7:30 o'clock p. m.

EVENING SESSION.

House reassembled at 7:30 o'clock p. m.

Mr. Walsh moved

That the House proceed to the first and second reading of Senate bills.

Roll call demanded.

The roll being called there were ayes 28, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Green,	Reed,
Balkan,	Ingebretson,	Renaud,
Beard,	Jahr,	Roney,
Belden,	Johnson,	Selby,
Bowen,	Langer,	Strom,
Brittin,	McIntyre,	Walsh,
Christianson,	Milsted,	Williams,
Cole,	Norton,	Zimmer,
Currier,	Olsgard,	Mr. Speaker.
Estabrook,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Foss,	Heglie,	Pinkham,
Gronli,	Lutz,	Rawlings,
Hankinson,	McCormick,	Richardson,
Haugen,	Nedrud,	Stadleman.
Haugerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McDonald.	Thompson of Cass,
Bye,	Moore,	Thomson of Walsh,
Court,	Montgomery,	Tyler,
Hoyt,	Murphy,	Ueland,
Ink,	Stevens,	Walton,
Lilly,	Tandberg,	Watt,
McCullough,	Thomas,	Wickham.

Mr. Buchanan being excused.

And so the motion prevailed.

Mr. Stevens moved

That the House do now adjourn,
Which motion was lost.

Mr. Estabrook moved

That the vote taken on the first and second reading of Senate bills be reconsidered.

Mr. Willians moved

To lay the motion upon the table,
Which motion prevailed.

Mr. Speaker announced his signature to
House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled "University of North Dakota."

Senate Bill No. 189,

A bill for an act to amend Section 37, Chapter 6 of the Code of Civil Procedure,

Was read the first and second times.

Senate Bill No. 230,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of Cities and towns,"

Was read the first and second times.

Mr. Williams moved

To lay the bill upon the table.

Mr. Stevens moved

To amend the bill by striking out the enacting clause.

Mr. Williams moved

That the bill be laid upon the table.

Roll call demanded.

The roll being called there were ayes 23, nays 26.

Those who voted in the affirmative were:

Messrs—

Beard,
Christianson,
Green,
Haugen,
Jahr,
Johnson,
Langer,
Lutz,

Messrs—

McDonald,
Milsted,
Norton,
Rawlings,
Reed,
Renaud,
Selby,
Stevens,

Messrs—

Thomas,
Thomson of Walsh,
Ueland,
Walton,
Wickham,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Belden,
Bowen,
Brittin,
Bye,
Cole,
Currier,
Estabrook,
Foss,

Messrs—

Gronli,
Hankinson,
Heglie,
Ingebretson,
Ink,
Lilly,
McCormick,
McCullough,
Murphy,

Messrs—

Nedrud,
Pinkham,
Richardson,
Roney,
Strom,
Thompson of Cass,
Walsh,
Williams.

Absent and not voting:

Messrs—

Balkan,
Buchanan,
Court,
Haugerud,
Hoyt,

Messrs—

McIntyre,
Moore,
Montgomery,
Olsgard,

Messrs—

Stadleman,
Tandberg,
Tyler,
Watt.

Mr. Buchanan being excused.

So the motion was lost.

Senate Bill No. 225,

A bill for an act relating to local improvements in cities not organized and incorporated under the general laws for the incorporation of cities,

Was read the first and second times, and

Mr. Stevens moved

That the enacting clause be stricken out.

Mr. Stevens moved

As an amendment that the bill be referred to the Committee of the Whole.

Mr. Williams moved

That the bill be laid upon the table,

Which motion prevailed.

Senate Bill No. 178,

A bill for an act entitled "An Act to organize the county board of supervisors, one from each township, ward of city and incorporated village, to take the place of the board of county commissioners, and prescribing the duties thereof,"

Was read the first and second times.

Mr. Stevens moved

That the bill be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 221,

A bill for an act to transfer the unexpended balances of the bond funds of certain State institutions to the general fund,

Was read the first and second times, and laid upon the table.

Senate Bill No. 234,

A bill for an act to name and describe the senatorial and representative districts of the state of North Dakota,

Was read the first and second times, and

Mr. McCormick moved

That the further consideration of the bill be indefinitely postponed.

Mr. Zimmer moved

To lay the motion upon the table,

Which motion was withdrawn, and

The question recurring on the motion to indefinitely postpone,

Roll call was demanded.

The roll being called there were ayes 30, nays 20.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,

Messrs—

Hankinson,
Haugen,
Hangerud,
Heglie,

Messrs—

McCullough,
Milsted,
Nedrud,
Olsgard,

Messrs—	Messrs—	Messrs—
Bowen,	Ink,	Pinkham,
Bye,	Johnson,	Richardson,
Christianson,	Langer,	Roney,
Cole,	Lilly,	Strom,
Foss,	Lutz,	Thompson of Cass,
Gronli,	McCormick,	Ueland.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brittin,	Rawlings,	Walsh,
Estabrook,	Reed,	Walton,
Green,	Renaud,	Wickham,
McDonald,	Selby,	Williams,
McIntyre,	Stevens,	Zimmer,
Murphy,	Thomas,	Mr. Speaker.
Norton,	Thomson of Walsh,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Ingebretson,	Stadleman,
Court,	Jahr,	Tandberg,
Carrier,	Moore,	Tyler,
Hoyt,	Montgomery,	Watt.

Mr. Buchanan being excused.

And so the motion to indefinitely postpone prevailed.

Mr. Selby moved

That the House do now adjourn.

Which motion was lost.

The Conference Committee on Senate Bill No. 183 made the following report:

MR. SPEAKER:

Your Committee of Conference on
Senate Bill No. 183,

A bill for an act to reduce the expenses of the State and to suspend the State militia laws until the second Monday in January, 1893,

Beg leave to make the following report:

We recommend the adoption of the substitute title adopted by the House with the following amendment: Strike out the words and figures "six hundred (600)" in line 5 of Section 2 of the printed substitute and insert in lieu thereof the words and figures "four hundred (400)."

GEO. W. HARMON,
GEO. B. WINSHIP,
W. H. ROBINSON,
On part of Senate.
E. S. TYLER,
FRANKLIN ESTABROOK,
W. H. H. RONEY,
On part of House.

Mr. Bowen moved

That the report the Conference Committee on Senate Bill No. 183 be adopted,

Which motion prevailed.

The roll being called on the final passage of the bill as amended there were ayes 46, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Olsgard,
Balkan,	Ingebretson,	Pinkham,
Beard	Ink,	Rawlings,
Belden,	Jahr,	Reed,
Bowen,	Johnson,	Renaud,
Bye,	Langer,	Richardson,
Christianson,	Lilly,	Roney,
Cole,	Lutz,	Selby,
Currier,	McCullough,	Strom,
Estabrook,	McDonald,	Thomas,
Foss,	McIntyre,	Ueland,
Green,	Milsted,	Walton,
Gronli,	Murphy,	Wickham,
Hankinson,	Nedrud,	Williams,
Haugen,	Norton,	Mr. Speaker.
Haugerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brittin,	Thompson of Cass,	Zimmer.
Stevens,	Walsh,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Moore,	Thomson of Walsh,
Court,	Montgomery,	Tyler,
Hoyt,	Stadleman,	Watt.
McCormick,	Tandberg,	

Mr. Stevens explaining his vote.

Mr. Buchanan being excused.

So the bill as amended by the Conference Committee passed, And its title was agreed to.

Mr. Selby moved

That the House do now adjourn.

Roll call demanded.

The roll being called there were ayes 30, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Langer,	Richardson,
Beard,	Lutz,	Roney,
Brittin,	McCormick,	Selby,
Cole,	McDonald,	Stevens,
Estabrook,	McIntyre,	Strom,
Green,	Milsted,	Thomson of Walsh,
Hankinson,	Murphy,	Walsh,

Messrs—
 Ingebretson,
 Jahr,
 Johnson,

Messrs—
 Norton,
 Rawlings,
 Reed,

Messrs—
 Walton,
 Zimmer,
 Mr. Speaker.

Those who voted in the negative were:

Messrs—
 Allen,
 Belden,
 Bowen,
 Bye,
 Christianson,
 Currier,
 Foss,
 Gronli,

Messrs—
 Haugen,
 Haugerud,
 Heglie,
 Ink,
 Lilly,
 McCullough,
 Nedrud,
 Olsgard,

Messrs—
 Pinkham,
 Renaud,
 Thomas,
 Thompson of Cass,
 Ueland,
 Wickham,
 Williams.

Absent and not voting:

Messrs—
 Buchanan,
 Court,
 Hoyt,

Messrs—
 Moore,
 Montgomery,
 Stadleman,

Messrs—
 Tandberg,
 Tyler,
 Watt.

Mr. Buchanan being excused.

So the motion prevailed, and
 The House adjourned.

J. G. HAMILTON,
 Chief Clerk.

ONE HUNDRED AND TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 18, 1890.

The House assembled at 9:30 o'clock a. m., pursuant to adjournment.

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Buchanan, excused.

Mr. McCormick moved

That the vote by which all bills that passed yesterday were passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Williams moved

That Senate Bill No. 14 be now placed upon its third reading and final passage.

Roll call demanded.

The roll being called there were ayes 23, nays 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Jahr,	Thomson of Walsh,
Beard,	Moore,	Walsh,
Brittin,	Norton,	Walton,
Eye,	Pinkham,	Watt,
Cole,	Rawlings,	Williams,
Green,	Renaud,	Zimmer,
Haugen,	Richardson,	Mr. Speaker.
Haugerud,	Tandberg,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Heglie,	McDonald,
Christianson,	Hoyt,	Nedrud,
Foss,	Lilly,	Ueland,
Gronli,	McCormick,	Wickham.
Hankinson,	McCullough,	

Absent and not voting:

Messrs—

Allen,
Bowen,
Buchanan,
Court,
Currier,
Estabrook,
Ingebretson,
Ink,
Johnson,

Messrs—

Langer,
Lutz,
McIntyre,
Milsted,
Montgomery,
Murphy,
Olsgard,
Reed,

Messrs—

Roney,
Selby,
Stadleman,
Stevens,
Strom,
Thomas,
Thompson of Cass,
Tyler.

Mr. Buchanan being excused.

And so the motion prevailed, and

Senate Bill No. 14,

A bill for an act regulating the taking of toll and exchange in grist mills or flouring mills and providing penalties for the violation of the same,

Was read the third time and considered, together with the amendment offered by Mr. Williams and printed on pages 12 and 13 of the Journal of March 15th.

Mr. Zimmer moved

That the further consideration of the amendment be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 28, nays 18.

Those who voted in the affirmative were:

Messrs—

Belden,
Bowen,
Brittin,
Christianson,
Estabrook,
Foss,
Gronli,
Haugerud,
Heglie,
Hoyt,

Messrs—

Johnson,
Langer,
McCormick,
McCullough,
McDonald,
Nedrud,
Norton,
Rawlings,
Renaud,

Messrs—

Richardson,
Stadleman,
Strom,
Thompson of Cass,
Thomson of Walsh,
Ueland,
Watt,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Beard,
Bye,
Cole,
Haugen,
Jahr,

Thompson of Cass,

Lilly,
Lutz,
McIntyre,
Milsted,
Moore,
Montgomery,

Messrs—

Pinkham,
Roney,
Tandberg,
Walton,
Wickham,
Williams.

Absent and not voting:

Messrs—

Allen,
Buchanan,
Court,
Currier,
Green,
Hankinson,

Messrs—

Ingebretson,
Ink,
Murphy,
Olsgard,
Reed,

Messrs—

Selby,
Stevens,
Thomas,
Tyler,
Walsh.

Mr. Buchanan being excused.

And so the motion prevailed, and

The further consideration of the amendment was indefinitely postponed.

Mr. Richardson moved

To amend the bill by striking out Section 4,
Which amendment was withdrawn.

Mr. Williams moved

To suspend the rules to offer an amendment,
Which motion was lost, and
The question being on the passage of the bill,
The roll being called there were ayes 26, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Johnson,	Strom,
Brittin,	Lutz,	Tandberg,
Cole,	Milsted,	Thomson of Walsh,
Estabrook,	Moore,	Walton,
Green,	Montgomery,	Watt,
Gronli,	Norton,	Wickham,
Heglie,	Rawlings,	Williams,
Ink,	Renaud,	Zimmer.
Jahr,	Roney,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Beard,	Haugen,	McDonald,
Belden,	Haugerud,	McIntyre,
Bowen,	Hoyt,	Nedrud,
Bye,	Langer,	Richardson,
Christianson,	Lilly,	Thompson of Cass,
Foss,	McCormick,	Ueland,
Hankinson,	McCullough,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Murphy,	Stadleman,
Buchanan,	Olsgard,	Stevens,
Court,	Pinkham,	Thomas,
Currier,	Reed,	Tyler,
Ingebretson,	Selby,	Walsh.

Mr. Williams explaining his vote.

Mr. Buchanan being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

The Committee on Taxes and Tax Laws made the following report:

MR. SPEAKER:

Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 159,

A bill for act providing for the cancellation of certain illegal taxes on railroad grant lands upon which the United States sur-

vey fees had not been paid, and describing the manner in which it shall be done,

Have had the same under consideration and recommend that said bill do not pass for the following reasons:

1. The bill is unnecessary for the reason that the commissioners already have the power proposed to be given them in the bill, for if they can be compelled by law to cancel the taxes, they may do so voluntarily.

2. The bill is defective for the reason that it discriminates in favor of the parties whose lands have been purchased by the counties as against other parties whose land has been purchased by tax certificate purchasers.

3. It proposes that this Legislative Assembly shall decide on matters which are now at issue in the Supreme Court of the United States, and will be legally determined in a short time.

4. It is based solely on a certain construction of but one decision of the courts, and is on a matter which is now in litigation and not knowing the effect the bill, if passed, will have, but fearing it may produce endless litigation and expense, and further believing it is a matter to be settled only by proper proceedings in the courts and not in the manner proposed, therefore recommend that the bill do not pass.

JOHN MILSTED,
W. H. H. RONEY,
R. H. HANKINSON,

Mr. Speaker called Mr. Haugen to the Chair.

Mr. Heglie moved

That Senate Bill No. 159 be indefinitely postponed,

Which motion prevailed.

Mr. Hankinson moved

That Senate Bill No. 226 be now placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 226,

A bill for an act to amend Sections 29 and 70 of an act entitled "An Act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto," approved March 12, 1890,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 47, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Estabrook,
Foss,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ink,
Jahr,
Johnson,
Langer,
Lilly,
McCormick,
McCullough,
McDonald,
McIntyre,
Moore,
Montgomery,
Nedrud,
Norton,
Pinkham,
Renaud,
Richardson,

Messrs—

Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Uelanô,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Ingebretson,	Rawlings,
Buchanan,	Lutz,	Reed,
Court,	Milsted,	Selby,
Currier,	Murphy,	Stevens,
Green,	Olsgard,	Tyler.

Mr. Buchanan being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Cole moved

To reconsider the vote just taken and to lay the motion to reconsider upon the table.

Which motion prevailed.

Mr. McIntyre moved

That the House concur in the Senate amendments to House Bill No. 302,

Which motion prevailed, and

The question being shall

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Pass as amended by the Senate,

The roll being called there were ayes 46, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Hoyt,	Rawlings,
Balkan,	Ink,	Renaud,
Beard,	Jahr,	Richardson,
Belden,	Johnson,	Roney,
Bowen,	Langer,	Stadleman,
Brittin,	Lilly,	Strom,
Bye,	Lutz,	Tandberg,
Christianson,	McDonald,	Thomas,
Cole,	McIntyre,	Thompson of Cass,
Foss,	Milsted,	Thomson of Walsh,
Green,	Moore,	Tyler,
Gronli,	Montgomery,	Watt,
Hankinson,	Nedrud,	Wickham,
Haugen,	Norton,	Williams,
Haugerud,	Pinkham,	Zimmer.
Heglie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Estabrook,	Walsh,	Mr. Speaker.
McCullough,	Walton,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	McCormick,	Selby,
Court,	Murphy,	Stevens,
Currier,	Olsgard,	Ueland.
Ingebretson,	Reed,	

Mr. Buchanan being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred
Senate Bill No. 88,

A bill for an act amending Chapter 16 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes,"

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1 to read as follows:

SECTION 1. Any city or municipal corporation of this State, organized under and by virtue of a special charter, or under and by virtue of a general law of this State, may incur a bonded indebtedness for the purpose of erecting public school buildings and other buildings for city purposes, purchasing fire apparatus, putting in water works, sinking public wells or cisterns, and putting in sewers and improving streets, which said indebtedness, together with the indebtedness which then exists, shall not exceed 5 per cent. upon the assessed valuation of the taxable property in said city or municipal corporation, as shown by the returns of the assessor for the year next preceding the time at which said indebtedness shall be incurred.

Amend title of bill by inserting after the word "amending" the words "Section 1 of."

And return the same to the House without recommendation.

F. J. THOMPSON,
Chairman.

Mr. Thompson of Cass, moved
To adopt the report,
Which motion prevailed, and
The report was adopted.

Substitute for Senate Bill No. 218,

A bill for an act to protect and punish any interference or attempted interference with the right of any buyer or seller of any article or merchandise or manufacture of buying from or selling to any other party whatsoever,

Was read the third time, and

Mr. Thompson of Cass, moved

That the further consideration of the bill be indefinitely postponed.

Mr. Roney moved

To lay the motion upon the table,

Which motion prevailed.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that

House Bill No. 38,

A bill for an act amending Sections 6 and 7 of Chapter 120, Laws of 1887, relating to public grain warehouses, modifying the requirements as to bonds, and fixing the license fee at \$50 upon every public warehouse.

Also,

House Bill No. 31,

A bill for an act to amend Sections 1, 2 and 3 of Chapter 63 of the General Laws of 1881, relative to sheep husbandry.

Also,

House Bill No. 344,

A bill for an act granting certain powers to county commissioners.

Also,

House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the General Laws of 1883, entitled "University of North Dakota."

Also,

House Bill No. 321,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota.

Also,

House Bill No. 347,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties.

Also,

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationer's supplies for the use of the Legislative Assembly and the various State officers and making an appropriation therefor.

Were delivered to His Excellency, the Governor, for his approval at the hour of 10:10 o'clock a. m., March 18, 1890.

GEO. H. WALSH,
Chairman.

Mr. Thompson of Cass, moved

That Substitute for Senate Bill No. 218 be made a special order for 2:30 o'clock this afternoon.

Mr. Roney moved

To lay the motion upon the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties for State, legislative and judicial purposes.

Also,

House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota,

Both of which the Senate has passed unchanged.

Also,

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State offices and making appropriations therefor, approved December 19, 1889,"

Which the Senate has passed with the following amendment:

Strike out the words "one thousand" in line 18 and insert the words "five hundred" in lieu thereof.

And your concurrence therein is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, moved a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Buchanan, Currier, Court, Ingebretson, Murphy, Norton, Olsgard, Reed, Selby and Stevens, Mr. Buchanan being excused.

Mr. Walton moved

To dispense with further proceedings under call of the House, Which motion was lost.

Mr. Thompson of Cass, moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Williams moved

That the House do not concur in the Senate amendments to House Bill No. 131, and that a conference committee be appointed, Which motion prevailed.

Mr. Roney moved

That Substitute for Senate Bill No. 218 be made a special order for 2:30 o'clock this afternoon,

Which motion prevailed.

Mr. Renaud moved

That Senate Bill No. 239 be now placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 239,

A bill for an act to provide for the changing from the school township to the school district system,

Was read the third time, and

Mr. Heglie moved

That the further consideration of the bill be indefinitely postponed,

Roll call demanded.

The roll being called there were ayes 28, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Langer,	Roney,
Bowen,	Lilly,	Strom,
Bye,	Lutz,	Thomas,
Cole,	McCormick,	Thompson of Cass,
Currier,	McCullough,	Ueland,
Estabrook,	Moore,	Walton,
Green,	Nedrud,	Wickham,
Heglie,	Pinkham,	Williams,
Hoyt,	Rawlings,	Mr. Speaker.
Johnson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	Renaud,
Balkan,	Haugen,	Richardson,
Beard,	Haugerud,	Tandberg,
Brittin,	McDonald,	Thomson of Walsh,
Christianson,	McIntyre,	Walsh,
Foss,	Milsted,	Zimmer.
Gronli,	Montgomery,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Murphy,	Stadleman,
Court,	Norton,	Stevens,
Ingebretson,	Olsgard,	Tyler,
Ink,	Reed,	Watt.
Jahr,	Selby,	

Mr. Buchanan being excused.

And so the motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 169,

A bill for an act to legalize certain instruments and the record thereof,

Was read the third time.

Mr. Thompson of Cass, moved

To adopt the following amendments proposed by the Committee on Judiciary:

Add after the word "acknowledged" in line 4 of Section 1, printed bill, the following: "Such officer having authority to take acknowledgments of such instruments;" after said word "acknowledged" strike out the period (.) and insert a comma (,); and, also strike out the word "and." Strike out all of the Section after the word "affixed" occurring in line 6 of printed bill. This por-

tion of the bill being covered by the provisions of Section 658 of the Civil Code, (Section 3280, Compiled Laws).

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 42, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	Richardson,
Balkan,	Heglie,	Roney,
Beard,	Hoyt,	Strom,
Belden,	Ink,	Tandberg,
Bowen,	Jahr,	Thomas,
Brittin,	Johnson,	Thompson of Cass,
Bye,	Langer,	Tyler,
Christianson,	Lilly,	Ueland,
Cole,	Lutz,	Walsh,
Currier,	McCormick,	Walton,
Estabrook,	McDonald,	Watt,
Green,	McIntyre,	Wickham,
Gronli,	Milsted,	Williams,
Hankinson,	Nedrud,	Mr. Speaker.
Haugen,		

Those who voted in the negative were:

Messrs.	Messrs,	Messrs.
McCullough,	Renaud,	Zimmer.
Montgomery,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Buchanan,	Murphy,	Reed,
Court,	Norton,	Selby,
Foss,	Olsgard,	Stadleman,
Ingrebretson,	Pinkham,	Stevens,
Moore,	Rawlings,	Thomson of Walsh.

Mr. Buchanan being excused.

So the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 135,

A bill for an act providing for the establishing of independent school districts within the incorporated limits of cities of the State of North Dakota,

Was read the third time, and

Mr. Walsh moved

To adopt the following amendments proposed by the Committee on Education:

Amend title to read as follows: "An Act providing for the establishing of independent school districts, in cities heretofore organized for school purposes under special laws, and provided with boards of education."

In Section 1, lines 1 and 2, strike out the words "now existing in this State" and insert the words "heretofore organized for school purposes under a special law, and provided with a board of education."

In Section 3, lines 4 and 5, strike out the words "under general law," and in line 6 and 7, strike out the words "under general law" and insert in each case the words "under an act approved March—, 1890," (giving date of approval) and in line 16 strike out the words "under general law" and insert the words "under this act."

In Section 5, line 4, strike out the word "equal," and insert the word "even."

In Section 5, last line, strike out the word "annually," and insert the words "bi-ennially in the even numbered years."

In Section 10, last line, strike out the word "notice," and insert the word "meeting."

In Section 11, line 14, strike out the word "electors," and insert the words "the members of said board."

In Section 13, line 8, strike out the word "rate," and insert the word "amount."

In Section 14, line 15, strike out the word "same," and insert the word "said."

In Section 16, last line, strike out the words "said Grand Forks county" and insert the words "the county in which the same may be situated."

In Section 19, Subdivision 10, line 25, strike out the word "of——."

In Section 19, Subdivision 10, line 4, on the third page of which said section appears, strike out the word "said——" and insert the word "the."

In Section 23 strike out all after the word "to" in line 4 down to and including the words "city of" in line 7 and insert the following: "Any such independent school district shall be vested in the independent school district."

In Section 28, lines 2 and 3, strike out the words "independent school district No.—, county of ——" and insert the words "the independent school district of any such city."

Strike out Section 29.

Which motion prevailed, and
The bill was so amended.

The question being on the passage of the bill as amended,
The roll being called there were ayes 38, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugerud,	Richardson,
Beard,	Heglie,	Roney,
Belden,	Hoyt,	Strom,
Bowen,	Ink,	Tandberg,
Brittin,	Johnson,	Thompson of Cass,
Bye,	Langer,	Thomson of Walsh,
Cole,	Lilly,	Tyler,
Currier,	McDonald,	Walsh,
Estabrook,	McIntyre,	Walton,
Green,	Milsted,	Watt,
Gronli,	Moore,	Zimmer,
Hankinson,	Nedrud,	Mr. Speaker.
Haugen,	Renaud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	McCormick,	Rawlings,
Buchanan,	McCullough,	Reed,
Christianson,	Montgomery,	Selby,
Court,	Murphy,	Stadleman,
Foss,	Norton,	Stevens,
Ingerbretson,	Olsgard,	Thomas,
Jahr,	Pinkham,	Wickham.
Lutz,		

Messrs. Ueland and Williams voting in the negative.

Mr. Buchanan being excused.

And so the bill passed, and its title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 18, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has, by motion, requested the return from the House of Senate Bill No. 218 for the purpose of making amendments thereto.

C. C. BOWSFIELD,
Secretary.

Mr. Roney moved

That the request of the Senate to return Senate Bill No. 218 be not granted.

Mr. Walsh moved

As a substitute that the request be granted, and that the bill be returned.

Mr. McCormick moved

To lay the substitute motion upon the table,
Which motion was lost.

Roll call demanded.

Mr. Speaker announced his signature to

Senate Bill No. 168,

A bill for an act making an appropriation for the State University, and to fix the salaries of the president and professors of the same.

Also,

Senate Bill No. 193,

A bill for an act appropriating money to pay certain newspapers for publishing the Constitution of the State of North Dakota.

Also,

Senate Bill No. 191,

A bill for an act appropriating money for the maintenance of the public offices of the State.

Also,

Senate Bill No. 145,

A bill for an act providing for an appropriation for the maintenance of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars.

Also,

Senate Bill No. 237,

A bill for an act to provide for a more economical management of the North Dakota Agricultural College.

Also,

Senate Bill No. 216,

A bill for an act to provide for the purchase of books for the State Library, and for the care and custody of the same.

Also,

Senate Bill No. 170,

A bill for an act to license peddling and prescribing penalties for the violation thereof.

Also,

Senate Bill No. 132,

A bill for an act providing for an appropriation to pay the necessary expenses of the Commissioner of Agriculture and Labor incurred in looking after the reception and distribution of supplies for needy sufferers in North Dakota, and in furnishing aid when deemed necessary.

Also,

Senate Bill No. 74,

A bill for an act to reimburse the compiler of Long's Legislative Hand Book for the year 1889.

Also,

Senate Bill No. 22,

A bill for an act to prescribe the bond, oath and duties of the Attorney General.

Also,

Senate Bill No. 143,

A bill for an act to provide for a system of free public schools throughout the State.

Mr. Ueland moved

To adopt the Senate Concurrent Resolution printed on page 19 of the House Journal of March 15th,

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Walton moved

That the House take a recess until 2 o'clock p.m.,

Which motion prevailed, and

The House took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The House reassembled at 2 o'clock p. m., pursuant to adjournment.

Mr. Speaker announced as the Conference Committee on House Bill No. 131, Messrs. Hankinson, Williams and Thompson of Cass.

Mr. Roney moved

That the House concur in the Senate amendment to House Bill No. 275,

Which motion prevailed, and

The question being shall

House Bill No. 275,

A bill for an act to provide for the clerks of court to transcribe and deliver all papers and records pertaining in any manner to any and all actions and proceedings, both civil and criminal now pending in the Eighth Subdivision of the Sixth judicial district to the proper counties,

Pass as amended by the Senate,

The roll being called there were ayes 46, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Reed,
Balkan,	Jahr,	Roney,
Beard,	Johnson,	Selby,
Belden,	Langer,	Stevens,
Bye,	Lutz,	Strom,
Christianson,	McCormick,	Tandberg,
Currier,	McCullough,	Thomas,
Estabrook,	McDonald,	Thompson of Cass,
Green,	McIntyre,	Tyler,
Gronli,	Milsted,	Walsh,
Hankinson,	Montgomery,	Walton,
Haugen,	Nedrud,	Watt,
Haugerud,	Norton,	Wickham,
Heglie,	Olgard,	Williams,
Hoyt,	Pinkham,	Zimmer.
Ingebretson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	Lilly,	Richardson,
Brittin,	Moore,	Stadleman,
Buchanan,	Murphy,	Thomson of Walsh,
Cole,	Rawlings,	Ueland,
Court,	Renaud,	Mr. Speaker.
Foss,		

Mr. Buchanan being excused.

And so the bill as amended by the Senate passed, more than two-thirds of the members present and voting, voting therefor, And the title of the bill was agreed to.

Senate Bill No. 231,

A bill for an act to provide for the copying of certain records, and making an appropriation therefor,

Was read the third time, and

Mr. Cole moved

To amend the bill as follows:

Amend Section 2, line 2, printed bill, by inserting after the word "receive" the words "such a sum as may be necessary to pay for such copying not exceeding."

Which motion prevailed, and
The bill was so amended.

Mr. Ink moved

To further amend the bill as follows:

Amend line 3, Section 3, by inserting after the word "Auditor," the following: "On the approval of the Governor."

Mr. Williams moved

To lay the amendment upon the table,

Which motion was lost, and

The question recurring on the motion to amend,

The motion prevailed, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 47, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Reed,
Balkan,	Hoyt,	Richardson,
Beard,	Ingebretson,	Roney,
Bowen,	Ink,	Selby,
Brittin,	Jahr,	Strom,
Bye,	Johnson,	Tandberg,
Christianson,	Langer,	Thomas,
Cole,	McCullough,	Thompson of Cass,
Currier,	McDonald,	Tyler,
Estabrook,	McIntyre,	Ueland,
Foss,	Milsted,	Walsh,
Green,	Montgomery,	Walton,
Gronli,	Nedrud,	Watt,
Hankinson,	Olsgard,	Wickham,
Haugen,	Pinkham,	Williams.
Haugerud,	Rawlings,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Moore,	Norton,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Lutz,	Stadleman,
Buchanan,	McCormick,	Thomson of Walsh,
Court,	Murphy,	Zimmer,
Lilly,	Renaud,	Mr. Speaker.

Mr. Buchanan being excused.

And so the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Bowen moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Thompson of Cass, offered the following resolution and moved its adoption:

Resolved, That the salary of the Stenographer of the House be, and is hereby fixed at \$6 a day from the date of his appointment to the end of the session.

Which motion prevailed, and
The resolution was adopted.

Mr. Haugen offered the following resolution and moved its apoption:

Be it Resolved by the House, It shall be the duty of the Chief Clerk of the House to prepare for the press and superintend the publication of the Journal of the House, and to affix an index thereto and to complete the transcribing into the permanent Journal all the proceedings of the House, together with all documents sent to the House by the Executive, and shall be allowed sixty days to complete the same and receive compensation prescribed in Section 13 of the Compiled Laws, upon complying with the conditions named in said section.

Which motion prevailed, and
The resolution was adopted.

Mr. Selby moved
To adopt the following resolution:

Resolved, That the salary of the Janitors fixed by resolution of the House on December 18, 1889, shall commence on the day of their appointment the same as other employes, and the Speaker of the House and Chief Clerk are hereby directed and authorized to issue vouchers in full for amount due.

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 352,

A bill for an act for the appointing of a commission to protect the interests of the State of North Dakota in the surveying, and permanently locating the boundary line between North Dakota and South Dakota.

Also,
House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4, of Chapter 135 of the General Laws of 1885, entitled an act to provide for the appointment of sheep inspectors, and to provide for the supervision of sheep in case of infection.

Also,
House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party.

Also,
House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code relating to chattel mortgages.

Also,

House Bill No. 357,

A bill for an act to amend an act passed at the first session of the Legislative Assembly, entitled "An act to locate, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof."

Also,

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purpose of irrigation.

Also,

House Bill No. 117,

A bill for an act to encourage the building of roads and highways in unorganized towns, and to relieve the owners of the land upon which such roads shall have been built.

Also,

House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing,

Which the Senate has passed unchanged.

Also,

House Bill No. 149,

A bill for an act to revise the law in relation to justices and constables.

Also,

House Bill No. 255,

A bill for an act to amend Section 112 of the Justices' Code of the State of North Dakota, providing for a change of venue in criminal proceedings.

Also,

House Bill No. 116,

A bill for an act authorizing and requiring the county commissioners of the several counties in the State of North Dakota to designate depositories for the public funds of their respective counties.

Also,

House Bill No. 199,

A bill for an act to encourage the propagation and cultivation, and to secure the protection of fishes in all the waters of the State.

Also,

House Bill No. 299,

A bill for an act requiring railroad companies to fence their line of road and prescribing penalties for neglect thereof,

Which were lost.

Also,
House Bill No. 343,
A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

Which was amended as follows:

Amend Section 1 by striking out the figures "\$2,000" and inserting the figures "\$1,800" in lieu thereof:

And your concurrence is respectfully requested.

Also,

A CONCURRENT RESOLUTION.

WHEREAS, The demonetization of silver reduced the supply of coined money to near one-half of its former volume, thereby reducing the price of property and the products of labor to near one-half their former market or money value; and

WHEREAS, The price of wheat, one of the chief products of this State, has felt that depreciation to the great and lasting injury of its citizens; therefore,

Resolved by the Senate, the House of Representatives concurring, That the Senators from this State be and are hereby instructed, and its Representative in Congress requested, to vote for the bill reported from the Finance Committee of the United States Senate, directing the Secretary of the Treasury to purchase four and one-half million dollars' worth of silver bullion per month, and to issue a like amount of legal tender treasury notes per month to relieve the present great depression in business and terrible distress for want of money among the people.

Which the Senate has passed, and your concurrence is respectfully requested.

Also,

That the Senate has concurred in the House amendments to Senate Bills Nos. 127, 148 and 180.

C. C. BOWSFIELD,
Secretary.

Mr. Stevens moved
To adopt the concurrent resolution,
Which motion prevailed, and
The concurrent resolution was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,
And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Ueland moved
That the House concur in the Senate amendments to House Bill No. 343,
Which motion prevailed, and
The question being shall

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

Pass as amended by the Senate,

The roll being called there were ayes 53, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Currier,
Estabrook
Foss,
Green,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Nedrud,
Norton,
Pinkham,
Rawlings,
Reed,

Messrs—

Renaud,
Richardson,
Roney.
Selby,
Stevens,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Ueland,
Walsh,
Walton,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Court,
Lilly,

Messrs—

Montgomery,
Murphy,
Olsgard,

Messrs—

Stadleman,
Watt,
Mr. Speaker.

Mr. Buchanan being excused.

And so the bill as amended by the Senate passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. McCormick moved

That the vote just taken be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Walsh moved

That the vote by which all Senate bills that pass to-day be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Roney moved

That Senate Bill No. 218 be now placed upon its final passage.

Mr. Roney moved

That the roll be called on the question of whether or not Substitute for Senate Bill No. 218 shall be returned to the Senate, and

Mr. Speaker ordered a roll call on the question.

The roll being called there were ayes 39, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Lutz,	Stadleman,
Bowen,	McIntyre,	Stevens.
Brittin,	Milsted,	Tandberg,
Cole,	Moore,	Thompson of Cass,
Currier,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy,	Tyler,
Green,	Nedrud,	Walsh,
Hankinson,	Norton,	Walton,
Haugerud,	Olsgard,	Watt,
Hoyt,	Rawlings,	Wickham,
Ingebretson,	Reed,	Williams,
Ink,	Richardson,	Zimmer.
Jahr,	Selby,	Mr. Speaker

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Balkan,	Haugen,	McDonald,
Beard,	Heglie,	Pinkham,
Bye,	Johnson,	Roney,
Christianson,	Langer,	Strom,
Foss,	McCormick,	Ueland.
Gronli,	McCullough,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Court,	Renaud,
Buchanan,	Lilly,	Thomas.

Mr. Buchanan being excused.

And so the bill was ordered returned to the Senate.

Mr. Speaker announced his signature to
House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Mr. Bowen moved

That Senate Bill No. 185 be recalled from the Committee on Railroads and placed upon its final passage,

Which motion prevailed.

Mr. Hankinson moved

That the Chairman of the Railroad Committee be requested to report back the bill forthwith,

Which motion prevailed.

Mr. Bowen moved

That Mr. Stevens be excused as long as it is necessary to go to the hotel and return with the bill,

Which motion prevailed.

Senate Bill No. 117,

A bill for an act to amend Article 3 of Chapter 2 of the Civil Code entitled "Mortgages on Personal Property,"

Was read the third time, and

Mr. Allen moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost, and

The question being on the passage of the bill,

The roll being called there were ayes 19, nays 26.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Ingebretson,	Pinkham,
Christianson,	Ink,	Rawlings,
Currier,	McCullough,	Renaud,
Green,	McDonald,	Roney,
Gronli,	McIntyre,	Wickham,
Heglie,	Murphy,	Mr. Speaker.
Hoyt,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Moore,	Thompson of Cass,
Belden,	Nedrud,	Thomson of Walsh,
Brittin,	Norton,	Tyler,
Cole,	Reed,	Ueland,
Estabrook,	Richardson,	Walsh,
Foss,	Selby,	Walton,
Haugen,	Stadleman,	Watt,
Haugerud,	Strom,	Williams.
Langer,	Tandberg,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Jahr,	Montgomery,
Bowen,	Johnson,	Olsgard,
Buchanan,	Lilly,	Stevens,
Bye,	Lutz,	Thomas,
Court,	McCormick,	Zimmer.
Hankinson,	Milsted,	

Mr. Buchanan being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

The Conference Committee on Senate Bill No. 53 made the following report:

MR. SPEAKER:

Your Conference Committee appointed February 3d to consider amendments to Senate Bill No. 53, have carefully considered the same and recommend that the Senate concur in the House amendments thereto.

J. F. SELBY,
R. N. STEVENS,
F. J. THOMPSON,
On part of House.
J. H. WORST,
H. J. ROWE,
F. G. BARLOW,
On part of Senate.

Senate Bill No 165,

A bill for an act authorizing transcripts of judgments and de-

crees of the United States Courts in the State of North Dakota to be filed with the clerks of the circuit courts of the several counties, and to be docketed therein,

Was read the third time, and

Mr. Thompson of Cass, moved

To adopt the following amendments proposed by the Committee on Judiciary:

Amend the title by striking out the word "circuit" and inserting instead the word "district."

Strike out the word "circuit" occurring in lines 4 and 7, Section 1, line 7, Section 2, line 3, Section 3, of printed bill, and insert in lieu thereof the word "district."

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 42, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Brittin,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Hankinson,
Haugen,
Haugerud,
Heglie,

Messrs—

Hoyt,
Ingebretson,
Ink,
Jahr,
Langer,
McDonald,
McIntyre,
Milsted,
Moore,
Murphy,
Nedrud,
Norton,
Olsgard,
Rawlings,

Messrs—

Reed,
Renaud,
Richardson,
Roney,
Stadleman,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Watt,
Williams,
Zipmer.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Court,
Foss,
Green,
Gronli,
Johnson,

Messrs—

Lilly,
Lutz,
McCormick,
McCullough,
Montgomery,
Pinkham,
Selby,

Messrs—

Stevens,
Thomas,
Tyler,
Ueland,
Wickham,
Mr. Speaker.

Messrs. Buchanan and Stevens being excused.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 146,

A bill for an act for the publication of the Session Laws of the State of North Dakota,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 23, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Lutz,	Thomson of Walsh,
Belden,	McDonald,	Tyler,
Brittin,	Milsted,	Ueland.
Christianson,	Moore,	Walsh,
Cole,	Norton,	Walton,
Estabrook,	Olsgard,	Wickham,
Hangerud,	Reed,	Williams,
Hoyt,	Thompson of Cass,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Nedrud,
Beard,	Ink,	Pinkham,
Currier,	Jahr,	Renaud,
Green,	Johnson,	Roney,
Gronli,	Langer,	Selby,
Hankinson,	McCullough,	Strom,
Haugen,	Murphy,	Tandberg.
Heglie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCormick,	Stadleman,
Buchanan,	McIntyre,	Stevens,
Bye,	Montgomery,	Thomas,
Court,	Rawlings,	Watt,
Foss,	Richardson,	Mr. Speaker
Lilly,		

Messrs Buchanan and Stevens being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

Senate Bill No. 88,

A bill for an act amending Chapter 16 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes,

Was read the third time, and

Mr. Zimmer moved

To adopt the amendments proposed to the bill by the Judiciary Committee,

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 50, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Langer,	Richardson,
Balkan,	Lilly,	Roney,
Beard,	Lutz,	Selby,
Bowen,	McCormick,	Strom,
Brittin,	McDonald,	Tandberg,
Bye,	McIntyre,	Thompson of Cass,
Christianson,	Milsted,	Thomson of Walsh,

Messrs—

Cole,
 Currier,
 Estabrook,
 Gronli,
 Hankinson,
 Hangerud,
 Heglie,
 Ingebretson,
 Jahr,
 Johnson,

Messrs—

Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Norton,
 Olsgard,
 Pinkham,
 Rawlings,
 Reed,
 Renaud,

Messrs—

Tyler,
 Ueland,
 Walsh,
 Walton,
 Watt,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—

Buchanan,
 Court,
 Green,
 Haugen,

Messrs—

Hoyt,
 Ink,
 McCullough,

Messrs—

Stadleman,
 Stevens,
 Thomas.

Messrs. Belden and Foss voting in the negative.

Messrs. Buchanan and Stevens being excused.

And so the bill as amended passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
 March 18, 1890. }

To the Speaker of the House of Representatives:

I have the honor to inform your honorable body that I have approved

House Bill No. 152,

An act to provide for the effect of judgment in action of foreclosure of lien upon real property.

Also,

House Bill No. 155,

An act to amend Section 2 of Chapter 88 of Session Laws of 1889.

Also,

House Bill No. 309,

An act to amend an act entitled "An Act to provide for liens upon crops, and for the levy of a tax to secure the payment of the purchase price of seed grain," approved February 13, 1890.

Also,

House Bill No. 262,

An act to encourage the culture of sugar beets, and the manufacturing of sugar from the same.

Also,

House Bill No. 96,

An act authorizing counties to fund outstanding indebtedness and adjust disputed claims; to issue and dispose of bonds, and to provide for the payment of the principal and interest thereof.

Also,

House Bill No. 11,

An act to fix the compensation of the judges of the county courts, and to provide a fund to reimburse the county for the same.

Also,

House Bill No. 254,

An act to license express companies.

Also,

House Bill No. 141,

An act restraining certain male animals from running at large.

Also,

House Bill No. 234,

An act to amend Sections 3 and 4 of the Political Code, being Section 1372 of the Compiled Laws, providing the oath of civil officers.

Also,

House Bill No. 272,

An act to provide for fixing the salaries of county officers.

Also,

House Bill No. 256,

An act to empower cities and villages to acquire real estate by gift or devise, for parks and public grounds and protection of such real estate,

Also,

House Bill No. 124,

An act to amend Sections 1 and 2, Chapter 45, General Laws of 1879, and Sections 2 and 3, Chapter 17 of the Political Code, governing the appointment of notaries public, extending the appointive power of the Governor to unorganized counties.

Also,

House Bill No. 162,

An act to amend Section 1, Chapter 70, of the General Laws of 1885, relating to county mutual insurance companies.

Also,

House Bill No. 181,

An act to amend an act to give publicity to chattel mortgage sales, approved March 8, 1889.

Also,

House Bill No. 208,

An act to authorize school boards to purchase United States flags.

Also,

House Bill No. 323,

An act to amend an act entitled "An Act to amend Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, entitled 'An Act for the protection of the public credit,'" approved January 10, 1890,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

Mr. Thompson of Cass, offered the following resolution and moved its adoption:

WHEREAS, On the 11th day of December, 1889, a resolution was adopted by the House, authorizing a committee consisting of Messrs. Thompson of Cass, Hankinson and Thomas to secure a suitable room for the use of the House Judiciary Committee, and

WHEREAS, Said Committee secured a suitable room at a rental of \$15.00 per month, and that there is now due to Hollembaek & Long the sum of \$48,

WHEREAS, Sections 127 and 128 of the Compiled Laws provides for a board of trustees who shall have control of the Capitol and rooms therein, and that under these sections of the Statute are authorized to furnish for the use of the State adequate accommodations for all State officials; therefore, be it

Resolved, That said bill of the rental of said room be referred to the Board of Trustees that they may audit the same.

Which motion prevailed and

The resolution was adopted.

The Conference Committee on House Bill No. 131 made the following report:

MR. SPEAKER:

Your Conference Committee on House Bill No. 131 in reference to the Senate amendment thereto, have had the same under consideration and recommend that the Senate recede from its amendment thereto.

R. H. HANKINSON,
F. J. THOMPSON,
E. A. WILLIAMS,

On part of House.

C. B. LITTLE,
W. E. SWANSTON,
E. H. BELYEA,

On part of Senate.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Also,

House Bill No. 275,

A bill for an act to provide for the clerks of court to transcribe

and deliver all papers and records pertaining in any manner to any civil and criminal action now pending in any county to the clerk of the court of the county in which such action or actions properly belong,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Also,

House Bill No. 275,

A bill for an act to provide for the clerks to transcribe and deliver the papers and records pertaining in any manner to any civil or criminal action now pending in any county to the clerk of the court of the county in which such action or actions properly belong.

Senate Bill No. 189,

A bill for an act to amend Section 37, Chapter 6 of the Code of Civil Procedure,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 24, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Richardson,
Balkan,	Langer,	Stadleman,
Bowen,	Lilly,	Strom,
Brittin,	Lutz,	Thomas,
Christianson,	McCormick,	Walsh,
Foss,	Moore,	Watt,
Hoyt,	Rawlings,	Wickham,
Jahr,	Reed,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cole,	Ink,	Renaud,
Estabrook,	McCullough,	Roney,
Gronli,	McIntyre,	Selby,
Hankinson,	Montgomery,	Thompson of Cass,
Haugen,	Murphy,	Thomson of Walsh,
Haugerud,	Nedrud,	Tyler,
Heglie,	Norton,	Williams.
Ingebretson,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Currier,	Stevens,
Belden,	Green,	Tandberg,
Buchanan,	McDonald,	Ueland,
Bye,	Milsted,	Walton,
Court,	Olsgard,	Mr. Speaker.

Messrs. Buchanan and Stevens being excused.

And so the bill was lost, a majority of the members-elect not voting therefor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 18, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the House amendments to Senate Bill No. 135, and passed the bill as amended.

Also,

That the Senate refuses to concur in the House amendments to Senate Bill No. 231, and by motion adopted the President has appointed Messrs. Robinson, McCormack and Helgeson to confer with a like Committee on Conference from the House.

Also,

That the Senate has concurred in the House amendments to Senate Bills Nos. 53 and 169.

Also,

That the President has appointed Messrs. Little, Swanston and Belyea as a Conference Committee on House Bill No. 131.

Also,

House Bill No. 352, the amendments was omitted in the message, and are as follows:

Amend by striking out the words "commission of three persons who," line 5, Section 1, and insert the following: "Commissioner who shall be a resident of this State, a recognized and experienced surveyor who with such assistants as may be necessary on the part of the State." And to change the word "commission" to "Commissioner" wherever it appears in the bill.

And your concurrence is respectfully requested.

C. C. BOWSFIELD,
Secretary.

Mr. Walsh moved

That the House concur in the Senate amendments to House Bill No. 352,

Which motion prevailed, and

The question being shall

House Bill No. 352,

A bill for an act providing for the appointment of a commission on the part of North Dakota to supervise the surveying, ascertaining and definitely marking the boundary line between the States of North Dakota and South Dakota,

Pass, as amended by the Senate,

The roll being called there were ayes 51, nays none.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Brittin,
Bye,
Christianson,
Cole,
Currier,
Estabrook,
Gronli,
Hankinson,
Haugen,
Haugerud,
Heglie,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Langer,
Lilly,
Lutz,
McCormick,
McCullough,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,

Messrs—

Olsgard,
Pinkham,
Rawlings,
Reed,
Richardson,
Selby,
Stadleman,
Strom,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Buchanan,
Court,
Foss,
Green,

Messrs—

Renaud,
Roney,
Stevens,
Tanberg,

Messrs—

Tyler,
Ueland,
Mr. Speaker.

Messrs. Buchanan and Stevens being excused.

And so the bill as amended by the Senate passed,
And the title of the bill was agreed to.

Mr. Walsh moved

That a conference committee be appointed on Senate Bill No. 231,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Walsh, Milsted and Jahr.

Senate Bill No. 201,

A bill for an act providing for the publication of the Supreme Court Reports of the State of North Dakota,

Was read the third time, and

Mr. Ink moved

To amend Section 1 by inserting "by the approval of the Governor" after the word "State," in line 1,

Which motion prevailed, and

The bill was so amended.

The question being on the passage of the bill as amended,

The roll being called there were ayes 45, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Bye,

Messrs—

Johnson,
Langer,
McCullough,
McDonald,
McIntyre,
Milsted,

Messrs—

Roney,
Selby,
Stadleman,
Strom,
Tandberg,
Thomas,

Messrs—	Messrs—	Messrs—
Christianson,	Montgomery,	Thompson of Cass,
Cole,	Murphy,	Thomson of Walsh,
Currier,	Nedrud.	Tyler,
Gronli,	Norton,	Walsh,
Haugen,	Olsgard,	Walton,
Haugerud,	Pinkham,	Watt,
Heglie,	Rawlings,	Williams,
Hoyt,	Renaud,	Zimmer,
Ink,	Richardson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Hankinson,	McCormick,
Buchanan,	Ingebretson,	Reed,
Court,	Jahr,	Stevens,
Estabrook,	Lilly,	Ueland,
Foss,	Lutz.	Wickham.
Green,		

Mr. Moore voting in the negative.

Messrs. Buchanan and Stevens being excused.

So the bill as amended passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing.

Senate Bill No. 232,

A bill for an act to amend Section 14 of an act entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota,"

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 48, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Rawlings,
Balkan,	Hoyt,	Renaud,
Beard,	Ingebretson,	Richardson,
Belden,	Ink,	Roney,
Brittin,	Jahr,	Selby,
Bye,	Johnson,	Stadleman,
Christianson,	Langer,	Tandberg,

Messrs—	Messrs—	Messrs—
Cole,	McCullough,	Thomas,
Currier,	McDonald,	Thompson of Cass,
Estabrook,	McIntyre,	Thomson of Walsh,
Foss,	Montgomery,	Tyler,
Green,	Murphy,	Walsh,
Gronli,	Nedrud,	Walton,
Hankinson,	Norton,	Wickham,
Haugen,	Olsgard,	Williams,
Haugerud,	Pinkham,	Zimmer.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCormick,	Strom,
Buchanan,	Milsted,	Ueland,
Court,	Moore,	Watt,
Lilly,	Reed,	Mr. Speaker.
Lutz,	Stevens,	

Messrs. Buchanan and Stevens being excused.

And so the bill passed, a majority of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Senate Bill No. 187,

A bill for an act relating to the punishment of a father for the abandonment of his children, and of a husband for the abandonment of his wife,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 47, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Heglie,	Pinkham,
Balkan,	Hoyt,	Rawlings,
Beard,	Ingebretson,	Renaud,
Belden,	Ink,	Richardson,
Brittin,	Johnson,	Roney,
Bye,	Langer,	Selby,
Christianson,	Lilly,	Stadleman,
Cole,	McCullough,	Strom,
Currier,	McDonald,	Tandberg,
Estabrook,	McIntyre,	Thomas,
Foss,	Moore,	Thompson of Cass,
Green,	Montgomery,	Thomson of Walsh,
Gronli,	Murphy,	Walton,
Hankinson,	Nedrud,	Wickham,
Haugen,	Norton,	Williams.
Haugerud,	Olsgard,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bowen,	McCormick,	Ueland,
Buchanan,	Milsted,	Walsh,
Court,	Reed,	Watt,
Jahr,	Stevens,	Mr. Speaker.
Lutz,	Tyler,	

Mr. Zimmer voting in the negative.

Messrs. Buchanan and Stevens being excused.

And so the bill passed. a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

Mr. Speaker announced an informal recess.

House reassembled.

Mr. Thompson of Cass, moved

That the vote by which Senate Bill No. 201 was passed be reconsidered,

Which motion prevailed.

Mr. Thompson of Cass, moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Thompson of Cass, moved

That Senate Bill No. 201 be recalled from the Senate,

Which motion prevailed.

Mr. McIntyre offered the following resolution and moved its adoption:

WHEREAS, The present Assistant Enrolling and Engrossing Clerk of the House of Representatives of the Legislative Assembly of the State of North Dakota is an elective officer, and

WHEREAS, The present incumbent is the only elective clerk in either branch of the present Legislative Assembly who is not receiving \$6 per day; therefore, be it

Resolved, That the salary of the present Assistant Enrolling and Engrossing Clerk for the session be fixed at \$6 per day.

Mr. Allen moved

To lay the motion upon the table,

Which motion was lost.

Mr. Ink moved

To amend by inserting the words "Postmaster of the House,"

Which amendment was lost.

The question recurring on the adoption of the resolution.

Roll call was demanded.

The roll being called there were ayes 26, nays 25.

Those who voted in the affirmative were:

Messrs—

Belden,
Currier,
Estabrook,
Green,
Hoyt,
Ingebretson,
Jahr,
Johnson,
McIntyre,

Messrs—

Moore,
Murphy,
Norton,
Pinkham,
Reed,
Selby,
Strom,
Tandberg,
Thomas,

Messrs—

Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Allen,
Balkan,
Beard,
Brittin,

Messrs—

Hankinson,
Haugerud,
Heglie,
Ink,

Messrs—

Milsted,
Montgomery,
Nedrud,
Olsgard,

Messrs—

Bye,
Christianson,
Cole,
Foss,
Gronli,

Messrs—

Langer,
Lilly,
McCormick,
McCullough,

Messrs—

Rawlings,
Richardson,
Roney,
Ueland.

Absent and not voting:

Messrs—

Bowen,
Buchanan,
Court,
Haugen,

Messrs—

Lutz,
McDonald,
Renaud,
Stadleman,

Messrs—

Stevens,
Watt,
Zimmer.

Messrs. Buchanan and Stevens being excused.

And so the resolution was adopted.

Mr. Richardson moved

To take from the table the resolution increasing the pay of the
Sergeant-at-Arms,

Roll call demanded.

Mr. Speaker announced his signature to

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of
conciliation or abitation.

Also,

Senate Bill No. 97;

A bill for an act proposing an amendment to Section 182, Ar-
ticle 12 of the Constitution of North Dakota,

Also,

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district
or county conventions.

Also,

Senate Bill No. 223,

A bill for an act making an appropriation for the payment of
the salaries of the various State officers for the year 1890.

Also,

Senate Bill No. 190,

A bill for an act to provide for the incorporation of certain
classes of benevolent and charitable institutions.

Also,

Senate Bill No. 86,

A bill for an act amending Chapter 13 of the acts of the Seven-
teenth Session of the Legislative Assembly of the Territory of Da-
kota, entitled "An Act authorizing and empowering the organized
counties of Dakota to issue and dispose of bonds to provide funds
to pay outstanding indebtedness, and to provide for the payment
of the principal and interest thereof,"

Also,

Senate Bill No. 194,

A bill for an act to appropriate money to pay amounts due the militia of the Territory of Dakota.

Also,

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139 of the General Laws of 1887, entitled "An Act to authorize cities and towns and villages to levy and collect taxes for municipal purposes.

Also,

Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner.

Also,

Senate Bill No. 198,

A bill for an act to require the Secretary of State to keep a record of bonds of the State officers and to regulate the depository of the bonds of all the State officers of the State of North Dakota.

Also,

Senate Bill No 180,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889.

Also,

Senate Bill No. 173,

A bill for an act to establish an uniform system of accounts for public funds in the State educational, charitable and penal institutions, and to appropriate miscellaneous receipts, for the use of the said institutions.

Also,

Senate Bill No. 41,

A bill for an act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 18, 1890. {

MR. SPEAKER:

I have the honor to inform the House that the Senate, by motion adopted, will adjourn *sine die* at 10 o'clock p. m.

Also,

I have the honor to transmit herewith

House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein.

Also,

House Bill No. 355,

A bill for an act to amend an act "Authorizing counties to issue bonds to procure seed grain for needy farmers resident therein," approved February 14, 1890.

Also,

House Bill No. 353,

A bill for an act for the appointing of marshals for the Supreme Court of the State: defining his duties and fixing his compensation.

Also,

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax.

Also,

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State.

All of which the Senate has passed unchanged.

Also,

That the Senate has concurred in the House amendments to Senate Bills Nos. 165, 88 and 201.

Also,

That the Senate has adopted the Conference Committee report on House Bill No. 131, and passed the bill as amended by their report.

Also,

A Joint Memorial for making a test of artesian well water for irrigation purposes,

Which the Senate has passed.

C. C. BOWSFIELD,
Secretary.

The question being on the motion to take the resolution regarding the pay of the Sergeant-at-Arms from the table,

The roll being called there were ayes 33, nays 20.

Those who voted in the affirmative were:

Messrs—

Beard,
Belden,
Brittin,
Currier,
Green,
Haugerud,
Hoyt,
Ingebretson,
Lilly,
Lutz,
McDonald,

Messrs—

McIntyre,
Moore,
Montgomery,
Murphy,
Norton,
Rawlings,
Reed,
Richardson,
Selby,
Stadleman,
Strom,

Messrs—

Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Hankinson,	McCullough,
Bye,	Haugen,	Milsted,
Christianson,	Heglie,	Nedrud,
Cole,	Ink,	Pinkham,
Estabrook,	Jahr,	Roney,
Foss,	Langer,	Ueland.
Gronli,	McCormick,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Balkan,	Court,	Renaud,
Bowen,	Johnson,	Stevens,
Buchanan,	Olsgard,	Zimmer.

Messrs. Buchanan and Stevens being excused.

And so the motion prevailed, and
The resolution was taken from the table.

Mr. Selby moved

To amend the resolution by striking out the word "six" and inserting in lieu thereof the words "five and a half."

Mr. Lilly moved

To adopt the following as a substitute for the resolution:

Resolved, That the compensation of the Sergeant-at-Arms be \$6 per day from March 4, 1890, until the end of the session, March 18, 1890.

Which motion prevailed, and
The substitute resolution was adopted.

The Conference Committee on Senate Bill No. 231 made the following report:

MR. SPEAKER:

Your Committee of Conference on
Senate Bill No. 231,

A bill for an act to provide for the copying of certain records, and making an appropriation therefor,

Have had the House amendments thereto under consideration, and respectfully report that the Senate accedes to the House amendment to Section 20, and that the House recedes from the amendment to Section 33.

GEO. H. WALSH,
JOHN MILSTED,
O. T. JAHR,
On part of House.

M. L. McCORMACK,
ANDREW HELGESON,
W. H. ROBINSON,
On part of Senate.

Mr. Walsh moved
To adopt the report.

Roll call demanded.

The roll being called there were ayes 38, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	McDonald.	Strom,
Brittin,	McIntyre,	Tandberg,
Christianson,	Milsted,	Thomas,
Cole,	Moore,	Thompson of Cass,
Currier,	Montgomery,	Thomson of Walsh,
Estabrook,	Murphy,	Tyler,
Green,	Nedrud,	Walsh,
Hoyt,	Norton,	Walton,
Ingebretson,	Rawlings,	Watt,
Jahr,	Reed,	Wickham,
Langer,	Renaud,	Williams.
Lilly,	Selby,	Zimmer.
Lutz,	Stadleman,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugen,	McCullough,
Balkan,	Haugerud,	Pinkham,
Bye,	Heglie,	Richardson,
Foss,	Ink,	Roney,
Gronli,	Johnson,	Ueland.
Hankinson,	McCormick,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Beard,	Court,	Stevens,
Bowen,	Olsgard,	Mr. Speaker.
Buchanan,		

Messrs. Buchanan and Stevens being excused.

And so the motion to adopt the report prevailed.

The question being on the passage of the bill as amended by the adoption of the report of the Conference Committee,

The roll being called there were ayes 48, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Balkan,	Lilly,	Roney,
Beard,	Lutz,	Selby,
Belden,	McDonald,	Stadleman,
Brittin,	McIntyre,	Strom,
Bye,	Milsted,	Tandberg,
Christianson,	Moore,	Thomas,
Cole,	Montgomery,	Thompson of Cass,
Currier,	Murphy,	Thomson of Walsh,
Estabrook,	Nedrud,	Tyler,
Green,	Norton,	Walsh,
Gronli,	Olsgard,	Walton,
Hoyt,	Pinkham,	Watt,
Ingebretson,	Rawlings,	Wickham,
Jahr,	Reed,	Williams,
Johnson,	Renaud,	Zimmer,
Langer,	Richardson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allen,	Haugerud,	McCormick,
Foss,	Heglie,	McCullough,
Hankinson,	Ink,	Ueland.
Haugen,		

Absent and not voting:

Messrs— Bowen, Buchanan,	Messrs— Court,	Messrs— Stevens.
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Messrs. Buchanan and Stevens being excused.

And so the bill as amended by the Conference Committee passed,
And the title of the bill was agreed to.

Senate Bill No. 221,

A bill for an act to transfer the unexpended balances of the
bond funds of certain State institutions to the general fund,
Was read the third time, and placed upon its final passage.

The roll being called there were ayes 56, nays none.

Those who voted in the affirmative were:

Messrs— Allen, Balkan, Beard, Belden, Brittin, Bye, Christianson, Cole, Currier, Estabrook, Foss, Green, Gronli, Hankinson, Haugen, Haugerud, Heglie, Hoyt, Ingebretson,	Messrs— Ink, Jahr, Johnson, Langer, Lilly, Lutz, McCormick, McCullough, McDonald, McIntyre, Milsted, Moore, Montgomery, Murphy, Nedrud, Olsgard, Pinkham, Rawlings, Reed,	Messrs— Renaud, Richardson, Roney, Selby, Stadleman, Strom, Tandberg, Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Ueland, Walsh, Walton, Watt, Wickham, Williams, Zimmer.
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Absent and not voting:

Messrs— Bowen, Buchanan,	Messrs— Court, Norton,	Messrs— Stevens, Mr. Speaker.
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Messrs. Buchanan and Stevens being excused.

And so the bill passed, more than two-thirds of the members
present and voting, voting therefor,
And the title of the bill was agreed to.

Senate Bill No. 210,

A bill for an act to define the liability of the officers, agents and
stockholders of corporations not organized under the laws of this
State and wrongfully doing business therein,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 36, nays 14.

Those who voted in the affirmative were:

Messrs— Balkan, Beard,	Messrs— Heglie, Hoyt,	Messrs— Reed, Richardson,
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Messrs—	Messrs—	Messrs—
Brittin,	Ingebretson,	Roney,
Bye,	Ink,	Thomas,
Cole,	Jahr,	Thomson of Walsh,
Currier,	Johnson,	Walsh,
Estabrook,	Langer,	Walton,
Green,	McIntyre,	Watt,
Gronli,	Montgomery,	Wickham,
Hankinson,	Murphy,	Williams,
Haugen,	Norton,	Zimmer,
Haugerud,	Rawlings,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Lilly,	Olsgard,	Tandberg,
Lutz,	Renaud,	Thompson of Cass,
McDonald,	Selby,	Tyler,
Milsted,	Stadleman,	Ueland.
Nedrud,	Strom,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Christianson,	McCullough,
Belden,	Court,	Moore,
Bowen,	Foss,	Pinkham,
Buchanan,	McCormick,	Stevens.

Mr. Lutz explaining his vote.

Messrs. Buchanan and Stevens being excused.

And so the bill passed, a majority of the members-elect voting therefor,

And the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 117,

A bill for an act to encourage the building of roads and highways in unorganized townships, and to relieve the owners of the land upon which such roads shall have been built.

Also,

House Bill No. 247,

A bill for an act to amend Section 1, Chapter 25 of the General Laws of 1881, being Section 4383 of the Compiled Laws.

Also,

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor.

Also,

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation.

Also,

House Bill No. 357,

A bill for an act to amend an act passed at the First session of the Legislative Assembly, entitled "An Act to locate, establish and maintain the North Dakota Academy of Science and to provide for the government thereof."

Also,

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation.

Also,

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party.

Also,

House Bill No. 357,

A bill for an act to amend an act passed at the First Session of the Legislative Assembly entitled "An Act for an act to locate, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof, approved March 14, 1890."

Also,

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor.

Also,

House bill No. 247,

A bill for an act to amend Section 1, Chapter 25 of the General Laws of 1881, being Section 4383 of the Compiled Laws.

Also,

House bill No 117,

A bill for an act to encourage the building of roads and highways in unorganized towns and to relieve the owners of the land upon which such roads shall have been built.

Senate bill No. 225,

A bill for an act relating to local improvements in cities not organized under the General Laws for the incorporation of cities,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 42, nays 8.

Those who voted in the affirmative were:

Messrs—

Balkan,
Beard
Belden,
Brittin,

Messrs—

Langer,
Lilly,
Lutz,
McCormick,

Messrs—

Renaud,
Roney,
Stadleman,
Tandberg,

Messrs—	Messrs—	Messrs—
Bye,	McDonald,	Thomas,
Christianson,	McIntyre,	Thompson of Cass,
Cole,	Milsted,	Thomson of Walsh,
Currier,	Moore,	Tylar,
Estabrook,	Murphy,	Walsh,
Green,	Nedrud,	Walton,
Haugen,	Norton,	Watt,
Haugerud,	Olsgard,	Wickham,
Hoyt,	Rawlings,	Williams,
Ingebretson,	Reed,	Zimmer.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs--
Gronli,	Jahr,	Strom,
Hankinson,	Johnson,	Ueland.
Ink,	Richardson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allen,	Foss,	Pinkham,
Bowen,	Heglie,	Selby,
Buchanan,	McCullough,	Stevens,
Court,	Montgomery,	Mr. Speaker.

Messes. Buchanan and Stevens being excused.

And so the bill passed, a majority of the members present and voting, voting therefor,

And the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 352,

A bill for an act for the appointing of a commissioner to protect the interests of the State of North Dakota in the surveying, and permanently locating the boundary line between North Dakota and South Dakota,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 352,

A bill for an act for the appointing of a commissioner to protect the interests of the State of North Dakota in the surveying, and permanently locating the boundary line between North Dakota and South Dakota.

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 34, nays 7.

Those who voted in the affirmative were:

Messrs—

Balkan,
Brittin,
Cole,
Estabrook,
Haugen,
Haugerud,
Heglie,
Hoyt,
Ingebretson,
Ink,
Jahr,
Johnson,

Messrs—

Langer,
McDonald,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Pinkham,
Rawlings,
Reed,
Richardson,

Messrs—

Roney,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Williams,
Mr. Speaker.

Those who voted in the negative were:

Messrs.

Belden,
Christianson,
Green,

Messrs.

Gronli,
McCormick,

Messrs.

Olgard,
Selby.

Absent and not voting:

Messrs—

Allen,
Beard,
Bowen,
Buchanan,
Bye,
Court,
Currier,

Messrs—

Foss,
Hankinson,
Lilly,
Lutz,
McCullough,
McIntyre,
Nedrud,

Messrs—

Renaud,
Stadleman,
Stevens,
Thomas,
Ueland,
Wickham,
Zimmer.

Messrs. Buchanan and Stevens being excused.

So the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Selby moved

That the House do now adjourn until this evening at 7 o'clock,
Which motion prevailed, and

The House took a recess until 7 o'clock p. m.

EVENING SESSION.

House reassembled at 7 o'clock p. m.

The roll being called for the purpose of ascertaining whether or not a quorum was present,

All members were present except Messrs. Buchanan, Court, Currier, Green, Ingebretson, Ink, Lilly, Lutz, McDonald, Moore, Montgomery, Olgard, Pinkham, Roney, Stevens, Thomas, Thomson of Walsh, and Watt.

Mr. Speaker called Mr. Williams to the Chair.

Mr. Selby moved

That the Sergeant-at-Arms be instructed to go as a messenger for Mr. Stevens with the authorized power from this House to arrest and bring him before the House with Senate Bill No. 185,
Which motion prevailed.

Mr. Thompson of Cass, moved

That two others be designated to go with the Sergeant-at-Arms,
Which motion prevailed, and

Mr. Speaker designated as such persons Messrs. Newcomer and
Bratton.

Mr. Thompson of Cass, moved

That the Chief Clerk be directed to sign a warrant for the arrest
of Mr. Stevens,

Which motion prevailed.

Mr. Thompson, of Cass, offered the following resolution and
moved its adoption:

WHEREAS, Senate Bill No. 185 is not to be found, and

WHEREAS, It is expedient and necessary that said bill be passed at this
time as the hour of final adjournment is but two and one-half hours away;
therefore,

Resolved, That the Senate be requested to send to the House as soon as
possible a certified copy of Senate Bill No. 185,

Which motion prevailed, and

The resolution was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 355,

A bill for an act to amend an act entitled "An Act authorizing
counties to issue bonds to procure seed grain for needy farmers
resident therein," approved February 14, 1890.

Also,

House Bill No. 353,

A bill for an act providing for the appointment of Marshals of
the Supreme Court of the State, defining his duties and fixing his
compensation.

Also,

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act
providing clerk hire for the various officers and making appropri-
ations therefor, approved December 19, 1889,

Also,

A Joint Memorial to Congress in the interests of forestry and
irrigation,

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Walsh moved

That the veto messages of the Governor on House Bill No. 261
and Senate Bills Nos. 31 and 82 be considered,

Which motion prevailed, and

Senate Bill No. 31,

A bill for an act to create an institution for the education of the

deaf and dumb of North Dakota and providing for its support and management,

Was reconsidered, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

Mr. Currier moved

That the privileges of the floor be extended to Lieut. Creel of Devils Lake,

Which motion prevailed, and

Mr. Creel addressed the House on the question.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith a certified copy of Senate Bill No, 185,

A bill for an act to amend an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An Act providing for the levy and collection of taxes upon the property of railroad companies in this territory,"

As requested by the House.

C. C. BOWSFIELD,
Secretary.

Mr. Bowen moved a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Court, Ingebretson, Stevens and Thomas.

Mr. Hankinson moved

To dispense with further proceedings under call of the House, Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

MESSAGE FROM THE SENATE.

The following message was received form the Senate:

SENATE CHAMBER, }
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith House Bill No. 333,

A bill for an act to amend an act entitled "An Act to fix the maximum rates which railroad companies may charge for the transportation of coal mined within the State of North Dakota," approved March 3, 1890.

Also,

Substitute for House Bill No 24,

A bill for an act indemnifying the owners of sheep in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs.

Also,

House Bill No. 212,

A bill for an act to amend Section 7 of Chapter 63 of Session Laws of 1885, relating to boards of health, being Section 198 of Compiled Laws of 1887.

Also,

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court.

Also,

House Bill No. 318,

A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the funding bond fund, road and bridge fund or penalty and interest fund to the general fund,"

All of which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

The question being, shall Senate Bill No. 31 pass, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes 42, nays 16.

Those who voted in the affirmative were:

Messrs—

Allen,
Beard,
Belden,
Bowen,
Brittin,
Buchanan,
Currier,
Estabrook,
Green,
Gronli,
Haugen,
Hoyt,
Ingebretson,
Langer,

Messrs—

Lilly,
Lutz,
McCormick,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Nedrud,
Norton,
Rawlings,
Reed,
Renaud,

Messrs—

Selby,
Stadleman,
Strom,
Tandberg,
Thompson of Cass,
Thomson of Walsh,
Tyler,
Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer,
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Balkan,
Bye,
Christianson,
Cole,
Hankinson,
Haugerud,

Messrs—

Heglie,
Ink,
Jahr,
Johnson,
McCullough,

Messrs—

Olsgard,
Pinkham,
Richardson,
Roney,
Ueland.

Absent and not voting:

Messrs— Court, Foss,	Messrs— Stevens,	Messrs— Thomas.
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Messrs. Bowen, Lilly and Selby explaining their votes.

So the bill passed, the objections of the Governor to the contrary notwithstanding, two-thirds of the members-elect having voted therefor.

Senate Bill No. 82,

A bill for an act to provide for the annual exhibits of the agricultural, stock breeding, horticultural, mining, mechanical, industrial and other products and resources of the State of North Dakota, and to provide for a State Board of Agriculture,

Was reconsidered, and

The question being, shall Section 6 of the bill pass, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes 34, nays 24.

Those who voted in the affirmative were:

Messrs— Beard, Brittin, Currier, Estabrook, Gronli, Haugen, Haugerud, Hoyt, Ingebretson, Lutz, McDonald, Milsted,	Messrs— Moore, Montgomery, Murphy, Norton, Rawlings, Reed, Renaud, Richardson, Selby, Stadleman, Tandberg,	Messrs— Thomas, Thompson of Cass, Thomson of Walsh, Tyler, Walsh, Walton, Watt, Wickham, Williams, Zimmer, Mr. Speaker.
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Those who voted in the negative were:

Messrs— Allen, Balkan, Bowen, Eye, Christianson, Cole, Foss, Green,	Messrs— Hankinson, Heglie, Ink, Jahr, Johnson, Langer, Lilly, McCormick,	Messrs— McCullough, McIntyre, Nedrud, Olsgard, Pinkham, Roney, Strom, Ueland.
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Absent and not voting:

Messrs— Belden, Buchanan,	Messrs— Court,	Messrs— Stevens.
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Mr. Selby explaining his vote.

And so the veto of the Governor was sustained.

The Speaker called Mr. Roney to the chair.

House Bill No. 261,

A bill for an act to provide for a more economical management of the State University, the State Insane Asylum and the State Penitentiary,

Was reconsidered, and

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding,

Mr. Williams moved

That the further consideration of the bill and the veto message be indefinitely postponed,

Which motion prevailed.

Mr. Speaker announced his signature to

House Bill No. 355,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein, approved February 14, 1890.

Also,

House Bill No. 353,

A bill for an act providing for the appointment of marshals of the Supreme Court of the State; defining his duties, and fixing his compensation.

Also,

House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various State officers and making appropriations therefor, approved December 19, 1889."

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that House Bill No. 117.

A bill for an act to encourage the building of roads and highways in unorganized towns and to relieve the owners of the land upon which such roads shall have been built.

Also,

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor.

Also,

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code, relating to chattel mortgages.

Also,

House Bill No. 357,

A bill for an act to amend an act passed at the first session of the Legislative Assembly, entitled "An act to locate, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof."

Also,

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purposes of irrigation.

Also,

House Bill No. 298,

A bill for an act to regulate the paying of fees to witnesses when called in more than one case by the same party.

Also,

House Bill No. 311,

A bill for an act to define what newspapers are entitled to publish legal notices and do public printing.

Also,

House Bill No. 352,

A bill for an act providing for the appointment of a commissioner on the part of North Dakota to supervise the surveying, ascertaining and definitely marking the boundary line between the States of North Dakota and South Dakota.

Also,

House Bill No. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Also,

House Bill No. 275,

A bill for an act to provide for the clerks of court to transcribe and deliver all papers and records pertaining in any manner to any civil and criminal action now pending in any county to the clerk of the court of the county in which such action or actions properly belong.

Also,

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Were delivered to His Excellency, the Governor, for his approval at the hour of 5:50 o'clock p. m., March 18, 1890.

GEO. H. WALSH,
Chairman.

Mr. Estabrook moved

That the House do now proceed to the consideration of Senate Bill No. 185,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 296,

A bill for an act defining the duties and powers of the Board of University and School Lands, and making appropriations therefor.

Also,

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70 of Chapter 5 of the Compiled Laws of 1887,

Both of which the Senate has passed unchanged.

Also,

House Bills Nos. 314, 337, 273, 248 and 105,

All of which the Senate has indefinitely postponed.

Also,

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licenses,

Which the Senate has amended and passed as follows:

Strike out the words "county auditor" and "county clerk" wherever they occur in said bill, and insert in lieu thereof the words "the judge of the county court."

And your concurrence is respectfully requested.

Also,

House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same,

Which the Senate has passed as per the Conference Committee report adopted.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 185,

A bill for an act to amend an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An Act providing for the levy and collection of taxes upon the property of railroad companies in this Territory,"

Was read the third time, and

Mr. Selby offered the following resolution:

Resolved, That the authority delivered to Sergeant-at-Arms to bring Hon. R. N. Stevens, chairman of the Railroad Committee, before the House with Senate Bill No. 185, and the return of the Sergeant-at-Arms thereon be spread at length upon the minutes of the Journal.

Which motion prevailed, and

The resolution was adopted.

The following warrant and return were read:

BISMARCK, March 18, 1890.

Sergeant-at-Arms, House of Representatives:

Under call of the House, R. N. Stevens, Representative from Ransom county is absent without leave, you are hereby directed to arrest him and bring him in.

D. B. WELLMAM,
Speaker.

BISMARCK, March 18, 1889.

Mr. Speaker:

I have made diligent search and inquiry to find the Hon. R. N. Stevens under the above warrant, and I am unable to find him or ascertain his whereabouts.

FRED. SNORE,
Sergeant-at-Arms.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined
House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein.

Also,

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax.

Also,

House Bill No. 318,

A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road and bridge fund, or penalty and interest fund to the general fund.

Also,

House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon foreclosure of mortgage by order, judgment or decree of court.

Also,

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State.

Also,

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4, of Chapter 135 of the General Laws of 1885, entitled "An Act to provide for the appointment of sheep inspectors, and to provide for the supervision of sheep in case of infection,"

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon a foreclosure of mortgage.

Also,

House Bill No. 293,

A bill for an act entitled "An Act to regulate the writing of insurance of whatsoever kind in this State.

Also,

House Bill No. 346,

A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein.

Also,

House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the Session Laws of 1885, in relation to sheep inspectors.

Also,

House Bill No. 280,

A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, etc.

Also,

House Bill No. 318,

A bill for an act to amend Section 1 of Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances to the county treasury from the road and bridge fund or penalty and interest fund to the general fund.

Mr. Selby demanded a call of the House.

Call seconded.

Roll called.

All members present except Messrs. Court and Stevens.

Mr. Selby moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

Further proceedings under call of the House were dispensed with.

Mr. Thompson of Cass, offered the following resolution and moved its adoption:

WHEREAS, Senate Bill No. 185 is not in the possession of this House, and due diligence has been had to obtain the same, therefore be it

Resolved, That the certified copy of Senate Bill No. 185, furnished this House by the Senate, under a resolution adopted by the House at its evening session on March 18, 1890, be and the same is hereby adopted in lieu of the original bill as originally transmitted to the House by the Senate on the 10th day of March, 1890,

Which motion prevailed, and

The resolution was adopted.

The question then being on the passage of Senate Bill No. 185,

The roll being called there were ayes 56, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ingebretson,	Reed,
Balkan,	Ink,	Renaud,
Beard,	Jahr,	Richardson,
Belden,	Johnson,	Roney,
Bowen,	Langer,	Selby,
Brittin,	Lilly,	Strom,
Buchanan,	Lutz,	Tandberg,
Bye,	McCormick,	Thomas,
Christianson,	McCullough,	Thompson of Cass,
Cole,	McDonald,	Thomson of Walsh,
Currier,	McIntyre,	Tyler,
Estabrook	Moore,	Ueland,
Foss,	Montgomery,	Walsh,
Green,	Murphy,	Walton,
Gronli,	Nedrud,	Wickham,
Hankinson,	Norton,	Williams,
Haugerud,	Olsgard,	Zimmer,
Heglie,	Pinkham,	Mr. Speaker.
Hoyt,	Rawlings,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Court,	Stadleman,	Watt.
Haugen,	Stevens,	

Mr. Milsted voting in the negative.

And so the bill passed, more than two-thirds of the members present and voting, voting therefor,

And the title of the bill was agreed to.

Mr. Lilly moved

That the House concur in the Senate amendments to House Bill No. 67,

Which motion prevailed, and

The question being shall

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage license,

Pass as amended by the Senate,

The roll being called there were ayes 52, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Ink,	Rawlings,
Balkan,	Jahr,	Renaud,
Beard,	Johnson,	Richardson,
Belden,	Langer,	Roney,
Bowen,	Lilly,	Strom,
Brittin,	Lutz,	Tandberg,
Buchanan,	McCormick,	Thomas,
Bye,	McCullough,	Thompson of Cass,
Christianson,	McDonald,	Thomson of Walsh,
Cole,	McIntyre,	Tyler,
Currier,	Milsted,	Ueland,

Messrs—
 Estabrook,
 Green,
 Gronli,
 Haugerud,
 Heglie,
 Hoyt,
 Ingebretson,

Messrs—
 Moore,
 Montgomery,
 Murphy,
 Nedrud,
 Olsgard,
 Pinkham,

Messrs—
 Walsh,
 Walton,
 Wickham,
 Williams,
 Zimmer,
 Mr. Speaker.

Absent and not voting:

Messrs—
 Court,
 Foss,
 Hankinson,
 Haugen,

Messrs—
 Norton,
 Reed,
 Selby,

Messrs—
 Stadleman,
 Stevens,
 Watt.

And so the bill as amended by the Senate passed,
 And the title of the bill was agreed to.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
 House Bill No. 316,

A bill for an act temporarily extending the time for the redemption of real property sold upon a foreclosure of mortgage by order, judgment or decree of court.

Also,
 House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State.

Also,
 House Bill No. 194,

A bill for an act to amend Sections 1, 2, 3 and 4 of Chapter 135 of the General Laws of 1885, entitled "An Act to provide for the appointment of sheep inspectors, and to provide for the supervision of sheep in case of infection.

Also,
 House Bill No. 355,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers, approved February 14, 1890.

Also,
 House Bill No. 353,

A bill for an act providing for appointment of Marshals of the Supreme Court of the State, defining his duties and fixing his compensation.

Also,
 House Bill No. 131,

A bill for an act to amend Section 1 of an act entitled "An Act providing clerk hire for the various officers, and making appropriation therefor," approved December 19, 1889.

Also,
 Joint Memorial to Congress in the interest of forestry, irrigation, etc.

Also,
 House Bill No. 346,
 A bill for an act defining the boundaries of the First judicial district, subdividing the same and fixing the terms of court to be held therein.

Also,
 House Bill No. 280,
 A bill for an act to provide for the assessment and taxation of itinerant, transient and bankrupt stock merchants, and providing for the collection of such tax.

Also,
 House Bill No. 318,
 A bill for an act to amend Section 1, Chapter 51 of the Session Laws of 1889, entitled "An Act to authorize the board of county commissioners of any county to transfer unexpended balances in the county treasury from the road and bridge fund, or penalty and interest fund to the general fund,

Were delivered to his Excellency, the Governor, for his approval at the hour of 9.30 p. m. o'clock March 18, 1890.

Mr. Roney moved
 That the House, in token of their esteem, tender the Chaplain of the House a vote of thanks,
 Which motion prevailed.

Mr. Wickham moved
 That the House present to the Speaker the gavel and the chair which he has occupied,
 Which motion prevailed.

Mr. Selby moved
 That a committee of three be appointed to inform the Governor that the House is about to adjourn and is now ready to receive any communication which he may wish to present.

Which motion prevailed, and
 Mr. Speaker appointed as such committee Messrs. Roney, Montgomery and Richardson.

Mr. Belden moved
 That the House do now proceed to consider Senate Bills Nos. 179 and 176,

Which motion prevailed, and
 Senate Bill No. 179,
 A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883, entitled "An Act to provide for the appointment of an agent to receive service for a non-resident executor, administrator or guardian, and for other purposes,"

Was read the third time, and placed upon its final passage.

The roll being called there were ayes 28, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Johnson,	Rawlings,
Balkan,	Langer,	Reed,
Beard,	Lilly,	Renaud,
Belden,	Lutz,	Strom,
Bowen,	McDonald,	Thomas,
Bye,	McIntyre,	Thompson of Cass,
Christianson,	Moore,	Wickham,
Green,	Murphy,	Williams,
Ingebretson,	Pinkham,	Zimmer.
Ink,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cole,	Haugerud,	Selby,
Estabrook,	Norton,	Tandberg,
Gronli,	Olsgard,	Walton.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brittin,	Jahr,	Stevens,
Buchanan,	McCormick,	Thomson of Walsh,
Court,	McCullough,	Tyler,
Currier,	Milsted,	Ueland,
Foss,	Montgomery,	Walsh,
Hankinson,	Nedrud,	Watt,
Haugen,	Richardson,	Mr. Speaker.
Heglie,	Roney,	
Hoyt,	Stadleman,	

And so the bill was lost, a majority of the members-elect not voting therefor.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads to whom was referred
Senate Bill No. 185,

A bill for an act to amend an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An Act providing for the levy and collection of taxes upon the property of railroad companies in this Territory,"

Have had said bill before the committee. but no definite action was taken at such time. That the undersigned members of the committee had reason to believe, and did believe, that said bill had been, or would be, returned to the House by R. N. Stevens, chairman of the committee, in compliance with House resolution, adopted recently, calling all bills from hands of committees; that when said bill was last seen by us it was in the possession and under control entirely of said chairman. We desire to state that as to the whereabouts of said bill at this time or what disposition was made of it we know absolutely nothing, and until to-day's proceedings believed it had been returned to the House.

E. W. BOWEN,
G. E. INGEBRETSON,
G. W. RAWLINGS,
E. S. TYLER,
JAS. E. REED,
F. ESTABROOK,
E. D. MCINTYRE,
JOHN MILSTED.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 164,

A bill for an act providing for the establishment of tribunals of
conciliation or arbitration,

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Senate Bill No. 176,

A bill for an act to amend Section 340 of the Probate Code,
Was read the third time, and placed upon its final passage.

The roll being called there were ayes 45, nays 1.

Those who voted in the affirmative were:

Messrs—

Allen,
Balkan,
Beard,
Belden,
Bowen,
Bye,
Christianson,
Cole,
Estabrook,
Foss,
Green,
Gronli,
Haugen,
Haugerud,
Hoyt,

Messrs—

Ingebretson,
Ink,
Jahr,
Johnson,
Lilly,
Lutz,
McDonald,
McIntyre,
Milsted,
Moore,
Montgomery,
Murphy,
Norton,
Olsgard,
Pinkham,

Messrs—

Rawlings,
Reed,
Renaud,
Roney,
Stadleman,
Strom,
Tandberg,
Thomas,
Thompson of Cass,
Thomson of Walsh,
Walton,
Watt,
Wickham,
Williams,
Zimmer.

Absent and not voting:

Messrs—

Brittin,
Buchanan,
Court,
Currier,
Hankinson,
Heglie,

Messrs—

Langer,
McCormick,
McCullough,
Nedrud,
Richardson,

Messrs—

Stevens,
Tyler,
Ueland,
Walsh,
Mr. Speaker.

Mr. Selby voting in the negative.

And so the bill passed, a majority of the members-elect voting
therefor,

And the title of the bill was agreed to.

Mr. Heglie moved

To take up Senate Bill No. 63,

Which motion was lost.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 233,

A bill for an act to amend Section 1, Chapter 6, of the Revised Code of 1877, being Section 1397 of the Compiled Laws.

Also,

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties for State, Legislative and judicial purposes.

Also,

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70 of Chapter 5 of the Compiled Laws of 1887.

Also,

House Bill No. 212,

A bill for an act to revise the law in relation to boards of health, to establish county and township boards of health, and fix the compensation thereof.

And find the same correctly enrolled.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties for State, legislative and judicial purposes.

Also,

House Bill No. 233,

A bill for an act amending Section 1397 of the Compiled Laws of 1887 (Section 1, Chapter 6, of the Revised Code of 1877).

Also,

House Bill No. 212,

A bill for an act to revise the law in relation to boards of health, to establish county and township boards of health and fix the compensation thereof.

Also,

House Bill No. 340,

A bill for an act entitled "An Act to repeal Sections 1 and 3 of Chapter 7, of the Political Code, being Sections 68 and 70 of Chapter 5, of the Compiled Laws of 1887."

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 18, 1890. }

MR. SPEAKER:

I have the honor to inform the House that the Senate, by motion adopted, has changed the hour for adjournment until 11

o'clock precisely, and you are asked to govern yourselves accordingly.

C. C. BOWSFIELD,
Secretary.

Mr. Thompson of Cass, offered the following resolution and moved its adoption:

WHEREAS, The hour of closing the labors of the First Legislative Assembly of the State of North Dakota is near at hand, and

WHEREAS, The honored Speaker of the House, the Honorable David B. Wellman, has ever been kind and courteous in his capacity as presiding officer of this body, and has, by his impartiality, genial manner and sterling worth, endeared him to the members thereof, therefore, be it

Resolved, That we extend him our hearty thanks for the impartial manner in which he has presided, and ever wish that his hopes may never be blasted, and that life's pathway be strewn with the roses of friendship and respect.

Which motion prevailed, and
The resolution was adopted.

Mr. Estabrook offered the following resolution and moved its adoption:

Resolved, That the Chief Clerk be instructed to mail to each member at their homes a copy of the 17th and 18th days' proceedings.

Which motion prevailed and
The resolution was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that
House Bill No. 233,

A bill for an act to amend Section 1, Chapter 6, of the Revised Code of 1877, being Section 1397 of the Compiled Laws.

Also,

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties for State, legislative and judicial purposes.

Also,

House Bill No. 340,

A bill for an act to repeal Sections 1 and 3 of Chapter 7 of the Political Code, being Sections 68 and 70 of Chapter 5 of the Compiled Laws.

Also,

House Bill No. 212,

A bill for an act to amend Section 7 of Chapter 63 of Session Laws of 1885, relating to boards of health, being Section 198 of Compiled Laws of 1887,

Were delivered to his Excellency, the Governor, for his approval at the hour of 10:10 o'clock p. m., March 18, 1890.

GEO. H. WALSH,
Chairman.

Mr. Speaker announced his signature to
Senate Bill No. 232,

A bill for an act to amend Section 14 of an act entitled "An Act to provide for the leasing and sale of the common school lands of North Dakota," approved January 10, 1890.

Also,

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter, and to repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the year 1879.

Also,

Senate Bill No. 88,

A bill for an act amending Chapter 16 of the acts of the Seventeenth Session of the Legislative Assembly of the Territory of Dakota, entitled "An Act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes."

Also,

Senate Bill No. 183,

A bill for an act to reduce the expenses of the State and to suspend the State militia laws until the second Monday in January, 1893.

Also,

Senate Bill No. 31,

A bill for an act to create an institute for the education of the deaf of North Dakota, and providing for its support and management.

Also,

Senate Bill No. 228,

A bill for an act making invalid bonds or other evidences of debt of counties, and bonds of townships and other political corporations, unless the same have endorsed thereon a certificate showing legality of issue, and designating the proper officer for making such certificate.

Also,

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities.

Also,

Senate Bill No. 225,

A bill for an act relating to local improvements in cities not organized and incorporated under the General Law for the incorporation of cities.

Also,

Senate Bill No. 226,

A bill for an act to amend Sections 29 and 70 of an act entitled

“An Act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,” approved March 12, 1890.

Also,

Senate Bill No. 169,

A bill for an act to legalize certain instruments and the record thereof.

Also,

Senate Bill No. 221,

A bill for an act to transfer the unexpended balances of the bond funds of certain State institutions to the general fund.

Also,

Senate Bill No. 187,

A bill for an act relating to the punishment of a father for the abandonment of his children, and of a husband for the abandonment of his wife.

Also,

Senate Bill No. 210,

A bill for an act to define the liability of the officers, agents and stockholders of corporations not organized under the laws of this State and wrongfully doing business therein.

Also,

Senate Bill No. 165,

A bill for an act authorizing transcripts of judgments and decrees of the United States Courts in the State of North Dakota to be filed with the clerks of the circuit courts of the several counties, and to be docketed therein.

Also,

Senate Bill No. 231,

A bill for an act to provide for the copying of certain records and making an appropriation therefor.

Also,

Senate Bill No. 185,

A bill for an act to amend an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled “An Act providing for the levy and collection of taxes upon the property of railroad companies in this Territory.”

Also,

Senate Bill No. 201,

A bill for an act providing for the publication of the Supreme Court Reports of the State of North Dakota.

Mr. Thompson of Cass, offered the following resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring:
That the Secretary of State be and he is hereby authorized and directed to fur-

nish to each of the members of the First Legislative Assembly one copy of the laws of this Assembly as soon as printed.

Which motion prevailed, and
The resolution was adopted.

Mr. Ueland offered the following resolution and moved its adoption:

Be it Resolved, That our thanks be tendered to the proprietors of the Jamestown Alert, Fargo Republican, Fargo Argus and Minneapolis Journal for the courtesies shown to the members of this House in placing upon their desks the daily papers during this session.

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 18, 1890. }

MR. SPEAKER.

I have the honor to inform the House that the Senate has concurred in the following

CONCURRENT RESOLUTION.

Be it Resolved by the House, the Senate Concurring: That the Secretary of State, be, and he is hereby authorized and directed to furnish to each of the members of the First Legislative Assembly one copy of the Laws of this Assembly as soon as printed.

C. C. BOWSFIELD,
Secretary.

The Speaker announced his signature to
Senate Bill No. 176,
A bill for an act to amend Section 340 of the Probate Code.

Also,
Senate Bill No. 135,

A bill for an act providing for the establishing of independent school districts within the incorporated limits of cities of the State of North Dakota.

Mr. Speaker announced his signature to
House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same.

Also,
House Bill No. 24,

A bill for an act indemnifying the owners of sheep in cases of damage by dogs, and creating a fund to pay for the same.

Also,
House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the same.

Also,

House Bill No. 296,

A bill for an act providing for the organization and fixing and defining the powers and duties of the Board of University and School Lands, and making an appropriation therefor.

Also,

House Bill No. 67,

A bill for an act relating to marriage and providing for marriage licenses.

Mr. Thompson of Cass, moved

That a committee be appointed to wait on the Senate and inform that honorable body that the House has completed its labors and is ready to adjourn,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Thompson of Cass, Williams and Selby.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
March 18, 1890. }

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

Which the Senate has passed unchanged.

C. C. BOWSFIELD,
Secretary.

Mr. Speaker announced his signature to

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain.

The Committee on enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills respectfully report that

House Bill No. 164,

A bill for an act to provide for the assessment of railroad property in this State, and prescribing the manner of levying and collecting the same.

Also,

House Bill No. 24,

A bill for an act indemnifying the owners of sheep in cases of damage by dogs, and creating a fund to pay for the same.

Also,

House Bill No. 296,

A bill for an act defining the duties and powers of the Board of

University and School Lands, and making appropriation therefor.

Also,

House Bill No. 39,

A bill for an act defining usury.

Also,

House Bill No. 67,

A bill for an act defining the marriage relation.

Also,

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

Were delivered to his Excellency, the Governor, for his approval at the hour of 11 o'clock p. m., March 18, 1890.

Geo. H. WALSH,
Chairman.

The committee to wait upon the Senate returned and made a verbal report.

Mr. Thompson of Cass, moved

That the House do now adjourn *sine die*,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,
Chief Clerk.

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115	Mr. Lilly	To Cede Jurisdiction to the United States Over Certain Lands and for the Purchase and Condemnation Thereof	228	228	248
116	Mr. McCormick	Requiring County Commissioners to Designate Depositories for the Public Funds in their Respective Counties	228	228	249
117	Mr. Thompson of Cass	To Encourage the Building of Roads in Unorganized Towns, etc.	228	228	249
118	Mr. Strom	Amending Subdivision 14 of Section 2, Chapter 28 of the Political Code	228	228	249
119	Mr. Strom	Amending Section 49, Chapter 4 of the Penal Code	228	228	249
120	Mr. Lilly	Revising Law in Relation to Replevin in Justice Court	229	229	249
121	Mr. Lilly	Revising Law of Forcible Entry, etc.	229	292	292
122	Mr. Lilly	Revising Law in Relation to Attachment before Justice of the Peace	229	292	292
123	Mr. Thomson of Walsh	To Regulate Fees of the District Court	229	229	249
124	Mr. Thompson of Cass	Pertaining to Appointment of Notaries, etc.	232	232	249
125	Mr. Williams	Declaring the Maintenance of Mill Dams, etc.	232	232	249
126	Mr. Selby	Regulating Appeals from District Courts to Supreme Court, etc.	232	232	296
127	Mr. Selby	Providing Standing Annual Appropriations for Salaries of State Officials	232	232	249
128	Mr. Ink	Organizing County Boards of Supervisors, etc.	232	232	250
129	Mr. Strom	Repealing Chapter 144, Session Laws of 1885	233	233	250
130	Mr. Strom	Exempting Roads and Public Highways from Taxation	233	233	250
131	Mr. Ink	Amending Section 1 of an act entitled "An Act Providing Clerk Hire for the Various State Officers," etc.	233	233	296
132	Mr. Court	Relating to Foreclosure of Real Estate Mortgages	233	233	250
133	Mr. Milsted	Regulating Salaries of County Treasurers and Register of Deeds	233	233	250

HOUSE BILLS — *Continued.*

Reported Back.	Considered.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Rec'd from Senate.	Amended.	Unchanged.	Amendments Con- curred in.	Amendments Re- jected.	Conference Commit- tee Appointed.	Conference Commit- tee Reported.	Action on Report.	Enrolled.	To Governor.	Further Action.
204 456		506	506	506				979	979		991					1023	1027	1104
339 342		465		466														
546		635		635				1149										
447		503		503														
544 794		869		870														
1287																		
448 540																		
370																		
314		393		393		396		610	610		668					708	719	
289 484	549	514 714 733		733	514													
548 717		747		747				1154								1192	1263	1263
666		1135	1143	1219				1393										
1170		1261		1262				1393								1415	1423	
449		501			502													
424 494		870		871														
543 771																		
540 795		873		873				1244								1268	1299	1401
836		879		879														
549		613	613	613														
538		632	1095 1100	1101														
286 338		515		515				979	979	990						1023	1027	1104
347																		
449		507			507													
539 794		869		869				1384	1384			1384	1402	1402		1419	1423	
848		973	974	974		975												
546 770																		

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading and Reference.
184	Mr. Milsted	Providing for the Election of Road Supervisors...	293	293	250
185	Mr. Milsted	Relating to the Damages and Liabilities of Personal Injuries.	293	293	250
186	Mr. Lutz	Amending Section 4, Chapter 130, Laws of 1887, of the Political Code, etc.	293	293	250
187	Mr. Moore	Authorizing Counties Lying North, Northwest and West of the Terminus of any Railroad to Vote Bonds to Aid in the Construction of the Same	255	255	296
188	Mr. Milsted	To Provide for Summoning Jurors as Talesmen in the District Court	255	255	296
189	Mr. Ueland	To Provide for the Protection and Regulation of Primary Elections.	293	293	293
140	Mr. Strom	To Repeal Chapter 109 of Session Laws of 1889	293	293	293
141	Mr. Walton	Restraining Certain Male Animals from Running at Large	293	293	293
142	Mr. Rawlings	Authorizing County Commissioners to Purchase an Artesian Well Drilling Outfit	293	294	294
143	Mr. Rawlings	To Repeal Section 75 of Chapter 28 of the General Laws of 1877	294	294	294
144	Mr. Walsh	Locating Agricultural College	294	294	294
145	Mr. Tyler	Defraying Expenses of Hospital for Insane	294	294	294
146	Mr. Tyler	To Amend Section 23 of Session Laws of 1879	295	295	295
147	Mr. Lilly	Prohibiting Employment of Children in Mines or Factories	295	295	295
148	Mr. Lilly	Describing Bond, Oath and Duties of Attorney General	295	295	295
149	Mr. Stevens	Revising Law in Relation to Constables and Justices	295	295	295
150	Mr. Stevens	County and Township Organization	295	354	354
151	Mr. McCormick	Protection of Hotels, Boarding Houses, etc.	295	295	295
152	Mr. Thompson, of Cass	Providing for the Effect of Judgment in Action of Foreclosure of Liens on Real Estate	295	296	296
153	Mr. Thompson, of Cass	Providing for the Foreclosure of Mortgage, etc., upon Real Property	296	296	296
154	Mr. Thompson, of Cass	Amending Section 739 of the Penal Code	296	296	296
155	Mr. Montgomery	Amending Section 2, Chapter 88, Session Laws of 1889	303	303	358
156	Mr. Williams	Free School Text Books	303	303	358
157	Mr. Zimmer	To Define and Limit the Homestead, etc	303	303	358
158	Mr. Hankinson	Requiring Railroad Companies to Build and Maintain Highway Crossings	303	303	358
159	Mr. Hankinson	Relating to the Shipment and Weighing of Grain by Common Carriers	303	303	358
160	Mr. Thomas	Joint Resolution for Submission of a Proposition to Amend the Constitution as to Rules	303	303	358
161	Mr. Thomas	To Amend Section 58 of Article 10, Chapter 1, Justice Code of 1877	304	304	358
162	Mr. Walsh	To Amend Section 1, Chapter 70 of General Laws of 1875	304	304	359
163	Joint Committee to Investigate the Procuring of Seed Grain	To Provide a Lien for Seed Grain Furnished	321	321	329
164	Mr. Milsted	Provide for the Assessment of Railroad Property, etc	332	354	354
165	Mr. Williams	To Prohibit Grain Dealers, etc., from Combining or Entering Into any Contract or Agreement to Pool or Fix the Price to be Paid for Grain, Cattle, etc	332	354	354
166	Mr. Cole	To Simplify and Regulate Legal Proceedings	332	354	354

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading and Reference.
167	Mr. Cole..... (by request)	To Provide for the Covering into the State Treasury all Fees and Profits Arising from any of the State Offices	332	354	354
168	Mr. Lilly	Relating to Garnishment in Justice Court.....	332	351	354
169	Mr. Watt.....	Providing for the Collection of Assets and Payment of Liabilities of Civil Townships Heretofore Illegally Organized.....	332	354	354
170	Mr. Thomson..... (of Walsh)	To Preserve the Waters of Red, Missouri and James Rivers.....	332	355	355
171	Mr. Williams.....	Protecting Mechanics, etc., Furnishing Material for the Construction of Public Buildings, etc ..	332	355	355
172	Mr. Williams	Relating to the Shipment of Live Stock and Grain	332	355	355
173	Mr. Williams	To Secure to Laborers in and About Coal Mines and Manufactories their Payment of Wages at Regular Intervals, etc.....	332	355	355
174	Mr. Ink	Instructing Geo. W. Wetherbee Formerly School Treasurer of Waterloo Township, Roberts County.....	333	355	355
175	Mr. Ink	Providing for the Erection of Public Grain Warehouses, etc.....	333	355	355
176	Mr. Haugerud.....	To Prevent Deception in Dairy Products and to Preserve the Public Health.....	333	355	355
177	Mr. Haugerud.....	Relating to the Manufacture and Sale of Baking Powder, etc	333	356	356
178	Mr. Reed	To set aside and Declare Inoperative the Herd Law	333	356	356
179	Mr. Walsh.....	Joint Resolution for the Appointment of a Joint Committee to Make Final Adjustment of Accounts between North and South Dakota.....	334	334	334
180	Mr. Roney.....	Displaying United States Flag on Public Institutions	356	389	389
181	Mr. Walsh.....	To Give Publicity to Chattel Mortgage Sales.....	356	389	389
182	Mr. Zimmer	Providing for Statements to be Made by the County Treasurer, Auditor or Clerk jointly.....	356	389	389
183	Mr. Hoyt.....	Authorizing the Levy and Collection of Taxes in Cities, etc., which have Failed to Elect Boards of Trustees.....	356	390	390
184	Mr. Hoyt.....	Fixing Maximum Rate for Transportation of Coal Mined in this State	356	390	390
185	Mr. Ueland.....	Preventing Formation of Trusts	356	390	390
186	Mr. Montgomery	To Promote Medical Science	356	390	390
187	Mr. Rawlings.....	To Restrain Officers from Speculating in their Offices	356	390	390
188	Mr. Pinkham.....	Duties of County Commissioners Relative to the Building of Bridges	357	391	390
189	Mr. Belden	Destruction of Gophers, etc.....	357	390	390
190	Mr. Belden	Revising Laws in Relation to Counties.....	357	434	434
191	Mr. Rawlings.....	Declaring Unlawful Trusts and Combinations in Restraint of Trade, etc	378	390	390
192	Mr. Williams.....	Relating to Electors of President and Vice President	391	409	412
193	Mr. Williams.....	Granting Consent to Purchase or Condemnation by the United States.....	391	409	412
194	Mr. Moore.....	Amending Sections 1, 2, 3 and 4, Chapter 135, Session Laws of 1885	391	409	412
195	Mr. Estabrook.....	To Legalize Acts of Certain Officers.....	391	409	412
196	Mr. Stadleman.....	Exclusion of Certain Persons from Trial of Causes of Obscene Nature.....	391	409	412
197	Mr. Stadleman.....	Defining Liabilities of Railroad Companies in Relation to Damages Sustained by their Employes	391	409	412
198	Mr. Lilly	Uniform System of Free Public Schools.....	391	476	476
199	Mr. Buchanan	Encouraging the Propagation of Fish.....	301	434	434

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading and Reference.
200	Mr. Strom	Authorizing Town Board of Supervisors to Let Township Funds Out at Interest.....	391	409	412
201	Mr. Strom	Amending Section 69, Subchapter 2, Chapter 112, Session Laws of 1888	392	409	412
202	Mr. Roney	Authorizing County Commissioners of Steele County to Have Transcribed Records Corrected.	392	409	412
203	Mr. Roney	Requiring County Commissioners to Give Bonds ..	392	409	413
204	Mr. Roney	Repealing Chapter 41, General Laws of 1889.....	392	409	413
205	Mr. Selby	Providing for Payment of Expenses of Constitutional Convention.....	402	410	413
206	Mr. Williams	Duties of Commissioner of Agriculture and Labor, etc.....	402	410	443
207	Mr. Lutz	Appropriation for Hospital for Insane.....	402	410	443
208	Mr. Court	Authorizing School Boards to Purchase United States Flags.....	402	410	479
209	Mr. Walsh	Stationery Supplies for State Officers	410	410	479
210	Mr. Green	Amending Chapter 58, Session Laws of 1887.....	410	410	443
211	Mr. Balkan	Time for Redeeming Property Sold by Virtue of Chattel Mortgage	410	410	443
212	Mr. Lilly	Revising Laws in Relation to Boards of Health...	410	410	478
213	Mr. Walsh	Appropriation for North Dakota University.....	443	443	443
214	Mr. Williams	Providing for the Support of Married Women.....	434	476	476
215	Mr. Williams	Pardon of Convicts in Certain Cases.	434	476	476
216	Mr. Williams	To Exempt Pension Money from Levy and Attachment, etc	434	476	476
217	Mr. Williams	To Facilitate the Collection of Wages.....	434	476	476
218	Mr. Moore	To Punish False Pretenses in Obtaining Certificates of Registration of Cattle, etc	434	477	477
219	Mr. Moore	Recording of Contracts Concerning the Care of Animals.....	434	477	477
220	Mr. Belden	To Revise Law Concerning Voluntary Assignment, etc	459	477	477
221	Mr. Hoyt	To Prohibit Black Listing, etc	459	477	477
222	Mr. McDonald	Punishment of Corrupt Practices, etc., at Elections	459	477	477
223	Mr. Rawlings	Relating to Switch Connections at Crossings of Railroads, etc	459	477	477
224	Mr. Williams	To Protect Children, etc	460	477	477
225	Mr. Milsted	Abolishing Office of Commissioner of Immigration, etc	472	478	498
226	Mr. Thompson, of Cass	Maximum Rate may Charge for Transportation of Coal.....	478	478	498
227	Mr. Wickham	Establishing a Legal Holiday	478	478	498
228	Mr. Walsh	To Amend Section 9, Chapter 40, General Laws 1883	478	478	498
229	Mr. Walsh	Amend Section 33, Chapter 27 of Political Code, Known as Section 1470, Compiled Laws of 1887	478	478	498
230	Mr. Walsh	Care, etc., of Poor	496	559	560
231	Mr. Belden	To Amend Section 2, Chapter 13, Code of Civil Procedure of Dakota Territory	497	560	560
232	Mr. Thompson, of Cass	To Amend Section 48 of the Civil Code, and to Repeal Sections 50 and 53 of Civil Code.....	497	560	560
233	Mr. Selby	To Amend Section 1397 Compiled Laws of 1887 ..	497	560	560
234	Mr. Lilly	Prescribing Oaths of Civil Officers	497	560	560
235	Mr. Lilly	Prescribing Bond, Oath and Duties of State's Attorney	497	561	561
236	Mr. Haugen	Defining Fornication and Prescribing Punishment Therefor	497	560	560
237	Mr. Belden	Payment of Grand and Petit Jurors' Certificates...	497	565	565
238	Mr. Nedrud	Fixing Maximum Rate for Transportation of Coal	497	565	565 619
239	Mr. McDonald	Amending Section 3, Chapter 50, Political Code...	497	565	565

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.	First Reading.	Second Reading and Reference.
240	Mr. McDonald.....	Appropriation for Penitentiary.....	497	560	563
241	Mr. McDonald.....	To Locate, etc., a State Normal School at Valley City.....	557	565	565
242	Mr. Stadleman.....	Licensing Dining Rooms, etc.....	557	565	565
243	Mr. McCullough.....	Prohibiting the Mortgaging of Real and Personal Property in same Instrument, etc.....	557	565	565
244	Mr. Belden.....	Amending and Re-enacting Insurance Laws.....	557	566	566
245	Mr. Cole.....	Amending Section 1814 of Civil Code, being Section 4450 of Compiled Laws of Dakota.....	557	588	588
246	Mr. Cole.....	Establishment of an Industrial School at Ellendale.....	557	588	588
247	Mr. Green.....	Amending Section 1748 of Civil Code.....	557	590	590
248	Mr. Hankinson.....	Preventing Fraudulent Transactions on Part of Commission Merchants, etc.....	557	590	590
249	Mr. Hankinson.....	To Encourage the Manufacture of Potato Starch.....	558	590	590
250	Mr. Williams.....	Providing that Mortgagor of a Stock of Goods, etc., shall file Inventory of Sales and Additions to his Stock every Sixty Days.....	558	590	590
251	Mr. Tandberg.....	Amending Section 2, Chapter 51, Laws of 1887, of the Political Code, being Section 619 of Compiled Laws.....	558	590	590
252	Mr. Walsh.....	Protecting Stock Growers, etc.....	558	590	590
253	Mr. Currier.....	Inspection of Illuminating Oils.....	558	590	590
254	Mr. Zimmer.....	Licensing Express Companies.....	564	590	590
255	Mr. McCullough.....	Amending Section 112 of Justices Code.....	564	590	590
256	Mr. Williams.....	Empowering Cities and Villages to Acquire Real Estate by Gift, etc.....	567	590	590
257	Mr. Olsgard.....	Re-enacting Chapter 34 of Penal Code of Dakota Territory.....	586	611	611
258	Mr. Olsgard.....	To Re-enact and Amend Chapter 35 of Penal Code of Dakota Territory.....	586	611	611
259	Mr. Strom.....	To Amend Section 9 of an Act to Prevent Trespass Upon School Lands.....	587	612	612
260	Mr. Milsted.....	To Amend Section 6 of Chapter 26, Laws of 1889.....	587	612	612
261	Mr. Williams.....	To Provide for a More Economical Management of State University, Insane Asylum and Penitentiary.....	587	612	612
262	Mr. Ink.....	To Encourage the Culture of Sugar Beet and the Manufacture of Sugar from Same.....	587	612	612
263	Mr. Tyler.....	To Amend Sections 171, 172 and 173 of the Probate Code.....	587	612	612
264	Mr. Tyler.....	To Repeal Sections 2 and 3 of Chapter 55 of Laws of 1883.....	587	612	612
265	Mr. Bowen.....	To Regulate Warehouses, Inspection, Weighing and Handling of Grain.....	587	672	693
266	Mr. Norton.....	Amending the Fees of Abstractors and Clerk of District Court.....	587	612	612
267	Mr. Belden.....	Amending an Act to Give Publicity to Mortgage Sales.....	610	620	693
268	Mr. Belden.....	To Protect Newspapers, etc.....	610	620	693
269	Mr. Estabrook.....	Fixing Fees and Regulating the Salaries of Certain County Officers.....	610	691	691
270	Mr. Selby.....	To Amend Section 1, Chapter 82 of General Laws of 1887, Being Section 6153 of Compiled Laws of 1887.....	610	691	691
271	Mr. Walton.....	Fixing Salaries of State Attorneys.....	620	691	691
272	Mr. McCormick.....	Fixing Salaries of County Officers.....	620	691	691
273	Mr. Hankinson.....	To Authorize the Auditor General to Assess by Estimate Specific Taxes Upon Corporations which Neglect or Refuse to Make the Reports Required by Law.....	672	709	710
274	Committee on Railroads	Fixing Maximum Rates that Railroad Companies may Charge for the Transportation of Coal.....	672	710	710

HOUSE BILLS—Continued.

Reported Back.	Considered.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Received from Senate.	Amended.	Unchanged.	Amendments Con- curred in.	Amendments Re- jected.	Conference Commit- tee Appointed.	Conference Commit- tee Reported.	Action on Report.	Enrolled.	To Governor.	Further Action.
722		1294			1295													
601		714	714	715				979								1059	1038	1139
851																		
584		1180	1180	1180														
724		1112	1112	1112														
814																		
889																		
1078					1078													
960		1123		1124		1124												
740		970	971	971				1393								1415	1423	
888																		
1170		1221	1221	1222														
790		820		820				1155								1192	1209	1263
			876															
			986															
760		876	1123		1123													
831																		
726		875		876		876		1141	1141		1214					1268	1286	1401
831																		
725		825	825	826				1393										
796																		
723		745		745				1244								1269	1269	1401
835		1247	1247	1247														
1169		1262			1262													
726		826		826				1110	1110		1111					1127	1128	1188
796				818														
779		818	819	819		819		1193								1274	1274	
835		878		878				1193								1274	1274	1316
905		1105	1105	1105														
927		1193	1193	1195				1438									1439	
946		1116	1116	1116														
722																		
1181																		
946					946													
728		746		746				1195	1195		1250					1268		
837		1212	1212	1213														
731		736		736		736		942								962	996	996

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.		
			Introduction.	First Reading.	Second Reading and Reference.
275	Mr. Roney	To Provide for the Transcribing and Delivery of all Papers and Records Pertaining in any Manner to Any Actions	672	710	710
276	Mr. Wickham	"Payment of Rewards"	690	800	800
277	Mr. Moore	Empowering Organized Counties to Issue and Dispose of Bonds	703	729	733
278	Mr. Reed	Encourage the Erection of Dams for the Purpose of Irrigation	703	731	732
279	Mr. Zimmer	Amending Articles 4, 9 and 16 of Chapter 73 of General Laws of 1887	703	731	732
280	(By request) Mr. Walsh	Providing for the Assessment and Taxation of Itinerant, Transient and Bankrupt Stock Merchants, etc.	704	731	732
281	Mr. Pinkham	Providing for the Printing and Distribution of House Bill No. 14 to County Auditors	704	731	732
282	Mr. Montgomery	Punishment for any Person Who Points or Aims Firearms at Another	729	744	746
283	Mr. Hoyt	Location, etc., of a State Reform School	744	799	800
284	Mr. Cole	A Joint Resolution for the Submission of a Proposition to Amend the Constitution	765	800	800
285	Com. of Education.....	Providing for a Uniform System of Free Text Books	793	801	801
286	Mr. Estabrook.....	Amending Section 6818 and Repealing Section 6819 Compiled Laws of 1887	793	801	801
287	Mr. Strom	Amending Sections 2 and 3, Chapter 1 of Justice's Code	793	801	801
288	Mr. Belden	Regulating the Salary of County Judge	799	818	818
289	Committee on Counties	Organization of Counties	799	.....	.....
290	Mr. Ink	Appropriation for Payment of Stationery for Legislative Assembly	817	817	817
291	Mr. Haugen	Providing for the Changing and Relocating of County Seats	817	839	839
292	Mr. Selby.....	Subdividing the Third Judicial District, etc.	817	839	839
293	Mr. Wickham	Regulating the Writing of Insurance, etc.	818	839	839
294	Mr. Stevens	Repealing Section 3, Chapter 7, Laws of 1887	839	839	863
295	Mr. Thomas	Appropriation to Pay for Publication of Constitution	839	839	863
296	Mr. Thompson, of Cass	Defining the Duties, etc., of the Board of University and School Lands, etc.	852	863	863
297	Mr. Williams	Protection of the Earnings of Laborers, etc.	852	863	863
298	Mr. Allen	To Regulate the Payment of Fees to Witnesses	852	863	863
299	Mr. McCormick.....	Requiring Railroads to Fence their Line of Road, etc.	852	863	863
300	Mr. Moore.....	Providing for Elections in Unorganized Counties for State, Legislative and Judicial Purposes	853	863	863
301	Mr. Reed	Authorizing Incorporation of Detective Associations	853	863	863
302	Mr. Johnson	Preventing the Spread of Contagious Diseases among Domestic Animals	853	863	863
303	Mr. Cole.....	Amending Articles of Incorporation of Building and Loan Associations	862	863	863
304	Mr. Williams.....	Allowing Convicts a Credit in Diminution of their Sentence, etc.	862	865	865
305	Mr. Stevens.....	Establishing, etc., a Soldiers' Home	862	865	865
306	Mr. Currier.....	Authorizing Counties to Issue Bonds to Procure Seed Grain	866	868	868
307	Mr. Moore.....	Making it a Misdemeanor for any Person to Ask or Request for Himself or Another to be Placed upon any Jury, etc.	867	911	911
308	Mr. Williams.....	Prohibiting Gambling in Grain, etc.	868	911	911
309	Mr. Cole.....	Amending an Act to Provide for Liens upon Crops, etc.	907	907	907

HOUSE BILLS—Continued.

Reported Back.	Considered.	Third Reading.	Amended.	Passed.	Lost.	Reconsidered.	Other Action.	Rec'd from Senate.	Amended.	Unchanged.	Amendments Con- curred in.	Amendments Re- jected.	Conference Commit- tee Appointed.	Conference Commit- tee Reported.	Action on Report.	Enrolled.	To Governor.	Further Action.
813 890		975		976		976		1244			1390					1402	1424	
835		1216	1216	1216														
762 831		884	884	884														
805		872		872				1393								1415	1423	
783		802	802	802				1155	1155		1159					1192	1208	1263
926		1233	1234	1234				1411								1426	1430	
760		933			933													
802 834		969	969	969		970												
901		977		978		978		1140								1192	1209	1316
927																		
		1282	1283	1284		1284												
835		1186	1186	1186														
1168		1265	1265	1265														
837		868		868				1025								1059	1033	
847		897	897	897		985		982	982		984					1023	1027	
1099		1124	1124	1125		1125		1245										
901		1107	1108	1108				1411								1426	1429	
		969			969													
901		975		975				1245										
904		976		976		977		1424								1438	1438	
1078		1211			1212													
926		1094		1094				1392								1416	1424	
894		895		895				1393										
		1257		1257				1384								1433	1434	
		1117	1117	1120														
993		1117	1118	1119														
			996			1000												
930		996	997	1000	999	1001		1369	1369							1394	1424	
		998																
926		1107		1107				1244										
904		981		981														
877		934	934	935				1141								1192	1209	1263
875		896	909	896	909			1044								1059	1033	
						920												
918		919	918	919		1151		1086	1086		1091	1151	1151			1127	1275	1400

HOUSE BILLS—Continued.

Number.	Introduced by	TITLE.	Introduction.		
			Introduction.	First Reading.	Second Reading and Reference.
310	Mr. Thomas	Regulating the Disposal of Mortgaged Property Belonging to the Estates of Deceased Persons	907	936	937
311	Mr. Bowen	Defining what Newspapers are Entitled to Publish Legal Notices and do Public Printing	912	637	937
312	Mr. McDonald	Authorizing Cities to Surrender Charters	934	1007	1007
313	Mr. McDonald	Restricting the Limits of Incorporated Cities	934	1007	1007
314	Mr. Walsh	Relating to Building and Loan Associations	934	1007	1007
315	Mr. Lutz	Amending Section 345, Chapter 13, Code of Civil Procedure	934	1007	1007
316	Mr. Lutz	Extending Time of Redemption of Foreclosure Mortgages	934	1007	1007
317	Mr. Ueland	Exempting Pharmacists from Jury Duty	934	1008	1008
318	Mr. Strom	Authorizing Commissioners to Transfer Funds from Bridge to General Fund	937	980	980
319	Mr. Williams	Protecting Employes and Laborers	947	1008	1008
320	Judiciary Committee	Admission of Attorneys to Practice	947	1008	1008
321	Mr. Tyler	Fixing Fiscal Year	947	1008	1008
322	Mr. Lilly	Levy of State Taxes	947	1008	1008
323	Mr. Lilly	Protecting Public Credit	947	1008	1008
324	Mr. Ink	North Dakota School of Science	947	980	980
325	Mr. Strom	Amending Section 1, Chapter 48, Laws of 1889	980	1009	1009
326	Mr. Thompson of Cass	Relating to Abstracts of Real Estate	980	1009	1009
327	Mr. Rawlings	Prohibits Mortgaging, Exempt Personal Property	981	1109	1109
328	Mr. Buchanan	Changing Limits of Cities and Towns	985	1009	1009
329	Mr. Williams	Regulating Savings Banks	987	1092	1092
330	Mr. McCullough	Declaring Certain Persons of Legal Age	1007	1092	1092
331	Mr. Strom	Prohibiting Gaming at Fairs	1007	1092	1092
332	Mr. Thompson, of Cass	Relating to Terms and Phrases in Constitution	1007	1093	1093
333	Mr. Roney	Fixing Maximum Rates for Coal	1008	1008	1008
334	Mr. Buchanan	Protecting Farm Laborers	1026	1093	1093
335	Mr. McIntyre	To Encourage Making Binding Twine	1051	1093	1093
336	Mr. Estabrook	Relating to Appointments	1054	1093	1093
337	Mr. Cole	To Amend Section 2, Article 15, Chapter 70, Laws of 1887	1074	1093	1131
338	Mr. Cole	To Amend Section 15, Article 15, Laws of 1887	1074	1093	1131
339	Mr. Rawlings	Conduct of Elections	1081	1093	1131
340	Mr. Walsh	To Repeal Sections 1 and 2, Chapter 7, Political Code	1081	1093	1131
341	Mr. Willaims	Fixing Salaries of State Officers	1126	1132	1132
342	Mr. Green	Relating to Journal of House	1126	1132	1132
343	Mr. Ueland	Fixing Salary of Commissioner of Immigration	1132	1132	1132
344	Mr. Belden	Granting Certain Powers	1127	1127	1127
345	Mr. Hankinson	Lieutenant Governor as Adjutant General	1128	1128	1128
346	Mr. Walsh	Boundaries of First Judicial District	1142	1164	1164
347	Mr. Reed	Taxation in Unorganized Counties	1161	1161	1161
348	Mr. Estabrook	Inspectors of Steam Boilers	1217	1254	1254
349	Mr. Lutz	Appropriation for Jas. M. Gleason	1217	1254	1254
350	Mr. Beard	Improvements on School Lands	1254	1254	1254
351	Mr. Walsh	Relating to Public Examiners	1254	1254	1254
352	Mr. Walsh	Boundary Line Commission	1253	1253	1253
353	Mr. Walsh	Marshals for Supreme Court	1253	1253	1253
354	Mr. Thompson, of Cass	Correction of Compiled Laws	1253	1253	1253
355	Mr. Olsgard	Amending Seed Grain Law	1253	1253	1253
356	Mr. Hoyt	State Reform School	1272	1272	1272
357	Mr. Ink	North Dakota Academy of Science	1272	1272	1272
358	Mr. Ueland	Election of School Officers	1324	1324	1324

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1079		1204	1204	1204				1293								1406	1424	
1143		1330	1330		1330													
1169		1256		1256				1425										
1098																		
1098		1267		1267				1421								1426	1429	
1098		1230		1230														
1080		1204	1204	1204	1204			1421								1426	1430	
1079		1205	1205	1205	1206													
1099		1224		1224				1356										
1098		1230	1230	1230														
		1019		1019	1217			1319								1355	1355	1402
993		994	994	994				1155								1275	1275	
1079		1232		1232														
1099		1266	1266	1266														
1169		1260			1260													
1183		1235	1235	1235														
1100					1217													
1100		1185		1185														
		1046		1046		1046		1420										
1169		1294		1294														
1168		1223		1233				1334										
1098		1227		1227														
		1311		1311		1312		1425										
1183					1329													
1287																		
1181		1228		1228				1425								1433	1434	
1221			1320	1322		1322												
					1293													
		1161	1161	1161		1162		1394	1394		1395					1415	1423	
1185		1275	1275	1280				1347								1364	1383	
1329																		
1183		1225	1225	1225				1410								1426	1430	
		1253		1258				1347	1347		1349					1364	1383	
1288					1293													
1323					1328													
1276		1293		1293														
1276		1296	1296	1296		1295												
1276					1293													
1288		1289	1289	1289				1393	1404		1405					1417	1424	
1284		1288	1289	1288				1411								1419	1429	
1284		1289																
		1290	1290	1290		1290		1411								1419	1429	
1285		1285		1285		1287												
1285		1286	1286	1286		1287		1393								1415	1423	

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5	Australian Secret Ballot.....	854	855	855
6	Authorizing Railroad Companies to Guarantee Bonds..	173	183	183
7	Amending Veterinarian Law.....	335	357	357
8	Interchanging of District Judges.....	121	126	136
9	Amending Act Organizing Civil Townships.....	153 325	168	183
11	Authorizing Railroads to Guarantee Irrigation Bonds..	192 938	195 938	229 938
12	Fixing Terms of Supreme Court.....	113	127	136
13	Licensing Physicians.....	113	127	127
14	Regulating Grist Mills.....	1044	1129	1129
15	Settlement of Constitutional Questions.....	121	127	136
17	Conveyances of State Property.....	134	136	154
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23	Great Seal.....	134	136	155
24	Agricultural College.....	141	145	155
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31	Deaf Asylum.....	153	169	169
33	University.....	154	168	183
34	Fire Warden.....	185	195	229
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37	Live Stock.....	388	393	393
38	Memorial to Congress.....	141	154	170
39	Walsh and Ramsey Counties.....	160	168	184
41	Regulating Railroads.....	716	728	728
43	Transferring Freight.....	237	255	395
44	County Commissioners.....	307	357	357
45	Salaries State Officers.....	217 631	229 734	234 734
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49	Protection Public Credit.....	160	169	169
51	Appropriation for Printing.....	160	168	184
52	State Commission.....	388	392	392
53	Reporter of the Supreme Court.....	253	255	304
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56	Sixth Judicial District.....	291	304	304
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	1157						
	183 913		913	914			
299	572 587	529 530	529	529			
399	664		234	234			
193	291 879			758			
305 388 485	966		914 965	914 965			
299 960	205 213 214		213	213		216	223
203	213 245		215	215			
159 178	1377	1378	1378		1379		
427 830	486 832						
253		305	305	305			
192 258	258 354						
193 457 945	916 1255				1255		
	373		234	234			
194 206	194 196 206						
	208 214 227						
	171 202	170	170	170			
	194						
205 219	199 205 211	206 221		221			
	221 226						
	572 587	534	533	534			
399 485	220 222 246		246	246 1421			
218 245	253 1306 1420						
	605		255	256			
224	532 607	532	532	532		573	607
251 330							
	802		750	750			
				256			
240 494 551	651	1050	1049	1049		1149	1149 1309
849 948	763 822 949	949 958	956	958		1101	1298
	959						
	566 655 664		524	524		589	593
423 455							
387 389	321 333 802		306	306			
389 305	523 572 588	481 524	481 524				
349 387	169 176 184		177	184			
175	245						
	189 202		189	189			
425 471 493	551 589 675	552	551	552			
	800						
	578	534	534	535		1397	1397
340 486							
327 546 573	342 578 648	578	578	578			
	1080		1080	1080			
			1053	1053			
	1106		1048	1048			
594 766	1336 1432	1337	1336		1338		
374 946	621 648 702	607	607	608		723 749	743
	752						
	767						
617 767							
			752	752			
549 823	754 764		753		756		
	571		531	531			
		1332	1331	1332			
			917	917			
617 767	1136		1137	1137			
815							
889							
539							

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86	Amending Chapter 15, Laws of 1887	427	481	481
88	Amending Chapter 16, Laws of 1887	609	735	735
90	Repeal Chapter 32, Laws of 1887	453	480	480
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97	Amendment of Constitution	696	735	735
99	Suffrage to Women	496	592	592
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105	Fees of Corporations	609	734	734
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123	Pharmacy and Poisons	649	748	749
125	Civil Township Liabilities	458	592	592
126	Fees, Register of Deeds	428	480	480
127	Amending Section 4, Chapter 139, Laws of 1887	614	735	735
129	Township Irrigation Tax	428	480	480
130	State Printing	475	481	481
132	Expenses Commissioner of Agriculture	556	593	593
133	Legislative Employes	464	464	464
135	Independent School District	649 1143	840	840
137	Husband and Wife	496	592	592
140	Agricultural College	458	460	460
141	Appropriates Unexpended Balances	649	735	735
142	Inspection of Oils	792	840	840
143	Uniform System of Public Schools	824	845	865
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145	Appropriation for Insane Asylum	854	864	864
146	Publication of Session Laws	1148	1166	1166
148	Duties of Public Examiner	496	592	592
150	Forbidding Preferences	749	842	842
151	Lien for Repairing Engines	528	592	592
152	Piano Tuners' Commission	1025	1129
153	Treasurers to Deposit Funds	526	592	592
154	Construction of Artesian Wells	824	842	842
155	Appropriation for Penitentiary	874	887	887
156	Licensing Sleeping Cars	614 649	734 840	734 840
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165	Transcripts of Judgments	651	735	735
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601 830	527 610 832 924 1133		924	924	490 1422		
544							
426 493	801 550 879	751	757 751	757 751			
1850			1852	1352			
1882		1399	1399	1399			
543	801		757	757			
543	801		753	753 908			
1168		1315	1314	1315			
1183							
1276			1360	1360			
617 1020	916		1022		1022		
547 574		747	747	748			
829			913	913			
665		844	844	844			
798	880		843	843			
	527 598						
563 627	627 731	527 599	599 628	628			
428		1052	1052	1052			
1160 1170			1396		1397		
1218							
728 770			937				
812		937		988			
838 891							
1098	1076 1278		1278	1278			
723 892	967		966	966			
		1358	1358	1358			
	551 631 648	752	552	552			
702 787		787	787	787			
723		1355	1355	1355			
597 693	598 779 880		695	695		729 764	1047
1102 1303	1103	1386	1386	1387			
1169							
741 762 960	1084	1085 1087	1088	1088			
799			1051	1051			
862 1045	867 1051		1050	1050			
902	845 904 1010		1045	1045		1151	1179
	1018 1046						
	605 648	605	606	606			
944	1303	1302	1302	1302			
			1398		1399		
727 1078		1359	1359	1359			
1160							
618	913		915	915	913 1129		
727							
848 892	893 906						
1054							
	1295		1295	1295			
847 892	734 1339	1327	1327	1327	840		
1182							
1379					1380		
847	1006	939	939	940			
1160			1348	1348			
1077		1398	1398	1398			
946	965	1003	1002	1003			
	642 666 701						
944 1171	949 1339	1304	1304	1305			

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173	Uniform System of Accounting.....	1195	1276	1276
174	Election of County Officers	874	887	887
175	Amending Chapter 109, Laws of 1889.....	912	1276	1276
176	Amending Section 340 of Probate Code.....	912	1128	1128
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180	Amend Section 1, Chapter 43, Laws of 1889.....	933	1128	1128
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183	Suspending Militia Laws	933	1129	1129
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193	Appropriation for Newspapers.....	953	1135	1135
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195	Agent for Non-Resident Newspapers.....	1141	1164	1164
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200	Disorganization Civil Townships.....	1102	1135	1135
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203	Amending Article 15, Sections 1 and 15, Laws of 1887.....	1148	1166	1166
204	Amending Section 4, Chapter 60, Laws of 1881.....	1148	1166	1166
205	Inquests in Unorganized Counties.....	954	1135	1135
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Reported Back.	Miscellaneous.	Amended.	Third Reading.	Passed.	Lost.	Conference.	Action.
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1182			1314	1314			
902	965 1004		1004	1005			
			1342	1342			
944							
1181			1432	1432			
781	802		781	781			
1169	1430		1430		1373		
1171		1340	1340	1340	1430		
1184	1367		1361	1369	1361		
1184							
		1325	1325	1326		1350	1375
1431	1396 1419 1420 1425 1427		1425	1428			
1184			1407 1346	1407 1346			
			1403		1403		
1170			1333	1333			
1351							
1171			1333	1333			
1170			1277	1277			
1182							
1171			1341	1341			
1183	1408	1405	1360		1360		
1183			1405	1405	1408		
1284							
1182							
1182			1414	1415			
1182			1344		1344		
			1417	1418			
1182	1225		1226	1226			
1226			1226	1226			
	1384		1334	1334			
	1367 1382 1383 1395		1382				
	1344	1343	1414 1343	1414 1343			
	1373 1380		1380	1380			
			1339	1339			
	1391	1390	1390	1390		1412	1412
	1260 1313		1406	1406			
					1326 1374		
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