

STATE OF NORTH DAKOTA.

JOURNAL OF THE SENATE

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

SENATE OF NORTH DAKOTA

FOR THE

FIRST LEGISLATIVE SESSION, 1889-90

MEMBERS.

<i>Name.</i>	<i>District.</i>	<i>County.</i>	<i>Postoffice.</i>
Allin, Roger, <i>r</i>	Third.....	Walsh.....	Park River
Appleton, Albert F., <i>d</i>	Second.....	Pembina.....	Crystal
Barlow, Frederick G., <i>r</i>	Twenty-second.....	Foster.....	Barlow
Belyea, Edmund H., <i>r</i>	Twenty-ninth.....	Ward.....	Minot
Bell, James H., <i>d</i>	Fourth.....	Walsh.....	Minto
Cowan, Richard D., <i>d</i>	Nineteenth.....	Rolette.....	Rolla
Diesem, Harry S., <i>r</i>	Twenty-fourth.....	LaMoure.....	LaMoure
Dodds, David S., <i>r</i>	Seventeenth.....	Nelson.....	Lakota
Fisher, Samuel A., <i>r</i>	Fifteenth.....	Barnes.....	Valley City
Fuller, Bailey W., <i>r</i>	Twenty-third.....	Stutsman.....	Jamestown
Haggart, John E., <i>r</i>	Ninth.....	Cass.....	Fargo
Harmon, Geo. W., <i>r</i>	Thirtieth.....	Morton.....	Mandan
Hartman, Henry R., <i>d</i>	Eleventh.....	Cass.....	Page
Helgeson, Andrew, <i>r</i>	Thirteenth.....	Sargent.....	Milnor
LaMoure, Judson, <i>r</i>	First.....	Pembina.....	Pembina
Lawrence, Nelson C., <i>r</i>	Thirty-first.....	Stark.....	Dickinson
Little, Clarence B., <i>r</i>	Twenty-seventh.....	Burleigh.....	Bismarck
McBride, John, <i>d</i>	Eighteenth.....	Cavalier.....	Langdon
McCormack, Michael L., <i>d</i>	Sixth.....	Grand Forks.....	Grand Forks
Randall, Marcellus E., <i>d</i>	Twenty-fifth.....	Dickey.....	Ellendale
Robinson, William H., <i>r</i>	Eighth.....	Traill.....	Mayville
Rowe, Hezekiah J., <i>r</i>	Tenth.....	Cass.....	Casselton
Sandager, Andrew, <i>r</i>	Fourteenth.....	Ransom.....	Lisbon
Smith, James O., <i>r</i>	Sixteenth.....	Griggs.....	Hatton
Slotten, Andrew, <i>r</i>	Twelfth.....	Richland.....	Wahpeton
Stevens, Jerry E., <i>r</i>	Fifth.....	Grand Forks.....	Northwood
Svensrud, Anton, <i>r</i>	Twenty-eighth.....	Bottineau.....	Bottineau
Swanson, William E., <i>r</i>	Twenty-first.....	Ramsey.....	Grand Harbor
Winship, George B., <i>r</i>	Seventh.....	Grand Forks.....	Grand Forks
Worst, John H., <i>r</i>	Twenty-sixth.....	Emmons.....	Williamsport
Yager, Edward L., <i>r</i>	Twentieth.....	Benson.....	Minnewaukan

OFFICERS.

President—Lieutenant Governor—ALFRED DICKEY, Jamestown, Stutsman County.

President pro tem.—DAVID S. DODDS.

Secretary—C. C. BOWSFIELD, Dickey County.

Assistant Secretary—P. J. McCLORY, Ramsey County.

Sergeant-at-Arms—A. E. WOOD, Cass County.

Assistant Sergeant-at-Arms—S. H. BAILEY, Walsh County.

Enrolling Clerk—W. F. OKEY, Ransom County.

Assistant Enrolling Clerk—JAMES CUDHIE, Stutsman County.

Engrossing Clerk—C. I. HUTCHINSON, LaMoure, County.

Messenger—W. H. TOPPING, Grand Forks County.

Postmaster—G. H. ESTABROOK, Foster County.

Bill Clerk—JAMES M. ROWE, Cass County.

Doorkeeper—E. D. COLEMAN, Ward County.

Chaplain—REV. J. C. PERRAULT, Morton County.

Official Stenographer—FRANK W. BRIDGES, Traill County.

Watchman—E. L. CALKINS.

Journal of the Senate.

FIRST SESSION.

FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 19, 1889.

At the hour of 2:15 o'clock p. m., on Tuesday the 19th day of November, 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 Senate for the first session of the Legislative Assembly of North Dakota assembled in the Senate Chamber of the Capitol at Bismarck, and were called to order by Robert E. Wallace, Chief Clerk of the 18th Session of the Council of the Territory of Dakota.

After prayer by the Rev. J. C. Perrault the roll was called and the following gentlemen responded to their names:

From the—

First District—Judson LaMoure.

Second District—Albert F. Appleton.

Third District—Roger Allin.

Fourth District—James Bell.

Fifth District—Jerry E. Stevens.

Sixth District—Michael L. McCormack.

Seventh District—George B. Winship.

Eighth District—William H. Robinson.

Ninth District—John E. Haggart.

Tenth District—Hezekiah J. Rowe.

Eleventh District—Henry R. Hartman.
 Twelfth District—Andrew Slotten.
 Thirteenth District—Andrew Helgeson.
 Fourteenth District—Andrew Sandager.
 Fifteenth District—Samuel A. Fisher.
 Sixteenth District—James O. Smith.
 Seventeenth District—David S. Dodds.
 Eighteenth District—John McBride.
 Nineteenth District—Richard D. Cowan.
 Twentieth District—Edward L. Yager.
 Twenty-first District—William E. Swanston.
 Twenty-second District—Frederick G. Barlow.
 Twenty-third District—Bailey W. Fuller.
 Twenty-fourth District—Harry S. Diesem.
 Twenty-fifth District—Marcellus E. Randall.
 Twenty-sixth District—John H. Worst.
 Twenty-seventh District—Clarence B. Little.
 Twenty-eighth District—Anton Svensrud.
 Twenty-ninth District—Edmund H. Belyea.
 Thirtieth District—George W. Harmon.
 Thirty-first District—Nelson C. Lawrence.

Lieutenant Governor Dickey then took the Chair and the oath of office was administered to the senators-elect by the Hon. W. H. Winchester, Judge of the Sixth Judicial District.

Mr. Dodds moved,

That the rules of the last Legislative Council as found in Long's Legislative Hand Book for 1889, be adopted, so far as consistent, for the regulation of the Senate until the report of the Committee on Rules be received,

Which motion prevailed.

Mr. Rowe moved,

That the Senate now proceed to the election of officers,
 Which motion prevailed.

Mr. LaMoure nominated Mr. C. C. Bowsfield of Dickey County, for Secretary of the Senate.

There being no further nominations the roll was called.

Those voting for Mr. Bowsfield were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Rob-

inson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

Mr. Bowsfield having received a majority of all the votes cast was declared duly elected Secretary of the Senate.

The oath of office was then administered to Mr. Bowsfield by Hon. W. H. Winchester, Judge of the Sixth District.

Mr. Swanston nominated P. J. McClory of Ramsey county, for Assistant Secretary.

There being no other nominations the roll was called.

Those who voted for McClory were:

Messrs. Allin, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst Yager.

Messrs. Appleton, Fisher and McBride voting in the negative.

Mr. McClory having received the majority of all the votes cast was declared duly elected Assistant Secretary of the Senate.

Mr. Haggart nominated A. E. Woods of Cass county, for Sergeant-at-Arms.

There being no further nominations the roll was called.

Those voting for Mr. Woods were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

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

Mr. Allen nominated S. H. Bailey of Walsh for Assistant Sergeant-at-Arms.

There being no other nominations, the roll was called.

Those voting for Mr. Bailey were:

Messrs. Allen, Barlow, Belyea, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McCormack, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

Messrs. Appleton, Bell, Crowan, McBride and Randall voting in the negative.

Mr. Bailey having received the majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms.

Mr. Sandager nominated W. F. Oakey of Ransom county, for Enrolling Clerk,

There being no other nominations the roll was called.

Those voting for Mr. Oakey were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Helgeson, LaMoure,

Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

Mr. Hartman voting in the negative.

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

Mr. Diesem nominated C. J. Hutchinson of LaMoire county, for Engrossing Clerk.

There being no further nominations the roll was called.

Those voting for Mr. Hutchinson were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoire, Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

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

Mr. Winship nominated W. H. Topping of Grand Forks, for Messenger.

There being no other nominations the roll was called.

Those voting for Mr. Topping were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoire, Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

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

Mr. Smith nominated Frank Bridge of Traill county, for Official Stenographer.

There being no further nominations the roll was called.

Those voting for Mr. Bridge were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Helgeson, LaMoire, Lawrence, Little, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship.

Messrs. McBride, McCormack, Randall, Worst and Yager voting in the negative.

Mr. Bridge having received a majority of all the votes cast was declared duly elected Official Stenographer.

Mr. Barlow nominated G. H. Estabrook of Foster county, for Postmaster.

There being no other nominations the roll was called.

Those voting for Mr. Estabrook were:

Messrs. Allen, Appleton, Barlow, Belyea, Bell, Diesem, Dodds,

Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, Rowe Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

Messrs. Cowan, McBride, McCormack, Randall, Robinson voting in the negative.

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

Mr. Dodds nominated Jas. M. Rowe of Cass county, for Bill Clerk.

There being no other nominations the roll was called.

Those voting for Mr. Rowe were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

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

Mr. Belyea nominated E. S. Coleman of Ward, for Doorkeeper.

There being no other nominations, the roll was called.

Those voting for Mr. Coleman were:

Messrs. Allin, Barlow, Belyea, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, Robinson, Rowe, Sandager, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

Messrs. Appleton, Bell, Cowan, McBride, McCormack, Randall, Smith, voting in the negative.

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

Mr. Yager moved

That the election of the Clerk of the Committee on Judiciary be postponed,

Which motion prevailed.

Mr. Harmon nominated Rev. J. G. Perrault of Morton County, for Chaplain.

There being no other nominations the roll was called.

Those voting for Rev. Perrault were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swanston, Winship, Worst, Yager.

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

Mr. Barlow moved

That a committee of six be appointed on rules,

Which motion prevailed, and the President appointed Messrs. Barlow, Winship, LaMoure, Dodds, Smith and McCormack as such committee.

Mr. Allin moved

That a committee of three be appointed to wait upon his Excellency, the Governor, and the House of Representatives, and inform them that the Senate was now fully organized and ready for business,

Which motion prevailed, and

The President appointed

Messrs. Allin, Rowe and McCormack as such committee.

The officers elect then presented themselves and the oath of office was duly administered by the Hon. W. H. Winchester, Judge of the Sixth Judicial District.

Mr. Dodds asked unanimous consent to introduce a Joint Resolution, and moved the rules be suspended and it be given its first, second and third readings and put on its final passage,

Which motion prevailed.

Mr. Swanston moved

That it be read the third time by its title only,

Which motion prevailed.

Mr. Dodds introduced—

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 was read the first, second and third times, and

The question being shall the bill pass

The roll being called there were yeas 29, nays none.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Haggart,
Harmon,

Messrs—

Hartman,
Helgeson,
LaMoure,
Lawrence,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yeager.

Absent and not voting:

Messrs—

Allin,

Messrs—

Fuller,

Messrs—

Little.

So the bill passed, and

The question being as to its title and being put

Its title was agreed to.

Mr. Dodds moved

That the vote by which the Joint Resolution was passed, be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

The President appointed John Rea, Jr., and Arthur E. Lim, pages.

Mr. LaMoure moved

That the Senate now proceed to draw seats,

Which motion prevailed.

Mr. Swanston moved

That the vote by which the resolution was passed be reconsidered.

Mr. LaMoure moved to lay the motion on the table.

Roll call demanded.

The roll being called there were ayes 10, nays 21.

Those who voted in the affirmative were:

Messrs—

Haggart,
Hartman,
LaMoure,
Lawrence,

Messrs—

McBride,
McCormack,
Randall,

Messrs—

Robinson,
Smith,
Svensrud.

Those who voted in the negative were:

Messrs—

Allen,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,

Messrs—

Dodds,
Fisher,
Fuller,
Harmon,
Helgeson,
Little,
Rowe,

Messrs—

Sandager,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

So the motion to lay the resolution on the table was lost and

The question being on the motion to reconsider

The motion prevailed.

The question being upon the motion of Mr. LaMoure

The motion was lost.

Mr. Allin moved

That the Senators retain the seats they now occupy.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November, 19, 1889. }

MR. PRESIDENT:

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

Speaker—David B. Wellman.
 Chief Clerk—J. G. Hamilton.
 Assistant Clerk—E. H. Sanford.
 Bill Clerk—Wm. D. McClintock.
 Enrolling and Engrossing Clerk—W. G. Hayden.
 Assistant Enrolling and Engrossing Clerk—W. A. Kelly.
 Clerk to Committee on Judiciary—W. H. Bratton.
 Sergeant-at-Arms—Fred Snore.
 Assistant Sergeant-at-Arms—Robert Thacker.
 Doorkeeper—James Thompson.
 Messenger—Stuart Walsh.
 Postmaster—James Stockwell.
 Chaplain—Rev. J. M. Anderson.
 Watchman—W. L. Harper.

J. G. HAMILTON,
 Chief Clerk.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your Committee appointed to wait on his Excellency, the Governor, beg to report that his Excellency will meet the Senate and House in Joint Session on Wednesday, Nov. 20, at 2:30 o'clock.

ROGER ALLIN,
 M. L. McCORMACK,
 H. J. ROWE.

Mr. Swanston moved
 That the Senate do now adjourn,
 Which motion prevailed, and
 The President announced that the Senate stood adjourned.

C. C. BOWSFIELD,
 Secretary.

SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 20, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.,
The Lieutenant Governor presiding.

Prayer by the Chaplain.

The roll was called.

All Senators present.

The Journal of the preceding session was read by the Secretary.

Mr. Allin moved

That the reading of the names of Senators who voted for officers be dispensed with,

Which motion prevailed.

The Journal was approved as read.

Mr. Winship nominated Mr. Dodds as President *pro tempore* of the Senate.

There being no other nominations, the roll being called, there were 29 votes cast, of which Mr. Dodds received 29.

Those who voted for Mr. Dodds were:

Messrs. Allin, Appleton, Barlow, Belyea, Bell, Cowan, Diesem, Fisher, Fuller, Haggart, Harmon, Hartman, Helgeson, LaMoure, Lawrence, Little, McBride, McCormack, Randall, Robinson, Rowe, Sandager, Smith, Slotten, Svensrud, Swanston, Winship, Worst, Yager.

Absent and not voting:

Messrs. Dodds and Stevens.

Mr. Dodds having received a majority of all the votes cast, was declared duly elected President *pro tem*.

The President appointed John Little of Burleigh, as Janitor.

Mr. LaMoure moved

That the Senate proceed to elect two United States Senators.

Mr. Swanston moved as an amendment that the Senate proceed to ballot for one Senator at a time.

Mr. LaMoure accepted the amendment, and
The motion as amended prevailed.

Mr. Rowe nominated Gilbert A. Pierce of Burleigh, for United States Senator.

Mr. Appleton nominated M. L. McCormack of Grand Forks, for United States Senator.

The roll being called there were 30 votes cast, of which Gilbert A. Pierce receive 24 votes, and Mr. McCormack 6.

Those who voted for Mr. Pierce were:

Messrs. Allin, Barlow, Belyea, Diesem, Dodds, Fisher, Fuller, Haggart, Harmon, Helgeson, LaMoure, Lawrence, Little, Robinson, Rowe, Sandager, Smith, Slotten, Stevens, Svensrud, Swans-
ton, Winship, Worst, Yager.

Those who voted for Mr. McCormack were:

Messrs. Appleton, Bell, Cowan, Hartman, McBride, Randall.
Absent and not voting:

Mr. McCormack.

Gilbert A. Pierce having received a majority of all the votes cast was duly declared the choice of the Senate of the State of North Dakota for United States Senator.

Mr. Allin moved

To take a recess for five minutes, or until the Senate hear from the House,

Which motion prevailed.

A committee from the House notified the Senate that the House was ready to hold a Joint Session to hear the Governor's Mes-
sage.

The Senate reassembled after the reading of the Governor's Message.

Mr. Dodds introduced the following resolution:

WHEREAS, Hon. Gilbert A. Pierce, the unanimous choice of the Republican Senators of the Legislative Assembly of the State of North Dakota, has been chosen by vote of the Senate as one of the United States Senators to represent said State in the Congress of the United States; be it

Resolved, By the Senate of the State of North Dakota, 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.

Mr. Little moved

The adoption of the resolution,
Which motion prevailed.

Mr. Little moved

That the Senate adjourn until 12 o'clock m. to-morrow,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 21, 1889.

The Senate met pursuant to adjournment, at 12 o'clock m.,
The Lieutenant Governor presiding.

Prayer by the Chaplain.

The roll was called.

All the Senators present.

The Journal of the preceding session was read and approved.

Mr. McCormack introduced the following Joint Resolution;

Joint Resolution, Requesting the Secretary of State to provide the members of the Legislative Assembly of the State of North Dakota with copies of the Compiled Laws of 1887, the Session Laws of 1889, and Journal of Proceedings of the Constitutional Convention of the State of North Dakota.

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

SECTION 1. That the Secretary of State be and he is hereby requested to furnish for the use of the members of the First Legislative Assembly of the State of North Dakota, one copy each of the Compiled Laws of 1887, Session Laws of 1889, and Journal of the Proceedings of the Constitutional Convention of the State of North Dakota, to each member of the State Legislative Assembly of the State of North Dakota.

Mr. McCormack moved that the resolution be read the second time.

The President ruled

That any action involving the expenditure of money would be out of order until after the election of the United States Senators.

Mr. McCormack explained that the books described were only to be a loan from the State for the use of the members during the session.

The President decided that the resolution was in order.

The motion then prevailed.

The Joint Resolution was read the second time.

The following message was received from the House notifying

the Senate of a Joint Session for the purpose of announcing the result of the ballot for United States Senator.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 21, 1889. }

MR. PRESIDENT:

I am directed to inform you that the House of Representatives 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.

Very Respectfully.

J. G. HAMILTON,
Chief Clerk.

The Senate proceeded to the House of Representatives.
The Senate reassembled after the Joint Session.

Mr. Little moved

That the Senate adjourn until 12 o'clock m., to-morrow,
Which motion prevailed and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 22, 1889.

The Senate met pursuant to adjournment at 12 o'clock m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

All the Senators present.

The Journal of the preceding session was read and approved.

The President appointed Mr. Hegleson an additional member of the Committee on Rules and the same Committee as a Committee on Joint Rules.

Mr. Robinson moved

That the President of the Senate appoint a committee of two to wait upon the Attorney General and request of him his written opinion as to the right of the Senate and House of Representatives to adjourn until the first Tuesday after the first Monday in January, 1890, after first electing two United States Senators,

Which motion prevailed.

The President appointed as such Committee Messrs. Robinson and Cowan.

Mr. Dodds moved

That the resolution introduced by Mr. McCormack, "asking the Secretary of State to furnish for the use of the members of the Senate and House of Representatives the Compiled Laws of 1887; the Session Laws of 1889 and the Journal of the Constitutional Convention," be read the third time and placed upon its final passage,

Which motion prevailed, and

Joint Resolution No. 2 was read the third time and placed upon its final passage.

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allen,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Hegleson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McBride,	Winship,
Dodds,	McCormack,	Worst,
Fisher	Randall,	Yager.
Fuller,	Robinson,	
Haggard,	Rowe,	

And so the Joint Resolution was passed and its title agreed to.

Mr. Dodds moved

That the Senate proceed to ballot for United States Senator,

Which motion prevailed.

Mr. Diesem nominated Lyman R. Casey.

Mr. McCormack nominated Daniel W. Maratta.

Mr. Dodds nominated M. N. Johnson.

Mr. Rowe nominated W. C. Plummer.

Mr. Worst nominated N. G. Ordway.

Mr. Swanston nominated George H. Walsh.

Mr. Haggert nominated William Budge.

Mr. Slotten nominated P. J. McCumber.

The total number of votes cast was 31, of which

M. N. Johnson received 10 votes.

Daniel W. Maratta received 7 votes.

Lyman R. Casey received 4 votes.

P. J. McCumber received 3 votes.

George H. Walsh received 3 votes.

N. G. Ordway received 2 votes.

W. C. Plummer received 1 vote.

William Budge received 1 vote.

Those who voted for Mr. Johnson were:

Messrs. Allen, Dodds, Fisher, Hegleson, Robinson, Sandager, Smith, Stevens, Svensrud, Winship.

Those who voted for Daniel W. Maratta were: Messrs. Appleton, Bell, Cowan, Hartman, McBride, McCormack, Randall.

Those who voted for Lyman R. Casey were: Messrs. Barlow, Diesem, Fuller, Yager.

Those who voted for P. J. McCumber were: Messrs. LaMoure, Lawrence, Slotten.

Those who voted for George H. Walsh were: Messrs. Belyea, Harmon, Swanston.

Those who voted for N. G. Ordway were: Messrs. Little and Worst.

Mr. Rowe voted for W. C. Plummer.

Mr. Haggart voted for William Budge.

Mr. Worst moved to adjourn until 12 o'clock m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD.
Secretary.

FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 23, 1889.

The Senate met pursuant to adjournment at 12 o'clock m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the Senators present.

The Journal of the preceding Session was read and approved.

Judge Rose administered the oath of office to the following officers:

D. S. Dodds, President *pro tem* of the Senate.

C. I. Hutchison, Engrossing Clerk of the Senate.
 G. H. Estabrook, Postmaster of the Senate.
 John Little, Janitor of the Senate.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 November, 23, 1889. }

MR. SPEAKER:

I am directed by the House to inform your honorable body that the House is now in readiness to receive you in Joint Session for the purpose of balloting for United States Senator.

Respectfully,

J. G. HAMILTON,
 Chief Clerk.

The Senators proceeded to the Joint Session in the House of Representatives.

After the dissolution of the Joint Session the President called the Senate to order in the Senate Chamber.

The following communication was received from the Attorney General.

BISMARCK, NORTH DAKOTA, November 23, 1889.

To the Honorable President of the Senate:

I have the honor to acknowledge the receipt of a resolution adopted by your honorable body on the 22d instaut, asking my opinion in writing "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?"

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 the 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 attention is especially 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 found in 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, it is then 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 is the Legislative Assembly 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 re-organize 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 special or general 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 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 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 legislate 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 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 mentioned, 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 may 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.

The following telegram was received and read:

HATTON, NORTH DAKOTA, November 23, 1889.

To the President of the Senate:

The members of the Hatton Farmers' Alliance in mass meeting assembled unanimously petition the Legislature to elect Hon. M. N. Johnson for United States Senator.

J. R. TOBIASON,
Secretary.

Mr. Rowe moved
That the Senate adjourn until 12 o'clock m., Monday, November 25, 1889.

Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 25, 1889.

The Senate met pursuant to adjournment at 12 o'clock m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Dodds moved

That the reading of the Senate Journal be dispensed with,
Which motion prevailed.

Mr. Little moved

That a committee be appointed by the President to wait upon the Attorney General and get his written opinion as to whether the Senate could lawfully proceed with any other business pending the election of a United States Senator,

Which motion prevailed.

The President appointed as such committee Messrs. Little, Winship and Randall.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
November 25, 1889. }

MR. PRESIDENT:

I am directed by the House to inform your honorable body that the House is now ready to receive you in Joint Session to ballot for a United States Senator.

J. G. HAMILTON,
Chief Clerk.

The members of the Senate proceeded to the House of Repre-

sentatives to hold a Joint Session for the election of a United States Senator.

The Senate reassembled after the Joint Session, the President presiding.

Mr. Dodds asked that Mr. McCormack be excused,
Which request was granted.

Mr. Smith moved

That the Senate adjourn until 2 o'clock p. m.

Which motion prevailed, and

The Senate adjourned until 2 o'clock p. m.

C. C. BOWSFIELD
Secretary.

EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 26, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.,
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Mr. McCormack, who was excused.

The Journal of the preceding day was read and approved.

Mr. Rowe presented the following petition sent him from the President of the North Dakota Non-Partisan Prohibition Alliance:

BISMARCK, NORTH DAKOTA, }
November 19, 1889. }

Hon. H. J. Rowe, Member of the Senate of the State 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 prohibitory 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 Senate of which you are a member, and bespeak for it at the hands of the members of the

Senate 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.

C. J. WHITE,

Secretary.

The Committee on Rules submitted the following report:

Mr. PRESIDENT:

Your Committee on Rules beg leave to report the following:

ORDER OF DAILY BUSINESS.

After calling the Senate to order the following order shall govern:

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

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

2. Five members may have a call of the Senate, and compel the attendance of absent members, until the call be dispensed with by a majority of the members present.

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

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

5. No member shall interrupt the business of the Senate while the Journals are being read, or when any member is speaking in debate.

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

7. When any member is about to speak in debate, or debate on any matter in the Senate, he shall rise from his seat and respectfully address himself to Mr. President, and shall stand in his place until recognized by the Chair, and

shall confine himself to the question under debate, and avoid personalities and the implication of improper motive.

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

To adjourn.

To lie on the table.

To move for the previous question.

To move to postpone to a certain day.

To commit or amend.

To postpone indefinitely.

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

9. When two members rise the President shall name the member to speak, but in all cases the member who shall first rise and address the Chair shall speak first.

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

11. Every question of order shall be decided by the President, subject to an appeal to the Senate, and the President may call for a sense of the Senate on any question of order.

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

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

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

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

16. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by the Senate.

17. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special order of the day.

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

19. Every bill shall 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.

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

21. Upon the second reading of a bill or joint resolution, the President shall refer it to its appropriate committee, unless the Senate, upon motion, decide to refer the same to a select or other standing committee, or to a committee of the whole Senate: if to a committee of the whole Senate, then it shall come up for consideration under the general order of the next day, unless otherwise ordered by the Senate.

22. No bill or resolution requiring the concurrence of both Houses, shall be committed or amended until it shall have been twice read. Nor shall any such bill or resolution have its third reading and be put upon its final passage until at least one day after the same has been reported to the Senate by the committee to which the same had been referred; *Provided*, That any bill or reso-

lution may have its third reading and be put upon its final passage on the day the same is reported back, when so ordered by a majority of the members of the Senate.

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

24. No bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended or extended or so incorporated, shall be re-enacted and published at length.

25. No bill shall become a law except by a vote of the majority of all the members elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the Journal.

26. The presiding officer shall, in the presence of the Senate, sign all bills and joint resolutions passed by the senate. Immediately before such signing their title shall be publicly read, and the fact of signing shall be at once entered on the Journal.

27. No bill for the appropriation of money, except for the expenses of the Government, shall be introduced after the fortieth day of the session, except by unanimous consent of the Senate.

28. In filling blanks the largest sum and longest time shall be first put. When a motion or question has been decided in the affirmative or negative, any member having voted with the prevailing side may move a reconsideration on the same or the following day, but when a motion to reconsider be laid on the table, a motion to reconsider cannot again be made.

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

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

31. The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and order of the Senate and the joint rules of the Senate and the House of Representatives.

32. When the ayes and noes shall be called for by one-sixth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes upon the call of the house, the names of the members shall be taken alphabetically.

33. In the absence of the President of the Senate, the President *pro tempore* shall exercise all rights and prerogatives of the President for the time being.

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

35. There shall be appointed by the Chair the following standing committees:

Judiciary, 7 members.

Education, 7 members.

Elections, 7 members.

Appropriations, 7 members.

Railroads, 7 members.

State Affairs, 7 members.

Public Lands, 7 members.

Ways and Means, 7 members.

Agriculture, 7 members.

Warehousing, Grain and Grain Grading, 7 members.

Counties, 7 members.

Engrossed and Enrolled Bills, 5 members.

Banks and Banking, 5 members.

City and Municipal Corporations, 7 members.
 Indian Affairs, 5 members.
 Statistics, 5 members.
 Federal Relations, 5 members.
 Insurance, 5 members.
 Public Buildings, 5 members.
 Public Health, 5 members.
 Public Printing, 5 members.
 Temperance, 7 members.
 Charitable Institutions, 5 members.
 Penal Institutions, 5 members.
 Mines and Minerals, 5 members.
 Rules, 7 members.
 Immigration, 5 members.
 Highways, Bridges and Ferries, 5 members.
 Irrigation, 7 members.
 Apportionment, 7 members.
 Corporations Other Than Municipal, 7 members.
 Military Affairs, 5 members.

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

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

37. No person shall be admitted within the bar of the Senate but the Executive, members of the House, State officers, judges of the Supreme and District Courts, members of Congress, those who have been members of Congress and the Legislative Assembly, and all federal officials of the State, except by a vote of the Senate.

38. Members of the Senate introducing bills in the nature of amendments to laws now existing shall designate in the title of such amendatory act the title of the act sought to be amended.

39. All nominations from the Executive shall be opened and read immediately in executive session and shall then be laid over for consideration in executive session on the following day, unless otherwise ordered by a majority of those present.

F. G. BARLOW,
 GEO. B. WINSHIP,
 D. S. DODDS,
 J. O. SMITH,
 M. L. MCCORMACK,
 JUDSON LAMOURE,
 A. HELGESON.

Mr. Swanston moved

That the reading at length of the report of the Committee on Rules be dispensed with,

Which motion prevailed.

Mr. Swanston moved

That the further consideration of the report of the Committee on Rules be dispensed with until to-morrow,

Which motion was lost.

Mr. Swanston moved

That the vote to dispense with the further consideration of the report on rules until to-morrow be reconsidered.

Mr. Swanston then withdrew his motion with the consent of his second.

Mr. Diesem moved

That the report of the Committee on Rules be read and passed on section by section,

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages from the House were received:

HOUSE OF REPRESENTATIVES, }
November 26, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Joint Resolution No. 1,

Authorizing and empowering the Secretary of State to procure and furnish the members and officers of the Legislative Assembly of the State of North Dakota with the necessary stationery and supplies.

Also,

House Bill No. 2,

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

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

Also,

I have the honor to inform the Senate that the House this day has passed a resolution providing for the appointment of a committee of three, to confer with a like committee from the Senate, to report as to the advisability of adjournment, and for what length of time; and that Messrs. Bowen, Currier and Pinkham have been designated as such committee.

Also,

I have the honor to inform the Senate that the House has this day passed the following resolution:

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, and has named the committee on the part of the House, Messrs. Walsh, McCullough, Hankinson, Williams and Buchanan.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the report of the Committee on Rules be adopted.

Mr. Dodds asked Mr. Swanston's permission to amend by adding an additional committee on "Woman's Suffrage,"

Which was granted, and as so amended the motion prevailed.

Mr. Robinson asked to be excused until Monday, December 2, 1889,

Which request was granted.

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

Resolved by the Senate, That the President be empowered to appoint a committee of three to meet a like committee of the House, and consider and report at once on the advisability of adjourning, and when and for how long.

Which motion prevailed.

Mr. President appointed as such committee

Messrs. Belyea, Lawrence and Slotten.

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

Resolved, That the President be empowered to appoint a committee of five, to confer with a like committee of the House, on printing, and to report as soon as possible.

Which motion prevailed.

The President called Mr. Dodds, President *pro tem*, to the chair.

The Chair appointed as the committee on Mr. Swanston's resolution

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

Mr. Appleton introduced the following resolution:

WHEREAS, Our colleague, Senator M. L. McCormack, has been called to Green Isle, Minnesota, to attend the funeral of his father, P. F. McCormack; therefore, be it

Resolved, That the sympathies of the members of this Senate be and they are hereby extended to our honorable colleague and his family in this hour of bereavement, and that a copy of this resolution be forwarded to Senator McCormack.

Mr. Swanston moved its adoption.

Mr. Allin moved

That it be adopted by a rising vote.

Which motion prevailed.

Mr. Fuller introduced the following resolution:

Resolved, By the Senate, the House of Representatives concurring, That at the close of the business of Wednesday, November 27th, session, the Legislative Assembly take a recess until Tuesday, January 7th, 1890.

Mr. Swanston moved

That the resolution be laid on the table,

Which motion prevailed, and

The resolution was laid on the table.

Mr. Smith moved

That Joint Resolution No. 1 be read the second time,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Rowe introduced --

Senate Bill No. 1,

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 medical, scientific and mechanical purposes."

Mr. Little introduced--

Senate Bill No. 2,

A bill for an act entitled "An Act to preserve the purity of elections and guard against abuses of the elective franchise,"

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, }
November, 26, 1889. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the following resolution:

Resolved, That a committee be appointed by the Speaker, 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.

And the Speaker has appointed as such committee on the part of the House, Messrs. Hankinson, Thompson and Walton.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the further reading of Senate Bill No. 1 be postponed until after the 1st of January, 1890,

Which motion was lost,

And Bill No. 1 was read the first time.

Mr. Robinson introduced—

Senate Bill No. 3,

A bill for an act entitled "An Act creating a commission to revise and compile the Statutes of the Territory of Dakota so as to conform with the requirements of the Constitution of the State of North Dakota and under the same, in harmony therewith, and to provide compensation therefor,"

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 1,

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 medical, scientific and mechanical purposes,"

Was read the second time.

Senate Bill No. 2,

A bill for an act entitled "An Act to preserve the purity of elections and guard against abuses of the elective franchise,"

Was read the second time.

Senate Bill No. 3,

A bill for an act entitled "An Act creating a commission to revise and compile the Statutes of the Territory of Dakota so as to conform with the requirements of the Constitution of the State of North Dakota, and under the same in harmony therewith, and to provide compensation therefor,"

Was read the second time.

FIRST READING OF HOUSE BILLS.

House Bill No. 2,

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

Was read the first time.

House Bill No. 2,

Was read the second time.

The President *pro tem* appointed as a committee to confer with a like committee from the House to ascertain the number and salaries of employes for the Capitol building or otherwise,

Messrs. Rowe, Diesem and Allen.

Mr. Swanston moved

That the Senate adjourn until to-morrow, November 27, 1889, at 2 o'clock p. m.,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
November 27, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

All the Senators present except Messrs. Fuller, McCormack, Robinson, Sandager and Winship, who were excused.

The Journal of the preceding session was read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Rowe presented the following petition:

FARGO, N. DAK., November 22, 1889.

To the Hon. H. J. Rowe, Bismarck, North Dakota:

DEAR SIR: At the last annual meeting of the North Dakota State Dental Society, the undersigned were appointed a committee to revise our Dental law and secure its passage.

By unanimous vote the committee place the inclosed bill in your hands and ask your best endeavors to have the same become a law to take effect at once, as the Attorney General gives his opinion that we have no board authorized to act, as we lack a quorum, and the old law provides nominations shall come from both North and South. This bill was prepared under the supervision of the State society, and has also been submitted to all the dentists of the State and has met their approval.

We need not occupy your time with arguments for the necessity of such a law, as you are already familiar with the subject, and we commit our interests into your hands.

Respectfully Yours,

A. J. HILL,
President State Society.
H. L. STARLING,
H. G. DAMPIER,
C. B. DAVENPORT,
Committee.

REPORTS OF SPECIAL COMMITTEES.

The following report of the Special Committee on Adjournment was read:

MR. PRESIDENT:

Your committee appointed by the President of the Senate to confer with a similar committee from the House upon the question of adjournment, respectfully beg leave to report as follows, to-wit: That your committee in Joint Session recommend that the Legislative Assembly take a recess from Wednesday, November 27, 1889, to Tuesday, December 3, 1889; and they further recommend that the Legislative Assembly adjourn Friday, December 20, 1889, to Tuesday, January 7, 1890, without detriment to the present organization or *per diem* to the members.

E. A. BELYEA,
Chairman.

Mr. Diesem moved

That the report be accepted and adopted.

Mr. Stevens moved

An amendment that the words "or *per diem* of the members" be stricken out.

Which amendment was adopted.

The following report was received and read.

MR. PRESIDENT:

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 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. Dodds moved

That the report of the committee be received and the committee discharged,

Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. Allin introduced—

Senate Bill No. 4,

A bill for 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,"

Which was read the first time.

Mr. Swanston introduced—

Senate Bill No. 5,

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

Which was read the first time.

Mr. Haggart introduced—

Senate Bill No. 6,

A bill for an act entitled "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,"

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
November 27, 1889. }

Mr. PRESIDENT:

I have the honor to inform you that the House of Representatives has this day adopted the report of the Joint Committee upon the question of a recess and adjournment.

J. G. HAMILTON,
Clerk Clerk.

Mr. Rowe introduced—

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,

Which was read the first time.

SECOND READING OF SENATE BILLS.

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 second time and

Referred to the Committee on Agriculture.

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 read the second time and

Referred to the Committee on Elections.

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,

Was read the second time and

Referred to the Committee on Railroads.

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 second time and

Referred to the Committee on Public Health.

Senate Bill No. 1,

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 read the second time and

Referred to the Committee on Temperance.

Senate Bill No. 2,

A bill for an act entitled "An Act to preserve the purity of elections, and guard against abuses of elective franchise,"

Was read the second time and

Referred to the Committee on Elections.

Senate Bill No. 3,

A bill for an act entitled "An Act creating a commission to revise and compile the Statutes of the Territory of Dakota so as to conform with the requirements of the Constitution of the State of North Dakota, and render the same in harmony therewith, and to provide compensation therefore,"

Was read the second time and

Referred to the Committee on Judiciary.

The President announced the following standing committees:

Judiciary—C. B. Little, Judson LaMoure, D. S. Dodds, E. L. Yager, F. G. Barlow, W. E. Swanston, R. D. Cowan.

Education—J. H. Worst; J. O. Smith, H. J. Rowe, D. S. Dodds, Anton Svensrud, Bailey W. Fuller, M. L. McCormack.

Elections—J. E. Stevens, H. S. Diesem, Roger Allin, F. G. Barlow, C. B. Little, H. J. Rowe, R. D. Cowan.

Appropriations—Geo. B. Winship, John E. Haggart, E. L. Yager, Andrew Slotten, N. C. Lawrence, John McBride, Anton Svensrud.

Railroads—Roger Allin, W. H. Robinson, H. S. Diesem, J. H. Worst, M. L. McCormack, N. C. Lawrence, F. G. Barlow.

State Affairs—Judson LaMoure, Bailey W. Fuller, H. J. Rowe, Andrew Sandager, J. H. Worst, H. R. Hartman, E. L. Yager.

Public Lands—W. E. Swanston, W. H. Robinson, Bailey W. Fuller, John E. Haggart, E. H. Belyea, Andrew Helgeson, M. L. McCormack.

Ways and Means—W. H. Robinson, W. E. Swanston, George W. Harmon, Andrew Slotten, J. E. Stevens, J. O. Smith, A. F. Appleton.

Agriculture—Samuel A. Fisher, J. E. Stevens, Andrew Slotten, E. L. Yager, J. H. Worst, Anton Svensrud, H. R. Hartman.

Warehouses and Grain Grading—Andrew Slotten, Roger Allin, J. E. Stevens, Samuel A. Fisher, Anton Svensrud, Bailey W. Fuller, James H. Bell.

Counties—F. G. Barlow, E. L. Belyea, H. S. Diesem, James H. Bell, George W. Harmon, Judson LaMoure, C. B. Little.

Engrossing and Enrolling Bills—J. O. Smith, Roger Allin, W. E. Swanston, J. E. Stevens, M. E. Randall.

Banks and Banking—Andrew Helgeson, W. H. Robinson, J. O. Smith, Samuel A. Fisher, M. L. McCormack.

Cities and Municipal Corporations—Andrew Sandager, Bailey W. Fuller, E. H. Belyea, John E. Haggart, C. B. Little, M. E. Randall, Andrew Helgeson.

Indian Affairs—James E. Bell, E. H. Belyea, Andrew Sandager, Anton Svensrud, J. H. Worst.

Statistics—E. L. Yager, A. F. Appleton, J. H. Worst, C. B. Little, George W. Harmon.

Federal Relations—M. L. McCormack, M. E. Randall, N. C. Lawrence, C. B. Little, Andrew Helgeson.

Insurance—Judson LaMoure, Roger Allin, D. S. Dodds, H. S. Diesem, John Haggart, N. C. Lawrence, H. R. Hartman.

Public Buildings—John E. Haggart, George Harmon, D. S. Dodds, Andrew Sandager, John McBride.

Public Health—E. H. Belyea, W. E. Swanston, H. J. Rowe, Andrew Sandager, R. D. Cowan.

Public Printing—N. C. Lawrence, George B. Winship, E. H. Belyea, W. H. Robinson, R. D. Cowan.

Temperance—H. J. Rowe, Roger Allin, Samuel A. Fisher, Andrew Slotten, J. O. Smith, George B. Winship, John McBride.

Charitable Institutions—Bailey W. Fuller, Andrew Slotten, George B. Winship, Judson LaMoure, M. E. Randall.

Penal Institutions—R. D. Cowan, John E. Haggart, George Harmon, H. J. Rowe, Judson LaMoure.

Mines and Minerals—M. E. Randall, E. H. Belyea, A. F. Appleton, J. H. Worst, W. H. Robinson.

Rules—F. G. Barlow, D. S. Dodds, George B. Winship, J. O. Smith, Judson LaMoure, M. L. McCormack, Andrew Helgeson.

Immigration—Anton Svensrud, Andrew Helgeson, Andrew Sandager, James H. Bell, N. C. Lawrence.

Highways, Bridges and Ferries—H. R. Hartman, James H. Bell, Samuel A. Fisher, E. L. Yager, Andrew Sandager.

Irrigation—A. P. Appleton, Bailey W. Fuller, James H. Bell, W. E. Swanston, H. R. Hartman, John McBride, Andrew Helgeson.

Apportionment—H. F. Diesem, J. E. Stevens, F. G. Barlow, Samuel A. Fisher, George W. Harmon, W. E. Swanston, A. F. Appleton.

Corporations Other than Municipal—D. S. Dodds, J. E. Stevens, J. O. Smith, M. E. Randall, F. G. Barlow, John McBride, A. F. Appleton.

Military Affairs—George W. Harmon, W. H. Robinson, H. S. Diesem, Geo. B. Winship, H. L. McCormack.

Woman Suffrage—John McBride, Roger Allin, George B. Winship, H. R. Hartman, Samuel A. Fisher.

The Committee on State Affairs reported as follows:

MR. PRESIDENT:

Your committee to whom was referred House Bill No. 2, have had the same under consideration and recommend its passage.

JUDSON LAMOURE,
Chairman.

Mr. Dodds moved

That House Bill No. 2 be read the third time and placed upon its final passage,

Which motion prevailed, and

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 upon its final passage.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Rowe,
Appleton,	Harmon,	Smith,
Barlow,	Hartman,	Slotten,
Belyea,	Helgeson,	Stevens,
Bell,	LaMoure,	Svensrud,
Cowan,	Lawrence,	Swanston,
Diesem,	McBride,	Worst,
Dodds,	Randall,	Yeager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Sandager,
Little,	Robinson,	Winship.

So the bill passed and

Its title was agreed to.

Mr. Dodds moved

That the rules be suspended and that House Bill No. 1 be read the third time and placed upon its final passage.

Which motion prevailed, and

House Bill No. 1,

A joint resolution authorizing the Secretary of State to provide stationery and supplies for the offices and members of the Legislative Assembly, and appropriating funds therefore,

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

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Rowe,
Appleton,	Haggart,	Smith,
Barlow,	Harmon,	Slotten,
Belyea,	Hartman,	Stevens,
Bell,	Helgeson,	Svensrud,
Cowan,	Lawrence,	Swanston,
Diesem,	McBride,	Worst,
Dodds,	Randall,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Sandager,
Little,	Robinson,	Winship,
LaMoure,		

So the bill passed and

Its title was agreed to.

The following request was presented:

BISMARCK, N. DAK., November 27, 1889.

To the Hon., the Senate of North Dakota:

GENTLEMEN: Being desirous of attending a meeting of the medical profession of North Dakota, to be held at Fargo on Tuesday, December 3, 1889, for the purpose of discussing medical and health legislation, we, your subscribers, request to be excused from attending the Senate on that day.

E. H. BELYEA,
W. E. SWANSTON,
H. J. ROWE,
R. D. COWAN.

Mr. Stevens moved

That the request be granted,

Which motion prevailed.

Mr. Swanston moved

That the consideration of the Governor's Message be made a Special Order for next Wednesday at 3 o'clock p. m.,

Which motion prevailed.

Mr. Dodds moved

That the Senate take a recess until Tuesday, Dec. 3, 1889,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 3, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Belyea, Cowan, Fisher, Helgeson, LaMoure, Rowe and Swanston.

Mr. Allen moved

That all the absent members be excused for to-day,
Which motion prevailed.

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

INTRODUCTION OF BILLS.

Mr. Sandager introduced—

Senate Bill No. 8,

A bill for an act entitled "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 was read the first time.

Mr. Haggart introduced—

Senate Bill No. 9,

A bill for an act entitled "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 was read the first time.

Mr. Fuller introduced—

Senate bill No. 10,

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

Which was read the first time.

Mr. Dodds moved

That the Senate take a recess for fifteen minutes,

Which motion prevailed.

The Senate reassembled after recess.

Mr. Haggart asked the unanimous consent of the Senate to introduce a bill,

Which consent was granted, and

Mr. Haggart introduced—

Senate Bill No. 11,

A bill for an act entitled "An Act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigating companies, and to aid the same,"

Which was read the first time.

Mr. Barlow moved

That a committee of three be appointed by the President to procure suitable rooms for the use of the standing committees; also, to contract for the heating, lighting and furnishing of the same,

Which motion prevailed.

The President appointed as such committee Messrs. Barlow, Little and Slotten.

The President announced his signature to

House Bill No. 1,

A Joint Resolution authorizing the Secretary of State to furnish stationery and supplies for the members of the Legislature;

Also,

House Bill No. 2,

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

Mr. McBride moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned until 2 o'clock p. m., Wednesday, December 4th.

C. C. BOWSFIELD,
Secretary.

SIXTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 4, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the Senators present except Messrs. Bell, Fisher, LaMoure, Little and Svensrud.

The Journal of the preceding day was read and approved.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Belyea presented the following petition:

FARGO, N. DAK., December 3, 1889.

To the Honorable C. H. Belyea, Member of the Senate of North Dakota:

At a meeting of the medical profession of North Dakota it was unanimously resolved that you present to the Legislature of North Dakota the enclosed medical bill, and it is earnestly hoped that you will do all in your power to secure its enactment.

Very respectfully yours,
JAS. W. VIDAL, M. D.,
Secretary.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little introduced—

Senate Bill No. 12,

A bill for an act entitled "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,"

Which was read the first time.

Mr. Belyea introduced—

Senate Bill No. 13,

A bill for an act entitled "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 read the first time.

Mr. Worst introduced—

Senate Bill No. 14,

A bill for an act entitled "An Act to regulate the taking of toll and exchange in grist mills or flouring mills, and providing penalties for the violation of the same,"

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 15,

A bill for an act entitled "An Act to facilitate the settlement of constitutional questions by the Supreme Court,"

Which was read the first time.

Mr. Barlow introduced—

Senate Bill No. 16,

A bill for an act entitled "An Act to provide for the distribution of ballot boxes and for serving legal notice upon judges of election,"

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 17,

A bill for an act entitled "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,"

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act entitled "An act to provide for the interchanging of District Judges and for holding District Court when the Judges thereof are unable to act,"

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

Senate Bill No. 9,

A bill for an act entitled "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. 10,

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

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

Senate Bill No. 11,

A bill for an act entitled "An Act authorizing railroad companies to acquire, sell and guarantee bonds and other securities of irrigating companies, and to aid the same,"

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

Mr. Swanston asked unanimous consent to introduce the report of the Joint Special Committee on Printing,
Which was granted.

Following is the report:

MR. PRESIDENT:

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 this 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 recommend 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 of 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 Secretary of State may from time to time prescribe.

We further recommend that provision for the payment for all printing ordered by the Legislature be made in a special or general 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.

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

Mr. Smith moved

That further action on this report be deferred until it be printed in the Journal,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

That the Senate resolve itself into Committee of the Whole to consider the Governor's message,

Which motion prevailed.

Mr. President called Mr. Allin to the chair.

When the committee rose the following report was submitted:

MR. PRESIDENT:

Your Committee of the Whole, having had under consideration the annual message of His Excellency, Governor John Miller, beg leave to report that the message has been read and considered section by section. The various subjects treated in the message were referred to the following standing committees of the Senate:

Finances of the State—To the Committee on Ways and Means.

Assessment and Taxation—To the Committee on Ways and Means.

Prohibition—To the Committee on Temperance.

Purity of Elections—To the Committee on Elections.

Railroad Taxation—To the Committee on Ways and Means.

Bismarck Penitentiary—To the Committee on Penal Institutions.

Insane Hospital—To the Committee on Charitable Institutions.

University of Grand Forks—To the Committee on Education.

Railroads—To the Committee on Railroads.

Needy Settlers—To the Committee on State Affairs.

Library—To the Committee on Education.

Insurance—To the Committee on Insurance.

Public Printing—To the Committee on Printing.

Health Reports—To the Committee on Public Health.

Militia—To the Committee on Military Affairs.

Appropriations—To the Committee on Appropriations.

Outstanding Bills—To the Committee on Federal Relations.

Irrigation—To the Committee on Irrigation.

Commissioner of Agriculture and Statistics—To the Committee on Agriculture.

Public Schools—To the Committee on Education.

Public Lands—To the Committee on Public Lands.

Capitol Building and Grounds—To the Committee on Public Buildings.

Supreme Court—To the Committee on Judiciary.

Constitutional Convention Reimbursement—To the Committee on Federal Relations.

Fees—To the Committee on State Affairs.

ROGER ALLIN,
Chairman.

Mr. Swantson moved

That the report of the Committee of the Whole be adopted,
Which motion prevailed.

Mr. Rowe moved

That the Senate adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 5, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Fisher and LaMoure.

The Journal of the preceding day was read and approved.

PETITIONS, COMMUNICATIONS, ETC.

The following petition was presented:

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, Senate Bill No. 1, 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.

The petition was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred
Senate Bill No. 1,

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 that said bill do pass.

H. J. ROWE,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 5, 1889. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House of Representatives has ordered 2,500 copies of the Governor's Message printed and directed that 1,000 copies thereof be apportioned to the Senate, 500 copies to the Executive and the remainder to the House.

Respectfully,
J. G. HAMILTON,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—

Senate Bill No. 20,

A bill for an act entitled "An Act to furnish seed grain for distribution in certain counties afflicted by drouth or blight or hail during the season of 1889; to provide for the repayment thereof, and to authorize the boards of county commissioners of such counties to issue bonds for the payment thereof,"

Which was read the first time.

Mr. Dodds introduced—

Senate Bill No. 21,

A bill for an act entitled "An Act to provide for the extension of the time for the payment of taxes for the year 1889,"

Which was read the first time.

Also,

Senate Bill No. 22,

A bill for an act entitled "An Act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883,"

Which was read the first time.

Mr. Sandager (by request) introduced—

Senate Bill No. 23,

A bill for an act entitled "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,"

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Dodds moved—

That the message from the House regarding the printing of the Governor's Message be referred to the Committee on Public Printing,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 12,

A bill for an act entitled "An Act fixing terms of Supreme Court,"

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

Senate Bill No. 13,

A bill for an act entitled "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. 14,

A bill for an act entitled "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 second time, and referred to the Committee on Warehouses, Grain and Grain Grading.

Senate Bill No. 15,

A bill for an act entitled "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.

Senate Bill No. 16,

A bill for an act entitled "An Act to provide for the distribution of ballot boxes, and for serving legal notices upon judges of elections,"

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

Senate Bill No. 17,

A bill for an act entitled "An Act designating a place of deposit for all abstracts and conveyances of title to the State of North Dakota, of land now owned or hereafter to be acquired by the State,"

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

Mr. President announced an informal recess.

The Senate reassembled.

Mr. Haggart asked unanimous consent of the Senate to introduce a bill,

Which was granted.

Mr. Haggart introduced—

Senate Bill No. 24,

A bill for an act entitled "An Act to provide for the erection

and operation of the Agricultural College and Experimental Station at Fargo,"

Which was read the first time.

Mr. Haggart moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTEETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 6, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Fisher.

The Journal of the preceding day read and approved.

MESSAGE FROM THE HOUSE.

The following message from the House was received:

HOUSE OF REPRESENTATIVES, }
December 6, 1889. }

MR. PRESIDENT:

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,

Which the House has passed by more than a two-thirds vote, and your favorable consideration thereof is requested.

J. G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Health made the following report:

MR. PRESIDENT:

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 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 do pass.

ED. H. BELYEA,
Chairman.

The Committee on Joint Rules made the following report:

MR. PRESIDENT:

The Joint Committee on Rules beg leave to report as follows:

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 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 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.

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.

F. G. BARLOW,
Chairman.

Mr. Swanston moved

That the report of the Joint Committee on Rules be accepted, and that further action be deferred until it is printed in the Journal.

Which motion prevailed.

REPORT OF SELECT COMMITTEES.

The following report was read:

MR. PRESIDENT:

Your Select Committee, appointed to procure rooms for the use of the Standing Committees, beg leave to report:

That they have rented for such purpose, during the session, the second story of the Capital Bank building, consisting of five rooms. The rooms will be ready for occupancy to-morrow morning.

F. G. BARLOW,
C. B. LITTLE,
ANDREW SLOTTEN.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Swanston introduced—
Senate Bill No. 25,

A Joint Resolution for a proposition to amend the Constitution of the State of North Dakota,

Which was read the first time.

Mr. LaMoure introduced—

Senate Bill No. 26,

A bill for an act entitled "An Act defining the duties and prescribing the fees and fixing the salary of the Clerk of the Supreme Court,"

Which was read the first time.

Mr. Harmon introduced—

Senate Bill No. 27,

A bill for an act entitled "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,"

Which was read the first time.

Mr. Winship introduced—

Senate Bill No. 28,

A bill for an act entitled "An Act providing clerk hire for the various State officers, and making appropriations therefor,"

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 20,

A bill for an act entitled "An Act to furnish seed grain for distribution in certain counties afflicted by drouth or blight or hail during the season of 1889; to provide for the repayment thereof, and to authorize the boards of county commissioners of such counties to issue bonds for the payment thereof,"

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

Senate Bill No. 21,

A bill for an act entitled "An Act to provide 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. 22,

A bill for an act entitled "An Act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883,"

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

Senate Bill No. 23,

A bill for an act entitled "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. 24,

A bill for an act entitled "An Act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,"

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

FIRST READING OF HOUSE BILLS.

House Bill No. 13,

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

Was read the first time.

Mr. President announced an informal recess.

The Senate reassembled.

UNFINISHED BUSINESS.

Mr. Swanston moved

That the report of the Joint Committee on Printing be adopted,

Which motion prevailed.

Mr. President appointed E. L. Calkins as Watchman of the Senate Chamber, and Mr. Calkins was sworn in.

Mr. Robinson asked to be excused from to-morrow's session, Which request was granted.

Mr. Swanston moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 7, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present, except Messrs. Fisher, Robinson, Winship and Sandager, who were excused.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December, 7, 1889. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House of Representatives has adopted the report of the Joint Special Committee on Printing.

J. G. HAMILTON,
Chief Clerk.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Swanston presented the following communication:

DEVILS LAKE, N. DAK., December 2, 1889.

To the Honorable, the Legislative Assembly of the State of North Dakota:
I hereby certify that the following resolution was adopted at a meeting of the city council of Devils Lake, N. Dak., this 2d day of December, A. D. 1889:

Resolved, That the city of Devils Lake tender for the use of the State for the purpose of establishing the present year a school for the deaf and dumb—suitable buildings for the term of three years.

CHAS. M. FISHER,
Auditor.

The communication was referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 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,

Have had the same under consideration and recommend that it be amended by adding an additional section, as follows:

SEC. 3. That, whereas, it is important and necessary that this act should take effect as soon as practicable and at a date long prior to July 1, A. D. 1890; therefore, for reasons aforesaid this act shall take effect and be in force from and after its passage and approval.

And that as so amended the same 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 Section 5 be amended by striking out all after the word "appropriated" in the sixth line of said Section 5, and inserting the following: "A sum not to exceed five hundred dollars for each of said judges, or so much thereof as may be needed for the purposes aforesaid; the bills for the same to be audited by the State Auditor and paid quarterly on or about the first day of January, April, July and October of each year,

And as so amended, recommend that said 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 it do pass.

C. B. LITTLE,
Chairman.

Mr Dodds moved

That the report of the Committee on Judiciary be adopted,
Which motion prevailed.

MOTIONS, RESOLUTIONS. ETC.

Mr. Barlow introduced the following resolution:

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

WHEREAS, It has been demonstrated in the experience of the farmers of North Dakota that the average annual rain fall is insufficient to insure reasonably successful cultivation of the soil, and that it has become a question of supreme importance to the future welfare of the people whether it is practicable to increase the water supply by artificial means; and,

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 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 was referred to the Committee on Irrigation.

INTRODUCTION BILLS, JOINT RESOLUTIONS AND MEMORIAS.

Mr. Harmon introduced—

Senate Bill No. 29,

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. LaMoure introduced—

Senate Bill No. 30,

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. Swanston introduced—

Senate Bill No. 31,

A bill for an act entitled "An Act to create an Institute for the Education of the Deaf of North Dakota, and providing for its support and management,"

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 32,

A bill for an act entitled "An Act to provide for borrowing money to defray the extraordinary expenditures of the State government,"

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 33,

A bill for an act entitled "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,"

Which was read the first time.

Mr. Harmon introduced—

Senate Bill No. 34,

A bill for an act entitled "An Act to create the office and define the duties of fire warden,"

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 35,

A bill for an act entitled "An Act for the regulation of buying, selling and handling of grain in the State of North Dakota, and for the regulation of matters pertaining to the business of public warehousing and grain dealing,"

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 7, 1889. }

MR. PRESIDENT:

I have the honor to herewith transmit

House Bill No. 4,

A Joint Resolution authorizing the payment of salaries, mileage and *per diem*,

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

Respectfully,

J. G. HAMILTON,
Chief Clerk.

SECOND READING OF SENATE BILLS.

Senate Bill No. 25,

A Joint Resolution for "A proposition to amend the Constitution of the State of North Dakota,"

Was read the second time and referred to the Committee of the Whole.

Mr. McCormack moved

That Senate Bill No. 25 be referred to the Committee of the Whole,

Which motion prevailed.

Senate Bill No. 26,

A bill for an act entitled "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. 27,

A bill for an act entitled "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 second time, and referred to the Committee on Counties.

Senate Bill No. 28,

A bill for an an act entitled "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.

Mr. Cowan moved

That Senate Bill No. 13 be read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 13,

A bill for an act entitled "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 third time.

Mr. Rowe moved

To amend by inserting a comma after "medicine," and adding "obstetrics" after the word "surgeon," in line 11, Section 2,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 7, 1889.

Mr. PRESIDENT:

I have the honor to transmit herewith a concurrent resolution which embodies the Joint Convention Rules recommended by the Joint Committees of the House and Senate:

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

Respectfully.

J. G. HAMILTON,
Clerk Clerk.

Mr. Swanston moved

That Senate Bill No. 13, as amended, be placed upon its final passage.

Mr Allin moved

To amend the bill by striking out the words in lines 26 and 27 of Section 3 "or for publically advertising special ability to treat or cure diseases which in the opinion of said board it is impossible to cure."

Mr. Belyea moved

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

And Senate Bill No. 13, as amended, was placed upon its final passage.

The roll being called there were ayes 26, nays, none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Hartman,	Smith,
Barlow,	Hegleson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McBride,	Worst,
Dodds,	McCormack,	Yager.
Fuller,	Randall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fisher	Robinson,	Winship,
Haggart,	Sandager,	

And the question being as to its title,

The title to Senate Bill No. 13 was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 7, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith a Joint Memorial to the Representatives of North Dakota in Congress:

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 the railroad grants.

Which the House has passed and your concurrence thereon is requested.

Respectfully,

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved

That Senate Bill No. 12 as amended, be read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 12,

A bill for an act entitled "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."

As amended by the Committee on Judiciary, was read the third time.

Mr. Worst moved

That Senate Bill No. 12 as amended be placed upon its final passage,

Which motion prevailed.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Randall,
Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yeager.

Absent and not voting:

Messrs—

Fisher,
Robinson,

Messrs—

Sandager,

Messrs—

Winship.

And the question being as to its title,

The title was agreed to.

Mr. Dodds asked unanimous consent to refer back to consideration of messages from the House,

Which request was granted.

Mr. Dodds moved

That the Senate concur in the Joint Rules and Joint Committee Rules as recommended by the Joint Committee of the House.

Mr. Swanston moved

That it be amended by striking out Rule 10.

Mr. Dodds moved

That the amendment be laid upon the table,

Which motion prevailed, and

The original motion then passed.

Mr. Dodds moved

That the Senate concur in the action of the House in regard to the memorial to Congress,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended and that House Bill No. 4 be read the first and second times and referred to the proper committee,

Which motion prevailed, and

House Bill No. 4,

A bill for an act entitled "An Act for the appropriations of moneys for the payment of milage, *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 first and second times and referred to the Committee on Appropriations.

SECOND READING OF HOUSE BILLS.

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 a second time and referred to the Committee on Appropriations.

Mr. Rowe moved

That Senate Bill No. 1 be recommitted to the Committee on Temperance,

Which motion prevailed.

Mr. Belyea moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary

T W E N T Y - F I R S T D A Y .

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 9, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the Senators present except Messrs. Lawrence, Fuller, Harmon, Winship and Robinson, who were excused.

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

REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on ways and Means to whom was referred
Senate Bill No. 21,

A bill for an act entitled "An Act to provide for the extension of the time for the payment of taxes for the year 1889,"

Have had the same under consideration, and beg leave to report as follows:

That in lines four (4) and five (5), Section one (1), the words "First Monday of October" be stricken out, and the "Fifteenth (15th) day of October" inserted in lieu thereof,

And as amended recommend that the bill do pass.

W. C. ROBINSON,
Chairman.

Mr. Dodds moved

That the report of the committee be amended so that Section 4 of Senate Bill No. 21 shall read as follows:

SEC. 4. This act being for the purpose of extending the time for the payment of taxes, and said taxes becoming delinquent on the first Monday of February of each year. Therefore, in order that due notice may be given to all parties interested, this act will take effect and be in force from and after its passage and approval.

And that the report of the committee as amended be adopted,
Which motion prevailed, and
The report of the Committee on Ways and Means was adopted.
The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 it
do pass.

C. B. LITTLE,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
House Bill No. 4,
A Joint Resolution authorizing the payment of salaries, mil-
age and *per diem*,
Have had the same under consideration and beg leave to report
with the recommendation that the same do pass.

JOHN E. HAGGART,
Chairman *pro tem*.

Mr. Swanston moved

That the report of the Committee on Appropriations, as
amended, be adopted,
Which motion prevailed.

The Committee on State Affairs made the following reports:

MR. PRESIDENT:

Your Committee on State Affairs have had under consideration
Senate Bill No. 17,

A bill for an act entitled "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 the following amendment: In section 1 strike
out "State Treasurer" and insert "Secretary of State," and as
amended recommend that the same do pass.

Also,

Senate Bill No. 23,

A bill for an act entitled "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 the same do pass.

Also,

Senate Bill No. 22,

A bill for an act entitled "An Act to amend Sections 3 and 4 of Chapter 8 of the General Laws of 1883, entitled Attorney General,"

And recommend the following amendment: Insert in the third line after the word "insurance," "and all other State officers," and as so amended recommend that the bill do pass.

JUDSON LAMOURE,
Chairman.

Mr. McCormack moved

That the reports of the Committee on State Affairs be adopted,
Which motion prevailed.

Mr. Dodds moved

That the Janitor be instructed to procure a thermometer.

Mr. Swanston moved

To amend by inserting "two thermometers" instead of one,
Which amendment prevailed,

And the question being on the original motion as amended,

The original motion as amended prevailed,

And the Janitor was so instructed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—

Senate Bill No. 36,

A bill for an act entitled "An Act to provide for publication of proposed Constitutional Amendments,"

Which was read the first time.

Mr. Worst introduced—

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,"

Which was read the first time.

Mr. Stevens introduced—

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,

Which was read the first time.

Mr. Swanston introduced—

Senate Bill No. 39,

A bill for an act entitled "An Act defining the boundaries of Ramsey and Walsh counties,"

Which was read the first time.

Mr. Randall introduced—

Senate Bill No. 40,

A bill for an act entitled "An Act to create the office of Chief Boiler Inspector and defining his duties,"

Which was read the first time.

Mr. Hartman introduced—

Senate Bill No. 41,

A bill for an act entitled "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 was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No 29,

A bill for an act entitled "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 Counties.

Senate Bill No. 30,

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,"

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

Senate Bill No. 31,

A bill for an act entitled "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 second time, and referred to the Committee on Education.

Senate Bill No. 32,

A bill for an act entitled "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.

Senate Bill No. 33,

A bill for an act entitled "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 second time and referred to the Committee on Education.

Senate Bill No. 34,

A bill for an act entitled "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. Swanston asked unanimous consent that the Senate return to the eighth order of business,

There being no objection it was so ordered,

And the following memorial from the Legislative Assembly of the State of Washington was presented by Mr. Swanston:

SENATE CHAMBER,
OLYMPIA, WASHINGTON, }
November 29, 1889. }

SIRS:

WHEREAS, The undersigned committee has referred to it the memorial hereinafter set forth, and believing that conditions exist in your State similar to those recited in such memorial, that you must be considering the difficulties therein presented, and that harmonious action on the part of all the new states would more surely result in proper action on the part of Congress, we respectfully invite your criticism upon the subject matter of said memorial, and request you to aid us with all suggestions which occur to you as to the most efficient method of promptly obtaining the lands granted by the Enabling Act.

Said proposed memorial is as follows:

"To the Honorable Senate and House of Representatives of the United States, in Congress Assembled:

"Your memorialists, the Legislature of the State of Washington, would respectfully represent, this:

"WHEREAS, Under and by virtue of an act of Congress, approved, February 22, 1889, entitled 'An Act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such states,' our just and beneficial national government has granted to the young State of Washington a magnificent heritage of more than seven hundred and fifty thousand acres of the fertile lands within her borders, to be utilized in the erection of public buildings, colleges and universities of learning, and the maintenance of the same; the prosecution of internal improvements, and the upbuilding and fostering of a free public school system—that bulwarks of our liberties; and,

"WHEREAS, The loss to our State of any part of this munificent donation would be irreparable and disastrous to the Commonwealth, and if permitted, a grievous wrong to future generations; and,

"WHEREAS, Under the existing conditions of a rapidly increasing population, already great, striving to appropriate to individual benefit the public lands within our State, it is absolutely certain that under the various public land laws now in force, such appropriation of all desirable tracts of such lands will be effected before the selection of lands for the State under such donation can be accomplished as now provided by law; and,

"WHEREAS It is absolutely necessary in order that the intention of the national government may be fully carried out in pursuance to the spirit prompting such donation, and that the State may not be despoiled of the precious gift, that Congress take legislative action in order that Section 19 of said act may be rendered operative and of full force, and that the public lands within the State may not be entirely appropriated by individuals before the same is surveyed, or an opportunity given for a selection of lands under such donation on behalf of the State;

"THEREFORE, We most earnestly and respectfully petition your honorable

bodies that you enact such legislation as will effect the purpose of that part of said act relating to the donation of lands to the State of Washington, and effectually prevent the appropriation by individuals of any of the public domain within the State of Washington until a reasonable time and proper opportunity have been given, subsequent to the filing of the plats of such lands in the local land offices, for selections of said lands to be made on behalf of the State.

Resolved, That the Secretary of State is hereby directed to furnish a certified copy of this Memorial to each of our Senators and our Representative in Congress; also one copy to the Chairman of the Committee on Public Lands in the Senate of the United States and one copy to the Chairman of the Committee on Public Lands of the House of Representatives, Commissioner of the General Land Office, and Secretary of the Interior.

"And your Memorialists will ever pray."

(Endorsed: Senate Memorial No. 2. To the Honorable Senate and House of Representatives in Congress assembled.

Introduced by Senator Owings, November 25, 1889. Read first time, rules suspended, read second time by title and referred to Committee on Federal Relations.)

Trusting you may find it convenient to make an early reply,

We have the honor to remain,

Your Obedient Servants,

Committee on Federal Relations of the Washington Senate,

By W. D. Wood,
Chairman.

To the Committee of the Senate of North Dakota, having for consideration the subject of State Granted and School Lands.

The memorial was referred to the Committee on Public Lands.

Mr. President announced an informal recess.

The Senate reassembled.

Mr. Haggart asked unanimous consent to return to the Fifth order of business.

There being no objection it was so ordered, and

The Committee on Public Buildings made the following report:

MR. PRESIDENT:

Your Committee on Public Buildings to whom was referred Senate Bill No. 24,

A bill for an act entitled "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 it be amended as follows:

Amend the title of said bill by inserting after the word "erection" the words "of suitable buildings for."

Amend Section 1 by striking out the word "fifty" in line five of said Section, and inserting in lieu thereof the word "twenty."

Amend Section 3 by adding after the end of said Section 3 the following, Provided, however, that no bonds shall be issued or contracts be made, until such time as a tract of land not less than forty acres, adjacent to said city of Fargo be secured and donated to the State of North Dakota in fee simple, as a site for said Agricultural College and Experimental Station, and the Attorney General of said State of North Dakota is hereby empowered, and it is

made his duty to see that a good and sufficient deed be made to the same.

Amend Section 9 by striking out after the word "duties" in line 12 of said Section the following words "not to exceed fifty days in any one year."

Also by adding after the word "board" at the end of said Section 9, the following: "Provided, that all work done in the erection or construction of said Agricultural College or Experimental Station buildings shall be under contract, let to the lowest responsible bidder, after thirty day's notice printed in two or more of the leading newspapers published in the State of North Dakota, and the person or persons to whom said contract may be awarded shall give good and sufficient bonds for the faithful performance of the contract or contracts aforesaid in such sum or sums as the Governor and directors may require.

And as so amended recommend that the bill do pass.

JOHN E. HAGGART,
Chairman.

Mr. Belyea moved

That the report of the committee on Senate Bill No. 24 be adopted,

Which motion prevailed.

Mr. LaMoure moved

That Hon. Jacob Lowell, a member of the late Constitutional Convention, be invited to take a seat within the bar of the Senate Chamber,

Which motion prevailed,

And the Sergeant-at-Arms was instructed to invite Mr. Lowell to take a seat within the bar of the Senate Chamber.

THIRD READING OF SENATE BILLS.

Mr. Sandager moved

That Senate Bill No. 8 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 8,

A bill for an act entitled "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,"

Was read the third time as amended, and

Senate Bill No. 8 as amended was placed upon its final passage.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,

Messrs—

Haggart,
Hartman,
Helgeson,
LaMoure,
Little,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,

Messrs.—

Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

McBride,
McCormack,
Randall,
Rowe,

Messrs—

Swanston,
Worst,
Yager,

Absent not voting:

Messrs—

Fuller,
Harmon,

Messrs—

Robinson,
Winship,

Messrs—

Lawrence.

And the question being as to its title,
The title was agreed to.

Mr. Swanston moved

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 an act entitled "An Act for the appropriation of
moneys for the payment of milage, *per diem* and salaries of mem-
bers and employes of the first Legislative Assembly of the State
of North Dakota, and authorizing the payment thereof,"

Was read the third time.

The roll being called there were ayes, 26; nays, none.

Those who voted in in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Haggart,
Hartman,
Helgeson,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Harmon,

Messrs—

Lawrence,
Robinson,

Messrs—

Winship.

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

Mr. McCormack moved

That Senate Bill No. 15 be read the third time and placed upon
its final passage,

Which motion prevailed, and
Senate Bill No. 15,

A bill for an act entitled "An Act to facilitate the settlement of
constitutional questions by the Supreme Court,"

Was read the third time.

Mr. Rowe moved

That Senate Bill No. 15 be amended by inserting the word
"that" between the words "question" and "shall" in line 5 of
Section 3,

Which amendment prevailed.

The roll being called there were ayes, 26; nays, none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Little,	Svensrud,
Cowan,	McBride,	Swanston,
Diesem,	McCormack,	Worst,
Dodds,	Randall,	Yager.
Fisher,	Rowe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Lawrence,	Winship,
Harmon,	Robinson,	

And the question being as to its title.

Its title was agreed to.

Mr. LaMoure moved

That Senate Bill No. 24 be read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 24,

A bill for an act entitled "An act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo."

As amended by the Committee on Public Buildings was read the third time.

Mr. Diesem moved

That further action on Senate Bill No. 24 be postponed until 3:30 p. m., to-morrow.

The Chair ruled the motion out of order.

Mr. Dodds moved

That the word "semi" be inserted before the word "annually" in the blank in Section 1, eighth line.

Which motion prevailed.

Mr. Dodds moved

As an amendment that in line 2 of Section 8 the words "January and July of each year" be inserted,

Which motion prevailed.

Mr. Dodds moved

That Senate Bill No. 24 be amended by inserting the word "five" after the words "denominations of" in Section 1, eleventh line, and the words "New York" be inserted after the words "payable at" in the twelfth line of Section 1,

Which motion prevailed.

Mr. Stevens moved

That on page 6, line 13 of Section 11 the words "three years" be substituted for the words "four years,"

Which motion prevailed.

Mr. Diesem moved

That in line 6 of Section 1, the words "to purchaser" be inserted after the word "delivered,"

Which motion prevailed.

Mr. Appleton moved

That the vote by which Senate Bill No. 24, was placed upon its final passage be reconsidered, and a division of the Senate being called for,

The motion prevailed, the vote being 16 to 8,

And the vote was reconsidered.

Mr. Diesem moved

That further action on Senate Bill No. 24 be postponed until to-morrow at 3:30 p. m.,

Which motion prevailed.

Mr. Swanston moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

T W E N T Y - S E C O N D D A Y .

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 10, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present

Mr. Allen moved

That the reading of the Journal be dispensed with, and

That the President appoint a committee of two to examine and correct the Journal, and report to the Senate,

Which motion prevailed, and

The President appointed Messrs. Allin and Sandager as such committee.

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

Resolved, That the President of the Senate appoint a committee of five to report on, and fix the salaries of the employes of the Senate, both elective and appointive. Said committee to report immediately after recess.

Which motion prevailed, and

The President appointed as such committee Messrs. Diesem, Dodds, Stevens, Fisher and Slotten.

Mr. Diesem asked to be excused from service on the committee and the President appointed Mr. Svensrud in Mr. Diesem's place.

R E P O R T O F S P E C I A L C O M M I T T E E S .

MR. PRESIDENT:

Your committee appointed to examine the Journal of yesterday have examined the same and beg leave to report that they found the same correct.

ROGER ALLIN,
A. SANDAGER.

Mr. LaMoure asked unanimous consent to take up the fifth order of business,

Which request was granted,

And the Committee on Insurance made the following report:

MR. PRESIDENT:

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 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,

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

JUDSON LAMOURE,
Chairman.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance to whom was referred

Senate Bill No. 1,

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,

Have had the same under consideration and recommend that the bill be amended as follows:

First. In section 9 of said bill strike out the word "complaint." at the end of line 54, page 7. Strike out the "or;" at the beginning of line 55, page 7; strike out the words "or complaint" in line 57, page 7; strike out the words "or complaint" in line 59, 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 the line between lines 54 and 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 "or complaint" at the end of line 57, and beginning of line 58, page 8.

Strike out the words "or complaint" at the beginning of unnumbered line, of page 9.

Strike out the words "or complaint" in line 3, page 9.

Strike out all 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 end 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" at the word "files" in line 57, page 9."

And that when so amended recommend that the said bill do pass to take effect January 1, 1890.

H. J. ROWE,
Chairman.

Mr. LaMoure moved

That the report of the Committee on Temperance be adopted,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Worst introduced—
Senate Bill No. 42,

A bill for an act providing for holding primary elections to elect nominees for county offices and delegates to State and district conventions, and a county central committee for each political party or association, and regulating the same and providing penalties,

Which was read the first time.

Mr. Randall (by request) introduced—
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,

Which was read the first time.

Mr. Lawrence introduced—
Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners,

Which was read the first time.

Mr. Winship introduced—
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 35,

A bill for an act for the regulation of buying, selling and handling of grain in the State of North Dakota, and for the regulation of matters pertaining to the business of public warehousing and grain dealing,

Was read the second time, and referred to the Committee on Warehouses and Grain Grading.

Senate Bill No. 36,

A bill for an act to provide for publication of proposed constitutional amendments,

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

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 second time, and referred to the Committee on Agriculture.

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 the second time, and referred to the Committee on Federal Relations.

Senate Bill No. 40,

A bill for an act to create the office of Chief Boiler Inspector and defining his duties,

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

THIRD READING OF SENATE BILLS.

Mr. LaMoure moved

That Senate Bill No. 1 be referred to the Enrolling and Engrossing Committee to be engrossed and the amendments supplied, before further action be taken on it,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 10, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution, providing for the printing of the Constitution as provided by Section 26 of the Schedule of the Constitution of North Dakota:

CONCURRENT RESOLUTION

Providing for the Printing of the Constitution, etc., as Provided in 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 1,000 copies for use 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 Houses 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.

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

J. G. HAMILTON,
Chief Clerk.

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 upon its final passage.

The roll being called there were ayes 29, nays, none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager,
Appleton,	Harmon,	Smith,
Barlow,	Hartman,	Slotten,
Belyea,	Helgeson,	Stevens,
Bell,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McBride,	Winship,
Dodds,	McCormack,	Worst,
Fisher,	Randall,	Yager.
Fuller,	Rowe,	

Messrs. LaMoure and Robinson being absent.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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 acquired by the State,

With the amendment of the committee, was read the third time and placed upon its final passage.

The roll being called there were ayes, 30; nays, none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Hartman,	Sandager,
Barlow,	Helgeson,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Fuller,	Robinson,	Yager.

Mr. Haggart being absent.

So the bill passed, and
The question being as to its title,
Its title was agreed 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,

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

Mr. Dodds moved

To amend Section 2, line 4, by striking out the words "first Monday" and inserting the words "fifteenth day."

Also,

To insert the word "State" in place of the word "territory" wherever it appears,

Which motion prevailed.

The roll being called there were ayes, 28; nays, 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Rowe,
Barlow,	Hartman,	Sandager,
Belyea,	Helgeson,	Smith,
Bell,	LaMoure,	Slotten,
Cowan,	Lawrence,	Stevens,
Diesem,	Little,	Svensrud,
Dodds,	McBride,	Swanston,
Fisher,	Randall,	Worst,
Fuller,	Robinson,	Yager.
Haggart,		

Mr. Allin voting in the negative.

Messrs. McCormack and Winship being absent.

So the bill passed, and

The question being as to its title,

The title of Senate Bill No. 21 was agreed to.

Mr. President announced his signature to House Bill No. 4.

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 and placed upon its final passage.

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Svensrud,
Cowan,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Fuller,	Robinson,	Yager.
Haggart,	Rowe,	

Mr. Little being absent.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 third time, and placed upon its final passage.

Mr. Swanston moved

To amend Senate Bill No. 26 by striking out Section 9.

Roll call demanded on Mr. Swanston's amendment.

The roll being called there were ayes 6, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Randall,	Stevens,	Swanston,
Rowe,	Svensrud,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	McBride,
Appleton,	Haggart,	McCormack,
Barlow,	Harmon,	Robinson,
Belyea,	Hartman,	Sandager,
Bell,	Helgeson,	Smith,
Cowan,	LaMoure,	Slotten,
Diesem,	Lawrence,	Yager.
Fisher,		

Absent and not voting:

Mr. Dodds,

Mr. Little,

Mr. Winship.

And so the amendment was lost.

Mr. Diesem moved

To amend Senate Bill No. 26 as follows:

In Section 9, line 8, by inserting after the words "said court"
the words "other than at the Capital of the State."

Mr. Stevens moved

To amend Senate Bill No. 26 by striking out all in line 6 of
Section 9, and including that part of lines 7 and 8 as follows, viz.:

"And in addition the sum of two dollars for each and every day
when the said clerk is in actual attendance upon the said session
or sessions of the said court other than at the State Capital."

Mr. President called Mr. Dodds, the president *pro tem.*, to the
chair.

Mr. La Moure moved

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

Mr. Swanston moved to amend Section 6 by striking out in lines
1 and 2 the words "one thousand five hundred dollars" and insert-
ing in lieu thereof the words "twelve hundred dollars."

Which motion was lost, and

The roll being called on the original motion to pass Senate Bill No. 26.

There were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Hartman,	Sandager,
Barlow,	Helgeson,	Smith,
Belvea,	LaMoure,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Fuller,	Robinson,	Yager.
Haggart,		

So the bill passed, and

The question being as to its title,

Its title was agreed to.

SPECIAL ORDERS.

Senate Bill No. 24 having been made a Special Order for 3:30 p. m., and the hour having arrived,

Mr. Diesem moved

That the Senate resolve itself into Committee of the Whole,
Which motion prevailed, and

The President called Mr. Swanston to the chair, 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 then considered.

When the committee rose the following report was made:

MR. PRESIDENT:

Your Committee of the Whole having 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,
Recommend that the said bill do pass.

W. H. SWANSTON,
Chairman.

Which report was adopted.

Mr. LaMoure moved

That the bill be sent to the Enrolling and Engrossing Committee for engrossing,

Which motion prevailed.

Mr. Rowe moved

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

C. C. BOWSFIELD,
Secretary.

TWENTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 11, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.
The Lieutenant Governor presiding.
Prayer by the Chaplain.
Roll called.
All the members present.
The Journal of the previous day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 11, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith
A Concurrent Resolution,
"Providing for the printing of duplicate bills,"
Which the House has passed, and your favorable consideration
thereof is requested.

J. G. HAMILTON,
Chief Clerk.

PETITIONS, COMMUNICATIONS, ETC.

Mr. McCormack presented the following petition:

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

GENTLEMEN:—We, the undersigned, citizens of the county of Grand Forks, and State of North Dakota, believing that it would be to the best interests of all who may be affected thereby, most respectfully ask your honorable body that in legislating on and enacting laws pertaining to and regulating the sale of intoxicating liquors under the prohibitory clause of the Constitution, that any and all such laws and regulations, be allowed to take their regular course and become operative and in force on the first day of July after the passage of the same.

F. A. BROWN,
And seventy others.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. PRESIDENT:

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:

That section 2 be stricken out, and that the bill as amended do pass.

F. G. BARLOW,
Chairman.

The Committee on Rules made the following report:

MR. PRESIDENT:

Your Committee on Rules beg leave to report that it has adopted the following rule to be known as No. 40:

Rule 40. All bills reported from committees with amendments, shall be enrolled before being read the third time and placed upon final passage.

F. G. BARLOW,
Chairman.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

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 perma-

ment 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.

M. L. McCORMACK,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

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,

Have had the same under consideration and recommend that said bill be amended as follows:

That "five years" be changed to "three years" in Section 2, line 6, of printed bill.

In Section 4, line 3, strike out "the Organic Act" and insert "the Constitution of the State of North Dakota."

In Section 4, line 10, after the word "board" insert the words "the secretary shall countersign all certificates of indebtedness, bills and all papers approved or allowed by said board."

In Section 8, lines 2 and 3, strike out "five" and insert "three."

In Section 8, line 3, after "and" insert "five cents per mile for each mile necessarily traveled in going to and returning from the meetings of said board."

In Section 8, line 5, after "board" insert "countersigned by the secretary."

In Section 9, lines 3 and 4, insert "\$180" instead of "\$150."

In Section 11, drop the final "es" from the word "addresses" in line 2.

In Section 12, line 5, change "have" to "has" in both instances.

In Section 14, line 2, strike out "s" in "languages."

In Section 16, lines 1 and 2, strike out "after" and insert "before," and after "December" insert "1890," and after "biennially," "thereafter."

Also add: "Whereas, An emergency exists that the school provided for in this act should be established prior to July 1, 1890; therefore, the same shall take effect and be in force after its passage and approval."

And when so amended recommend that said bill do pass.

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,

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

J. H. WORST,
Chairman.

The Committee on Enrolling and Engrossing made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 24,

And find the same correctly engrossed.

J. A. SMITH,
Chairman.

REPORT OF SPECIAL COMMITTEES.

The Committee on Salaries of Officers and Employes made the following report:

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your Special Committee appointed to report on salaries of employes of the Senate, have had the same under consideration and recommend that the salaries of employes be as follows:

Secretary of Senate	per day	\$ 7 00
Assistant Secretary of Senate	per day	6 00
Enrolling Clerk,	per day	6 00
Engrossing Clerk,	per day	5 00
Assistant Enrolling and Engrossing Clerk,	per day	5 00
Bill Clerk	per day	5 00
Stenographer	per day	6 00
Sergeant-at-Arms	per day	5 00
Assistant Sergeant-at-Arms	per day	5 00
Doorkeeper	per day	4 00
Messenger	per day	4 00
Postmaster	per day	4 00
Chaplain	per day	1 50
Pages, each	per day	2 00
Janitor	per day	3 00
Watchman	per day	3 00
Attendant on Committee Rooms	per day	2 00
Clerks of Committees	per day	4 00

Further we recommend that the Assistant Sergeant-at-Arms shall assist, when not otherwise engaged, the Enrolling and Engrossing force.

All of which is respectfully submitted.

ANTON SVENSRUD,
Chairman.

Mr. Allin moved

That the salary of the Chaplain be increased from \$1.50 to \$2 per day.

Which motion prevailed.

Mr. Belyea moved

To amend by allowing the Doorkeeper \$5 per day, instead of \$4 per day,

Which motion prevailed.

Mr. Barlow moved

That the salary of the Postmaster be \$5 per day, instead of \$4 per day,

Which motion prevailed.

Mr. Swanston moved

That the salary of the Bill Clerk be increased to \$6 per day from \$5 per day.

Mr. Diesem moved an amendment to Mr. Swanston's amendment,

That the Engrossing Clerk be increased to \$6 per day; also, the Watchman and Janitor the same as the Doorkeeper, each to get \$5 per day.

Mr. Stevens moved

That the amendment to the amendment be laid on the table.

Mr. Diesem withdrew his amendment so far as it related to the Janitor and Watchman.

Roll call demanded on the motion to lay Mr. Diesem's amendment to Mr. Swanston's amendment on the table.

The roll being called there were ayes 17, nays 14.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bell,
Cowan,
Dodds,
Fuller,

Messrs—

Hartman,
LaMoire,
McBride,
Robinson,
Smith,
Slotten,

Messrs—

Stevens,
Svensrud,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Barlow,
Belyea,
Diesem,
Fisher,
Haggart,

Messrs—

Harmon,
Helgeson,
Lawrence,
Little,
McCormack,

Messrs—

Randall,
Rowe,
Sandager,
Swanston.

So the motion prevailed, and

The amendment to the amendment was laid upon the table, carrying with it the report of the Special Committee on Salaries.

MOTIONS, RESOLUTIONS, ETC.

Mr. Dodds introduced the following

CONCURRENT 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 Institutions.
 Committee on Educational Institutions.
 Committee on Public Buildings and Grounds.

Mr. Winship introduced the following:

CONCURRENT RESOLUTION.

WHEREAS, It is currently reported that great want and destitution prevail among the people in certain localities of the State; therefore be it

Resolved, by the Senate, the House of Representatives concurring, 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.

Mr. Dodds moved

The adoption of the Concurrent Resolution on Joint Committees,

Which motion prevailed.

Mr. Stevens moved

The adoption of the Concurrent Resolution to appoint a Joint Committee to investigate the condition of the people in the destitute sections,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

The Concurrent Resolution

Providing for the printing of the Constitution, as provided by Section 26 of the Schedule of the Constitution of North Dakota, was read.

Mr. Swanston moved

That the Concurrent Resolution be adopted,
 Which motion prevailed.

Also,

The Joint Memorial to the Representatives of North Dakota in Congress,

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

Mr. Rowe moved

That the Joint Memorial be adopted,
 Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Belyea introduced—

Senate Bill No. 46,

A bill for an act to provide seals for the district courts of the State of North Dakota,

Which was read the first time.

Mr. President called Mr. Dodds to the chair.

Mr. Diesem introduced—

Senate Bill No. 47,

A bill for an act to promote forest tree culture,
Which was read the first time.

Mr. LaMoure asked that the Senate refer back to the seventh order of business.

Mr. LaMoure introduced 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 Chair, to act with a like committee of the House, to draft a bill regulating the number and salaries of the several officers of each branch of the Legislature.

Which resolution was adopted.

Mr. Little introduced—

Senate Bill No. 48,

A bill for an act to regulate the practice of dentistry and punish violations thereof in the State of North Dakota,

Which was read the first time.

Mr. LaMoure introduced—

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,"

Which was read the first time.

SECOND READING OF SENATE BILLS.

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

Senate Bill No. 42.

A bill for an act providing for holding primary elections to elect nominees for county offices and delegates to State and district conventions, and a county central committee for each political party or association and regulating the same, and providing penalties,

Was read the second time and referred to the Committee on Elections and Privileges.

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 the Committee on Railroads.

Senate Bill No. 44,

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.

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. 24,

A bill for an act to provide for the erection and operation of the Agricultural College and Experipental Station at Fargo,

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

The roll being called there were ayes, 23; nays, 5.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McCormack,

Messrs—

Randall,
Robinson,
Rowe,
Slotten,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Barlow,
Diesem,

Messrs—

Smith,
Stevens,

Messrs—

Winship.

Absent and not voting:

Messrs—

McBride,

Messrs—

Sandager,

Messrs—

Svensrud,

So the bill passed,

And the question being as to its title,

Its title was agreed to.

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,

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

The roll being called there were ayes 30, nays, none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Robinson,
Appleton,	Harmon,	Rowe,
Barlow,	Hartman,	Smith,
Belyea,	Hegleson,	Slotten,
Bell,	LaMoure,	Stevens,
Cowan,	Lawrence,	Svensrud,
Diesem,	Little,	Swanston,
Dodds,	McBride,	Winship,
Fisher,	McCormack,	Worst,
Fuller,	Randall,	Yager.

Mr. Sandager being absent.

So the bill passed and the question being as to its title,
Its title was agreed to.

Mr. Stevens moved

That Senate Bill No. 38 be considered at this time.

Which motion prevailed, and

Senate Bill No. 38,

A Joint 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 the third time, and placed upon its final passage.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Robinson,
Appleton.	Hartman,	Rowe,
Barlow,	Helgeson,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Winship,
Dodds,	McCormack,	Worst,
Fisher,	Randall,	Yeager.
Fuller,		

Absent and not voting:

Messrs—	Messrs.—	Messrs—
Haggart,	Sandager,	Swanston.

So the bill passed, and the question being as to its title,
Its title was agreed to.

The President announced an informal recess.

The Senate reassembled.

COMMITTEE OF THE WHOLE.

Mr. Swanston moved

That the Senate resolve itself into Committee of the Whole to consider

Senate Bill No. 25,

Which motion prevailed.

The President called Mr. Barlow to the Chair.

When the committee arose the following report was made:

Mr. PRESIDENT:

Your Committee of the Whole having had under consideration Senate Bill No. 25,

A Joint Resolution for a proposition to amend the Constitution of the State of North Dakota,

Beg leave to recommend the indefinite postponement of said bill.

F. G. BARLOW,
Chairman.

Mr. Rowe moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

TWENTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 12, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present.

The President called Mr. Winship to the Chair.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

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,

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

S. A. FISHER,
Chairman.

The report of the Committee of the Whole on Senate Bill No. 25 was called up.

Mr. LaMoure moved

That Senate Bill No. 25 be indefinitely postponed.

Mr. McCormack moved

To lay the motion of Mr. LaMoure on the table.

Roll call demanded.

The roll being called there were ayes 12, nays 17.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bell,
Cowan,

Messrs—

Dodds,
Fisher,
Fuller,
Helgeson,

Messrs—

McBride,
McCormack,
Stevens,
Svensrud.

Those who voted in the negative were:

Messrs—

Barlow,
Belyea,
Diesem,
Haggart,
Harmon,
LaMoure,

Messrs—

Lawrence,
Little,
Randall,
Robinson,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Swanston,
Worst,
Yager.

Mr. Winship being paired with Mr. Hartman, who was absent.
So the motion was lost.

The question recurring on the original motion of Mr. LaMoure
to indefinitely postpone Senate Bill No. 25,

The roll being called there were ayes 18, nays 11.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Diesem,
Fisher,
Haggart,
Harmon,

Messrs—

LaMoure,
Lawrence,
Little,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Swanston,
Worst,
Yeager.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bell,
Cowan,

Messrs—

Dodds,
Fuller,
Helgeson,
McBride,

Messrs—

McCormack,
Stevens,
Svensrud.

Mr. Winship being paired with Mr. Hartman, who was absent.
Senate Bill No. 25,

A Joint Resolution for a proposition to amend the Constitu-
tion of the State of North Dakota,

Was indefinitely postponed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
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,

Have had the same under consideration and recommend that
said bill be amended as follows:

Amend Section 1 by adding after the word "and" in line 12 of
said section the following: "So much thereof as may be neces-
sary for the maintenance of said institutions until March 8, A.
D. 1890, is hereby,"

And as so amended recommend that the bill do pass.

GEO. B. WINSHIP,
Chairman.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading to whom was referred

Senate Bill No. 14,

A bill for an act to regulate 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 return the same without recommendation.

ANDREW SLOTTEN,
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred
Senate Bill No. 32,

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 in lieu thereof the attached bill be substituted:

A BILL.

For an Act to Provide for Borrowing Money to Defray the Extraordinary Expenditures of the State Government.

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That the Governor, State Auditor and State Treasurer are hereby authorized and empowered to prepare for issue negotiable bonds of the State of North Dakota to the amount of two hundred thousand dollars; such bonds shall be made payable to the purchaser or bearer and payable in fifteen years from date of issue, and shall bear interest at a rate not to exceed 4 per cent. per annum, interest payable semi-annually on the 1st day of January and July of each year, with coupons attached for each interest payment; said interest coupons to be made payable anywhere in the United States; said bonds shall be executed under the great seal of the State by the Governor and Treasurer, and shall be attested by the Secretary of State, and shall be negotiated by the Treasurer.

SEC. 2. The State Treasurer shall receive sealed proposals for the purchase of said bonds, and he shall give public notice for at least thirty days in two or more newspapers of general circulation, one of which shall be published in the City of New York, giving date of such sale. And the said bonds shall be sold to the highest bidder for cash, at not less than their par value.

SEC. 3. The State Board of Equalization, at the time other taxes are levied, shall levy a sufficient tax annually to pay the interest on said bonds as the same shall become due, which tax shall be collected in the same manner that other state taxes are collected. Also, seven years before the maturity of said bonds said board shall provide a sinking fund sufficient to retire and pay said bonds at their maturity, and for such purpose shall annually levy a tax sufficient to provide such funds. No tax or fund provided for the payment of such bonds or the interest thereon shall be used for any other purpose.

SEC. 4. When the interest coupons attached to such bonds become due, and whenever said bonds mature, it shall be the duty of the State Treasurer to pay the same on presentation out of any funds in the treasury applicable thereto, and to cancel the same when paid.

SEC. 5. When said bonds are all redeemed and all interest thereon paid, the residue of said fund and all subsequent collections of said tax shall be transferred to the general revenue fund of the State.

SEC. 6. The State Treasurer is hereby authorized and empowered to offer for sale said bonds in such amounts and at such times as the Governor, State Auditor and State Treasurer may deem proper and for the best interests of the State.

SEC. 7. Said bonds to be known and styled "North Dakota Revenue Bonds," which shall be of denominations of not less than one thousand dollars each.

SEC. 8. Whereas, an emergency exists in this, that there is no provision of law by which the extraordinary expenditures of the State can be met; therefore, for the reason stated, this act shall take effect and be in force from and after its passage and approval.

W. H. ROBINSON,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties 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 be amended as follows:

That the title of said bill be changed to read: "For an act to define the boundary between Ramsey and Walsh counties,"

And as amended recommend that the bill do pass.

F. G. BARLOW,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dodds introduced—
Senate Bill No. 50,

A bill for an act providing that any security that may be given on any grain or other crop, the seed of which had not been planted or sown, shall be null and void,

Which was read the first time.

Mr. Winship introduced—
Senate Bill No. 51,

A bill for an act making an appropriation for certain printing,
Which was read the first time.

Mr. McCormack introduced—
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,

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 46,

A bill for an act to provide seals for the district courts of the State of North Dakota,

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

Senate Bill No. 47,

A bill for an act to provide forest tree culture,

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

Senate Bill No. 48,

A bill for an act to regulate the practice of dentistry and punish violations thereof in the State of North Dakota,

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

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.

THIRD READING OF SENATE BILLS.

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, with its amendments, and placed upon its final passage.

Mr. Worst moved

That the report of the Committee on Education in regard to Senate Bill No. 31 be adopted,

Which motion prevailed.

Mr. Smith moved the following amendment:

In Section 5, line 5, strike out the words "at any time" and insert "quarterly, in equal payments,"

Which amendment prevailed.

And the question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 10.

Those who voted in the affirmative were:

Messrs—

Allin,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
LaMoure,
Lawrence,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Svensrud,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—
Appleton,
Barlow,
Bell,
Fuller,

Messrs—
Helgeson,
McBride,
Slotten,

Messrs—
Stevens,
Winship,
Yager.

Messrs. Little and Hartman being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 12, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution authorizing the Commissioner of Agriculture and Labor to investigate the reports of destitution in various localities of the State and distribute aid contributed therefor,

CONCURRENT 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 and 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.

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

J. G. HAMILTON,
Chief Clerk.

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 third time, and

The question being upon the report of the Committee on Education on Senate Bill No. 33,

Mr. Rowe moved

That the report of the Committee on Senate Bill No. 33 be adopted,

Which motion prevailed.

The question recurring on the passage of the bill,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Helgeson,	Smith,
Barlow,	Lawrence,	Slotten,
Belyea,	Little,	Stevens,
Bell,	McBride,	Svensrud,
Cowan,	McCormack,	Swanston,
Diesem,	Randall,	Winship,
Dodds,	Robinson,	Worst,
Fisher,	Rowe,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Hartman.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced that Senate Bill No. 31 had not received the two-thirds vote required to enforce the emergency clause.

Mr. Worst moved

That the vote on the final passage of Senate Bill No. 31 be reconsidered,

Which motion prevailed.

The roll being called on the passage of Senate Bill No. 31 there were ayes 20, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Bowe,
Belyea,	LaMoure,	Sandager,
Cowan,	Lawrence,	Smith,
Diesem,	Little,	Svensrud,
Dodds,	McCormack,	Swanston,
Fisher,	Randall,	Worst.
Haggart,	Robinson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Helgeson,	Stevens,
Barlow,	McBride,	Winship,
Bell,	Slotten,	Yager.
Fuller,		

Mr. Hartman being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Fuller moved

That Mr. Robert Wallace, Chief Clerk of the last Territorial Council, be invited to take a seat within the bar of the Senate,

Which motion prevailed.

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 third time with the amendments, and placed upon its final passage.

Mr. Belyea moved

The adoption of the report of the Committee on Counties on Senate Bill No 9,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Helgeson,
Lawrence,
Little,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yeager.

Absent and not voting:

Messrs—

Bell,
Hartman,

Messrs—

LaMoure,

Messrs—

McBride.

Mr. Hartman being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Winship moved

That the rules be suspended, and that the Senate return to the eleventh order of business in order that Senate Bill No. 51 might be read the second time and referred to the proper committee,

Which motion prevailed, and

Senate Bill No. 51.

A bill for an act making an appropriation for certain printing,

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

Mr. President appointed as the Senate Committee on Officers and Salaries Messrs. LaMoure, Winship and McBride.

Mr. Dodds asked that the Senate return to the eighth order of business, and take up the Concurrent Resolution of the House authorizing the Commissioner of Agriculture and Labor to investigate the existing destitution in North Dakota,

Which was ordered.

Mr. Dodds moved
That the Senate adopt the Concurrent Resolution,
Which motion prevailed.

Mr. McCormack moved
That the Senate adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

T W E N T Y - F I F T H D A Y .

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 13, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.
The Lieutenant Governor presiding.
Prayer by the Chaplain.
Roll called.

All members present except Messrs. Sandager and Hartman
who were excused

The Journal of the preceding day was read and approved.
Mr. Sandager was excused by consent of the Senate.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Rowe presented the following petition:

To the Honorable, the Senate of the State of North Dakota:

We, the undersigned residents of Wheatland, Cass county, N. D., petition your honorable body to pass, at as early a date as practicable, stringent laws for the enforcement of Article 20 of the Constitution, which prohibits the sale of and traffic in intoxicating liquors; and in so far as our information goes, we cordially approve the bill for that purpose introduced in the Senate by Senator Rowe, of Cass county, and in the House by Representative Haugen, of Grand Forks county.

WM. M. SPOOR,
And 40 Others.

Which was referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing having under consideration

House Bill No 51,

A bill for an act making appropriation for certain printing,
Report the same back with the recommendation that the bill do
pass.

N. C. LAWRENCE,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

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 the fol-
lowing sums or so much thereof as may be necessary, as the clerk
hire for the several officers to wit:

Governor's office.....	\$ 1,500
Secretary's office.....	3,000
Treasurer's office.....	2,000
Auditor's office.....	2,000
Attorney General's office.....	900
Superintendent of Public Instruction's office.....	1,800
Commissioner of Insurance's office.....	2,000
Commissioner of Agriculture's office.....	1,500

They also recommend that Section (1) one be amended by ad-
ding after the end of said Section (1) one the following: "*Pro-
vided*, That all clerical appointments shall first be referred to the
Governor for his approval,"

And as so amended recommend that the bill do pass.

GEORGE B. WINSHIP,
Chairman.

Mr. Barlow moved
That 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,

Be referred to the Committee of the Whole,
Which motion prevailed.

Mr. Barlow moved
That 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,

Be referred to the Committee of the Whole,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

Senate Bill No. 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.

ROGER ALLIN,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties 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:

That in line 5 of Section 3, after the word "out" insert the words "for one day,"

And when so amended recommend that the bill do pass.

F. G. BARLOW,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

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.

ROGER ALLIN,
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }
December 13, 1889. }

MR. PRESIDENT:

I have the honor to inform the Senate that the Speaker has appointed as members of the Joint Committee on the part of the House to prepare for publication the Constitution of the State and other information stated in the Concurrent Resolution, Messrs. Thomas, Walsh and Currier.

J. G. HAMILTON,
Chief Clerk.

Also,

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 of intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

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

J. G. HAMILTON,
Chief Clerk.

Mr. President appointed the following Committee on Editing and Printing Constitution, etc.: Messrs. Worst, Smith and Cowan.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred Senate Bill No. 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,"

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

W. H. ROBINSON,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Barlow introduced—
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 was read the first time.

Also,
Senate Bill No. 54,

A bill for an act establishing a Supreme Court Library,
Which was read the first time.

Mr. Allin presented the following resolution:

CONCURRENT RESOLUTION.

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

SECTION 1. That the Senate and the House of Representatives of the State of North Dakota do adjourn *sine die* on February 1, 1890.

Mr. Bell moved

That the resolution be adopted.

Mr. Swanston moved

That the resolution be laid upon the table.

Roll call demanded.

The roll being called there were ayes 13, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Smith,
Belyea,	Lawrence,	Svensrud,
Diesem,	Little,	Worst,
Fuller,	Robinson,	Yager.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Rowe,
Appleton,	LaMoure,	Slotten,
Bell,	McBride,	Stevens,
Cowan,	McCormack,	Swanston,
Fisher,	Randall,	Winship,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Hartman,	Sandager.

Messrs. Hartman and Sandager being excused.

Mr. Swanston moved

To reconsider the vote on the motion to lay the resolution on the table.

Mr. LaMoure moved

To lay Mr. Swanston's motion on the table.

Roll call demanded.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Haggart,	Smith,
Belyea,	Harmon,	Svensrud,
Diesem,	Lawrence,	Swanston.
Dodds,	Little,	Worst,
Fisher,	Robinson,	Yager.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Rowe,
Appleton,	McBride,	Slotten,
Bell,	McCormack,	Stevens,
Cowan,	Randall,	Winship.
Helgeson,		

Messrs. Hartman and Sandager being excused.

The motion as adopted carried with it the entire subject, and the resolution to adjourn *sine die* on February 1, 1890, was tabled.

Mr. McCormack asked for unanimous consent to refer back to the eleventh order of business.

The request was granted, and

Mr. McCormack introduced—

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,

Mr. Barlow asked consent to return to the fifth order of business,

Which was granted, and

The Committee on Counties made the following report:

MR. PRESIDENT:

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 amended as follows:

After the eleventh line in Section 1, insert the words: "*Provided, however,* That no county shall have five commissioners until the assessed valuation of such county shall reach the sum of two million dollars,"

And when so amended recommend that said bill do pass.

F. G. BARLOW,
Chairman.

Mr. Allin moved

That Mr. Clapp, a member of the Constitutional Convention, be invited within the bar of the Senate,

Which motion prevailed.

Mr. Little asked unanimous consent to return to the fifth order of business,

Which was granted, and

Mr. Little introduced—

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.

SECOND READING OF SENATE BILLS.

Senate Bill No. 50,

A bill for an act providing that any security that may be given on any grain or other crop, the seed of which had not been planted or sown, shall be null and void,

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

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 second time, and referred to the Committee on Federal Relations.

THIRD READING OF SENATE BILLS.

Mr. Robinson moved

That Senate Bill 49,

Be read the third and placed upon its final passage,

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 third time and placed upon its final passage.

Mr. Worst moved

The adoption of the report of the committee on Senate Bill No. 49,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes, 28; nays, none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,

Messrs—

Hartman,

Messrs—

Sandager.

Messrs. Hartman and Sandager being excused.

So the bill passed,

And the question being as to its title,

Its title was agreed to.

Senate Bill No. 39,

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

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

Mr. Rowe moved the adoption of the report of the Committee of Counties on Senate Bill No. 30,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,

Messrs—

Haggart,
Harmon,
Helgeson,

Messrs—

Robinson,
Rowe,
Slotten,

Messrs—

Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Lawrence,
Little,
McCormack,
Randall,

Messrs—

Svensrud,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Bell,
LaMoure,

Messrs—

McBride,
Smith,

Messrs—

Stevens,
Winship,

Messrs. Hartman and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 14,

A bill for an act to regulate the taking of toll and exchange in
grist mills or flouring mills and providing penalties for the vio-
lation of the same,

Was read the third time with the report of the Committee on
Warehousing. Grain and Grain Grading in reference thereto.

Mr. Allin moved

That Senate Bill No. 14 be considered in Committee of the
Whole,

Which motion prevailed.

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 28, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Haggart,

Messrs—

Hartman,

Messrs—

Sandager,

Messrs. Hartman and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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 and placed upon its final passage.

Mr. Rowe moved

That the report of the Committee on Agriculture be adopted in regard to the bill,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes, 28; nays, none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem.
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,
Lawrence,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Little,

Messrs—

Hartman,

Messrs—

Sandager.

Messrs. Hartman and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 57, a substitute for Senate Bill No. 32,

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 General Orders.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

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,

Have had the same under consideration and recommend that said bill be amended as follows:

In the first line of Section 1 strike out the first two words "that at" and insert in lieu thereof the words "thirty days prior to."

Also, in the fifth line of Section 1 after the first word in the line "county" insert the words "for thirty days."

Also, in said line 5 erase the words "stating the amount of money then in the county," and in the sixth line erase the two first words, "treasury and."

Also, in the sixth line of said Section 1 erase the words "said money" and insert the words "the county funds."

Second. In Section 2 after the first line insert the words "to the county treasurer, to be approved by the county commissioners."

Also, in the second line of said Section 2 erase the words "two" and "sum," and after said second line insert the words "taxes assessed in said county in any year." Strike out Section 3.

Third. The following sections are added:

SEC. 3. The county treasurer shall deposit all public funds received by him as said treasurer with said designated depository.

SEC. 4. The amount of money on which said depository shall pay interest shall be computed on the basis of the average weekly balances on deposit, and shall pay out the same upon the order of the county treasurer.

SEC. 5. As there is no law requiring the public funds to be placed in the hands of public depositories, an emergency arises, and this act shall take effect and be in force immediately upon its passage and approval.

And when so amended recommend that said bill do pass.

F. G. BARLOW,
Chairman.

FIRST READING OF HOUSE BILLS.

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 first time.

Mr. Rowe moved

That the rules be suspended, and

House Bill No. 6

Be read the second time and referred to the appropriate committee,

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 second time and referred to the Committee on Temperance.

THIRD READING OF HOUSE BILLS.

House Bill No. 13,

A bill for an act to transfer and reappropriate unexpended balances of the appropriation made by the Eighteenth Legislative Assembly of the Territory of Dakota,

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

Mr. Rowe moved

That the report of the Committee on Appropriations on House Bill No. 13 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 28, nays, none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,

Messrs—

Hartman,

Messrs—

Sandager,

Messrs. Hartman and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved

That the Senate adjourn,

Which motion was lost.

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

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

Which motion prevailed.

Mr. President called Mr. Rowe to the chair.

When the committee arose the following report was made:

Mr. PRESIDENT:

Your Committee of the Whole having had under consideration 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,

Recommend that said bill do pass.

H. J. ROWE,

Chairman.

Mr. Swanston moved the adoption of the report of the Committee of the Whole on Senate Bill No. 6,

Which motion prevailed.

Mr. McCormack moved

That Senate Bill No. 6 be read the third time, and placed upon its final passage.

The roll being called there were ayes 26, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Smith,
Appleton,	Harmon,	Slotten,
Barlow,	LaMoure,	Stevens,
Belyea,	Lawrence,	Svensrud,
Bell,	Little,	Swanston,
Cowan,	McCormack,	Wnship,
Diesem,	Randall,	Worst,
Fisher,	Robinson,	Yager.
Fuller,	Rowe,	

Those who voted in the negative were:

Messrs---	Messrs---	Messrs
Dodds,	Hegleson,	McBride,

Messrs. Hartman and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The President announced his signature to the

Joint Memorial to Congress asking for a reduction in the price of government land within the railway limits to \$1.25 per acre.

Mr. Fuller moved

That Senate Bill No. 53 be read the second time and referred to the appropriate committee,

Which motion prevailed, and

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter,

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

Mr. Rowe moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

T W E N T Y - S I X T H D A Y .

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 14, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Hartman and Sandager who were excused.

Mr. Diesem moved

That the reading of the Journal be dispensed with,

That the President appoint a committee of two to revise and correct the Journal,

Which motion prevailed, and

The President appointed as such committee Messrs. Diesem and Lawrence.

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 Temperance made the following report:

MR. PRESIDENT:

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 intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes,

Have had the same under consideration and recommend that said bill be amended as follows:

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 eighth 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."

And when so amended we recommend that said bill do pass.

H. J. ROWE,
Chairman.

Mr. Slotten moved

That the report of the Committee on Temperance be adopted.

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 46,

A bill for an act to provide seals for the district courts of the State of North Dakota,

Have had the same under consideration and recommend that it be amended by adding the following as Section 2:

SEC. 2. Whereas it is deemed of great importance that such seals should be procured for the use of said courts immediately, and long prior to July 1, A. D. 1890; *Therefore*, This act shall take effect and be in force from and after its passage and approval,

And as so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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 it be amended as follows:

Amend Section 5 by striking out after the words "Reporter" in line one of said Section the following: "and as librarian of the Supreme Court library."

Also amend Section 6 by inserting before the words, "Section" in line 1 of said section the words "that so much of."

Also, after the figures 1887, near the end of said section add the words "as conflict with the provision of this act."

And as so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on Enrolled and Engrossed bills made the following report:

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 31 and 39,
And find the same correctly engrossed.

J. O. SMITH,
Chairman.

Mr. LaMoure moved

That the vote by which Senate Bill No. 6 was passed, be reconsidered,

Which motion prevailed.

Mr. LaMoure moved

That the Senate reconsider the vote by which the printed bill was substituted for the original Senate Bill No. 6,

Which motion prevailed, and

The question being on Mr. McCormack's motion to substitute the printed for the original bill,

Mr. McCormack withdrew his original motion to substitute the printed for the original Senate Bill No. 6 by the consent of the second.

A QUESTION OF PRIVILEGE.

Mr. LaMoure arose to a question of privilege.

He stated that Ex-Governor Ordway had mailed to members of the Legislature copies of a document which contained reflections upon his character. The object of the Ex-Governor was to injure his standing as a member of the State Senate. The document was Mr. Ordway's report as Governor to the Secretary of the Interior in 1881, in which corruption was charged against members of the Legislature. It charges corrupt combinations in the Legislature, hasty and ill-digested legislation, extravagance and jobbery. The report made particular mention of the organization of Pembina county, the location of the county seat and the erection of public buildings, as instances of the alleged illegal expenditure of money. He (LaMoure) having been a member of that Legislature and directly interested in questions affecting Pembina county. The accusation could not be otherwise than a reflection upon him. The object in circulating these pamphlets, which are now eight years old, was to attack and injure his character. Senator LaMoure said:

"This document is sent out at this time to injure me. It could not be to benefit Ordway, for he has no standing as a man or an officer. Twenty-two out of twenty-four members of the House and nine out of the twelve members of the Council stood with me in the legislative measures which Ordway criticises. The history of Dakota shows that nearly all of these men have been repeatedly honored by their constituents up to this day, many of them now being in positions of honor and profit. I brand Ordway's assertions as lies made out of whole cloth. I want to give some inside history of Ordway's career as Governor. I want to reach those of you who do not know me. Those who are familiar with my public record know that I am innocent of the corruption charged. Ordway wanted his son George, a drunken sot, to become Auditor, and would not organize certain northern counties upon proper petitions, nor give his approval to the acts for the maintenance of North Dakota public institutions until a deal was made that his son George should be confirmed as Auditor. An insurance bill passed in 1883 making companies deposit \$25,000 with the Territorial Treasurer as a bond for the fulfillment of their obligations to the public. The first official act of George Ordway was to rule that these companies could not be required to deposit this money. I do not need to state the reason for such ruling. There is not a scrap of paper in the departments to-day showing George Ordway's record on

insurance matters. I charge Ex-Governor Ordway with being a bribe-taker and a bribe-giver, as well as a malicious liar. This I can prove and I challenge denial. In due time I will prove every statement. I can prove a bargain and sale in the location of the county seat of Nelson county and in the organization of various other counties. He sent blank commissions into Ramsey county for the organization of that county. Whatever Ordway did for North Dakota had to be paid for in some way."

Mr. Worst arose to a question of privilege, and presented the following communication:

BISMARCK, N. DAK., December 15, 1889.

To the Hon. J. H. Worst:

MY DEAR SIR: A rumor comes to me just as I am about starting for the Red River Valley that Senator LaMoure has stated to several Senators his intention of "roasting" me in the Senate on account of something which appeared in my report, when Governor, to the Secretary of the Interior, justifying my use of the veto power.

I cannot imagine why he should get offended at what appeared in the report, and has been public for the past seven or eight years.

As to my sending out a few to members a day or two since, I had no thought of offending anyone in the slightest degree.

In cleaning up the rooms over the Capital National Bank for the Legislative Committee, I found a few copies of some of the reports all done up ready to be mailed, and as I thought they might be interesting, I mailed a few copies to members and cleaned them up. I had no idea there was anything in them that would disturb Mr. LaMoure as they had been so long before the public, and should any act of mine be called in question before the Senate, you will confer a great favor by stating my position to the Senate and ask that I may be heard, as I feel fully competent to convince every member of the Legislative Assembly and the public, that neither Mr. LaMoure nor any other member has any just cause of complaint against me.

A telegram addressed to me at the Columbia Hotel, Fargo, will enable me to return at once if my presence is desirable.

Hastily and Truly Yours,

N. G. ORDWAY.

Mr. Swanston moved

That the whole matter be expunged from the record,
Which motion was lost.

Mr. Dodds moved

That the matter be referred to a committee of three.

Mr. Diesem moved

As an amendment that a committee of five be appointed.
Which amendment prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Diesem introduced—

Senate Bill No. 58, a Concurrent Resolution.

CONCURRENT RESOLUTION.

Resolved, That in the interest of true economy it is the sense of both Houses of the first Legislative Assembly of North Dakota, that they will not take or receive from the State of North Dakota the *per diem* allowed during the recess on adjournment from December 20, 1889, to January 7, 1890, concurred in by both Houses, November 27, 1889.

Which was read the first time.

Mr. President called Mr. Dodds to the Chair.

Mr. Worst introduced—

Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

Which was read the first time.

Mr. Dodds introduced—

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,

Which was read the first time.

Mr. Barlow introduced—

Senate Bill No. 61,

A bill for an act providing for the levy and collection of taxes upon property of railroad companies in this State,

Which was read the first time.

Mr. Smith introduced—

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,

Which was read the first time.

Mr. Smith introduced—

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.

Which was read the first time.

Mr. Robinson introduced—

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,

Which was read the first time.

Mr. Cowan introduced—

Senate Bill No. 65,

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. Little introduced—

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,

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 54,

A bill for an act establishing a Supreme Court library,

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

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,

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

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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 14, 1889. }

MR. PRESIDENT:

I have the Honor to transmit herewith

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

Which the House has passed by more than a two-thirds vote, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

THIRD 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 third time with the report of the committee, and placed upon its final passage.

Mr. Dodds moved

The report of the Committee on Counties be adopted,
Which motion prevailed, and

The question recurring on the passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston.

Messrs—

Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

McBride,
McCormack,
Randall,
Robinson,

Messrs—

Winship,
Worst,
Yeager.

Messrs. Hartman and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced the following committee to report on the LaMoire-Ordway matter:

Messrs. Fuller, Helgeson, Cowan, Robinson and Barlow.

Senate Bill No. 28,

A bill for an act providing clerk hire for the various State officers and making appropriations therefor,

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

Mr. Dodds moved

That the report of the Committee on Appropriations in reference to Senate Bill No. 28 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Helgeson,
LaMoire,
Lawrence,
Little,
McBride.

Messrs—

Robinson,
Rowe,
Slotten,
Stevens,
Svensrud,
Winship,
Yeager.

Those who voted in the negative were:

Messrs—

Belyea,
Harmon,
McCormack,

Messrs—

Randall,
Smith,

Messrs—

Swanston,
Worst.

Messrs. Hartman and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 third time and placed upon its final passage.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Hegleson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Messrs Hartman and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title 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 placed upon its final passage.

Mr. Rowe moved

That the report of the Committee on Counties be adopted,

Which motion prevailed.

Mr. Cowan moved

That in Section 1, line 2, the word "shall" be stricken out and the word "may" substituted,

Which motion prevailed.

Mr. Randall moved as an amendment

That in Section 5, line 2, after the word "material" insert "allowing the same to do any damage."

Mr. Randall withdrew his amendment.

Mr. Worst moved

That Senate Bill No. 34,

Be recommitted to the Committee of the Whole Senate,

Which motion was lost.

Mr. Diesem moved

As an amendment that that in line 6, Section 1, the word "may" be substituted for the word "shall,"

The question recurring on the final passage of Senate Bill No.

34,

The roll being called there were ayes 22, nays 7.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Diesem,
Dodds,
Fisher,
Fuller,
Haggart,
Harmon,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bell,

Messrs—

Cowan,
McBride,

Messrs—

Svensrud,
Worst.

Messrs. Hartman and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Fuller asked permission to change his vote from aye to no on Senate Bill No. 28.

Point of order raised.

Senate Bill No. 44,

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.

Mr. LaMoure moved

That the report of the Committee on Counties in regard to Senate Bill No. 44 be adopted.

Mr. Swanston moved

That the report of the committee be amended by inserting "\$1,500,000" instead of "\$2,000,000,"

Which motion was lost.

Mr. LaMoure moved as an amendment to the committee's report

That \$500,000 instead of \$1,000,000 be inserted,

Which motion was lost.

The report of the Committee on Counties was adopted in regard to Senate Bill No. 44.

Mr. Swanston moved

That Senate Bill No. 44

Be recommitted to the Committee of the Whole Senate,

Which motion prevailed.

Mr. Rowe moved

That the rules be suspended, and that

House Bill No. 6,

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

Roll call demanded.

The roll being called there were ayes 17, nays 11.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Dodds,
Fisher,
Fuller,
Helgeson,

Messrs—

LaMoure,
McBride,
Randall,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Swanston,
Bell,	Lawrence,	Worst.
Cowan,	Little,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Hartman,	Sandager.

Messrs. Hartman and Sandager being excused.

There not being the necessary two-thirds vote in the affirmative, the motion was lost.

Mr. McCormack moved

That the Senate adjourn.

Roll call demanded.

The roll being called there ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Cowan,	Lawrence,	Swanston,
Diesem,	Little,	Worst.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Barlow,	McBride,	Stevens,
Bell,	Robinson,	Svensrud,
Dodds,	Rowe,	Winship,
Fisher,	Smith,	Yager.
Helgeson,		

Messrs. Hartman and Sandager being excused.

Mr. Swanston moved

That House Bill No. 6 be recommitted to the Committee of the Whole and made a Special Order for next Tuesday at 3 o'clock p. m.

Roll call demanded,

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Little,
Belyea,	Haggart,	McCormack,
Bell,	Harmon,	Swanston,
Cowan,	Lawrence,	Worst.
Diesem,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Slotten,
Barlow,	Randall,	Stevens,
Dodds,	Robinson,	Svensrud,
Fisher,	Bowe,	Winship,
Helgeson,	Smith,	Yager.
LaMoure,		

Messrs. Hartman and Sandager being excused.

So the motion to recommit House Bill No. 6 was lost.

Mr. Little moved

That the Senate adjourn.

Roll call demanded.

The roll being called there were ayes 12, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Cowan,	Lawrence,	Swanston,
Fuller,	Little,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	LaMoure,	Stevens,
Bell,	McBride,	Svensrud,
Diesem,	Robinson,	Winship,
Dodds,	Rowe,	Yeager.
Fisher,	Smith,	

Messrs. Hartman and Sandager being excused.

So the motion to adjourn was lost.

Mr. LaMoure moved

That House Bill No. 6 be recommitted to the Committee of the Whole and made general orders for Monday at 3 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	LaMoure,	Svensrud,
Bell,	Lawrence,	Swanston,
Cowan,	Little,	Worst.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow,	McBride,	Slotten,
Diesem,	Randall,	Stevens,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.
Harmon,		

Messrs. Hartman and Sandager being excused.

So the motion was lost.

THIRD READING OF HOUSE BILLS.

Mr. Dodds moved

That House Bill No. 6 be read the third time and placed upon its final passage.

Which motion prevailed.

Mr. McCormack moved

That the Senate do now adjourn.

The roll being called there were ayes 14, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Bell,	LaMoure,	Swanston,
Cowan,	Lawrence,	Worst.
Fuller,	Little,	

Those who voted in the negative were:

Messrs—	Messrs--	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	McBride,	Stevens,
Diesem	Robinson,	Svensrud,
Dodds,	Rowe,	Winship,
Fisher,	Smith,	Yager,

Messrs. Hartman and Sandager being excused.

Messrs. the motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 14, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution as follows:

Be it resolved by the House of Representatives, the Senate concurring therein, 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 the House has passed and your favorable consideration thereof is requested.

J. G. HAMILTON,
Chief Clerk.

Mr. LaMoure moved

That the Senate resolve itself into Committee of the Whole to consider House Bill No. 6,

Which motion was lost.

Mr. Swanston moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 12, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	LaMoure,	Randall,
Cowan,	Lawrence,	Swanston,
Fuller,	Little,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Barlow,	Helgeson,	Stevens,
Bell,	McBride,	Svensrud,
Diesem,	Robinson,	Winship,
Dodds,	Rowe,	Yager.
Fisher,	Smith,	

Messrs. Hartman and Sandager being excused.

So the motion was lost.

Mr. LaMoure took exceptions to the ruling of the Chair, that an amendment to a bill could not be entertained during the reading of a bill, and appealed to the Senate,

The question being shall the decision of the Chair be sustained. The decision of the Chair was not sustained.

Mr. Belyea moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 13, nays 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	LaMoure,	Randall,
Belyea,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Fuller,	McCormack,	Worst.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Smith,
Barlow,	Helgeson,	Slotten,
Bell,	McBride,	Stevens,
Diesem,	Robinson,	Winship,
Dodds,	Rowe,	Yager.
Fisher,		

Messrs. Hartman and Sandager being excused.

So the motion was lost, and

The Secretary commenced to read

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,

Mr. McCormack moved

A call of the Senate as the members were not all present.

Mr. McCormack moved

That the Senate adjourn.

Mr. Smith moved

That further proceedings under the call of the Senate be disposed with,

Which motion prevailed.

Roll call demanded on the motion to adjourn.

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Appleton,	Haggart,	McCormack,
Belyea,	LaMoure,	Randall,
Bell,	Lawrence,	Swanston,
Cowan,	Little,	Worst.
Fuller,		

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Allin,	Helgeson,	Slotten,
Barlow,	McBride,	Stevens,
Diesem,	Robinson,	Svensrud,
Dodds,	Rowe,	Winship,
Fisher,	Smith,	Yager.
Harmon,		

Messrs. Hartman and Sandager being excused.

Mr. Harmon presented the following amendment to Section 1 of House Bill No. 6:

To amend Section 1 of House Bill No. 6 by inserting after the words "not less than one year," in line 12, the proposed amendment:

No person, firm, association or corporation shall, under any pretext whatever, buy, take or receive any kind of intoxicating liquor, in any quantity whatever, from any other person, firm, association or corporation under circumstances which would make the seller or giver thereof guilty of a violation of this act. Whenever any person, firm, association or corporation shall, under any pretext whatever, buy, take or receive from any other person, firm, association or corporation, any kind of intoxicating liquor in any quantity whatever, under such circumstances as makes the seller or giver thereof guilty of a violation of this act, such person, firm, association or corporation so buying, taking or receiving the same shall be guilty of a violation of this act, and shall be punishable therefor to the same extent and in the same manner as the person, firm, association or corporation selling or giving the same. All first and subsequent violations of this section shall be punishable the same as is in this act provided for the punishment of first and subsequent offenses of persons, firms, associations, and corporations unlawfully selling or otherwise disposing of intoxicating liquors.

Whenever any person, firm, association or corporation shall be prosecuted for a violation of this act in the unlawful selling, giving away, or otherwise disposing of intoxicating liquors, it shall be the duty of the same prosecuting officer prosecuting such offence to also prosecute the firm, association, person or corporation to whom such liquor was sold or given; and if such prosecuting officer shall either neglect or refuse to prosecute the purchaser or receiver of such liquor as well as the seller or giver thereof, and such fact in any manner made satisfactorily to appear to the court before which such prosecution for the unlawful selling or giving is pending, it shall thereupon be the duty of such court to forthwith appoint some other competent practicing attorney to prosecute such purchaser or receiver; and if such prosecution against the seller or giver is pending in the district court, it shall

be the duty of the judge thereof, under such circumstances, to not only appoint such other attorney to prosecute such purchaser or receiver, but to also, by order duly made and entered, to empower the person so appointed to appear before the grand jury and examine witnesses touching such charge, to draw and endorse any indictment which may be found thereupon, to arraign the indicted person in court, and to prosecute such indictment to final judgment or determination, all in the same manner, and with like effect, as the proper prosecuting officer might do.

Mr. Swanston moved

That House Bill No. 6 be recommitted to be engrossed.

Mr. Swanston withdrew his motion.

Mr. McCormack moved

That the amendment of Mr. Harmon to Section 1 of House Bill No. 6 be adopted,

Which motion prevailed.

Mr. Swanston excepted to the ruling of the Chair in refusing a roll call on the amendment of Mr. Harmon to House Bill No. 6, and declared the amendment lost, after the vote was declared, and appealed to the Senate.

The question being shall the ruling of the chair be sustained,

The decision of the Chair was not sustained.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 14, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has amended as follows, to-wit:

In line 4 of Section 2 substitute the words "State of North Dakota" for "Governor" and in line 5 of Section 2 substitute the words "the Governor" for "him."

Also,

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. 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. 66,

A bill for an act to define the powers and duties of the State Superintendent of Public Instruction,

All of which the House has passed, and your favorable consideration is requested.

J. G. HAMILTON,

Chief Clerk.

Mr. Appleton moved

That all after the word "shall" in line 50, and all of lines 51, 52 and 53 be stricken out in section 2, and in place thereof insert the words "shall take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of North Dakota, and that he will not use."

Mr. Rowe moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Bell,
Diesem,
Dodds,
Fisher,

Messrs—

Helgeson,
McBride,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Yager,

Those who voted in the negative were:

Messrs—

Appleton,
Belyea,
Cowan,
Fuller,
Haggart,

Messrs—

Harmon,
LaMoure,
Lawrence,
Little,

Messrs—

McCormack,
Randall,
Swanston,
Worst.

Messrs Hartman and Sandager being excused.

So the motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 16, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

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

Mr. Robinson moved

That under the head of unfinished business, the Senate take up and consider House Bill No. 6.

Mr. Swanston moved

An amendment to lay the motion of Mr. Robinson on the table, Which motion was lost.

Mr. LaMoure raised a point of order on the motion to consider House Bill No. 6, stating that it required a two-thirds vote to change the order of business.

The President asked the Senate to decide the point of order raised by Mr. LaMoure,

And the Senate declared Mr. LaMoure's point of order well taken.

The President declared the motion of Mr. Robinson out of order.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Rowe presented the following petition:

To the Honorable, the Senate of the State of North Dakota:

We, the undersigned residents of Trail county, N. D., petition your honorable body to pass, at as early a date as practicable, stringent laws for the enforcement of Article 20 of the Constitution, which prohibits the sale of and traffic in intoxicating liquors; and in so far as our information goes, we cordially approve the bill for that purpose introduced in the Senate by Senator Rowe, of Cass county, and in the House by Representative Haugen of Grand Forks County.

KNUD J. NOMLAND,
County Treasurer, and 72 Others.

Mr. Haggart presented the following petitions:

FARGO, N. D., December 14, 1889.

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

The undersigned citizens of Cass county respectfully petition and urge the Legislature of the State of North Dakota to pass sufficiently stringent laws for the enforcement of Article 20 of our Constitution and do most respectfully urge the Senators from Cass county to vote for House Bill No. 6 as it now stands before the Senate.

JAS. S. CAMPBELL,
And 46 Others.

To the Honorable Members of the State Senate and House of Representatives from Cass County.

We, the undersigned citizens of the City of Fargo and Cass County, North Dakota, in view of the fact that an early enforcement of the constitutional prohibition clause of our Constitution will, in our opinion, cause great loss and hardship to many of the citizens of the State, respectfully request and petition that you use all honorable means to procure the enactment of a law, at this present session of the Legislature that will enforce the said constitutional prohibition clause, and go into effect on the first day of January, A. D. 1891, and that you cast your votes to that end.

JOHN W. VONNEIDA,
And 150 Others.

Which were referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred Senate Bill No. 48,

A bill for an act to regulate the practice of dentistry and punish violations thereof in the State of North Dakota,

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

Also,

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,

Have had the same under consideration and recommend that said bill be amended as follows:

In line 25, Section 8, strike out "15th" and insert "on or before the first."

And that when so amended recommend that said bill do pass.

G. H. BELYEA,
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your committee on Ways and Means to whom was referred Senate Bill No. 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 do pass.

W. H. ROBINSON,
Chairman.

REPORT OF SPECIAL COMMITTEE.

The Joint Committee on Salaries made the following report:

MR. PRESIDENT:

The Joint Committee on Salary, etc., of officers of House and Senate 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 the appointment of a new committee.

JUDSON LAMOURE,
Chairman.

Mr. Rowe moved

That the report of the Joint Committee on Salaries be adopted,
Which motion prevailed.

Mr. President appointed as a new Committee on Salaries of Officers, etc. Messrs. Stevens, McCormack and Slotten.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

The Committee on Revision of the Journal of December 13, find the following errors:

On page 7, Senate Bill No. "30" should read "39." An omission occurs on page 12. "Senator McCormack moved the suspension of the rules and that Senate Bill No. 6 be read the third time and placed upon its final passage, which motion prevailed."

"Mr. McCormack moved to substitute the printed bill for the original bill, which was not at hand."

"Mr. Dodds moved to lay the motion on the table,"

"Which motion was lost."

H. S. DIESAM,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Svensrud introduced—

A Concurrent Resolution for the appointment of the seed wheat committee,

Which was read the first time.

Mr. Rowe moved

That the rules be suspended and that
Senate Bill No. 66,

A Concurrent Resolution for the appointment of a committee to be known as the Seed Wheat Committee,

Be read the second time.

Mr. Dodds moved

That the rules be suspended and that final action be taken on
Senate Bill No. 66,

Mr. LaMoure raised the point of order that the motion of Mr. Dodds was out of order,

Which point of order the chair ruled was not well taken,

And the question recurring on the motion of Mr. Dodds to suspend the rules and pass Senate Bill No. 6, a Concurrent Resolution,

The roll being called there were ayes 20, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Smith,
Appleton,	Little,	Slotten,
Barlow,	McBride,	Stevens,
Belyea,	Randall,	Svensrud,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.
Helgeson,	Sandager,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bell,	Haggart,	McCormack,
Cowan,	Harmon,	Swanston,
Diesem,	Hartman,	Worst.
Fuller,	LaMoure,	

So the motion was lost, as the necessary two-thirds vote was not received.

Mr. Rowe moved

That the rules be suspended, and that Senate Bill No. 66,

A Concurrent Resolution,

Be read the second time,

Which motion prevailed, and

Senate Bill No. 66,

A Concurrent Resolution for the appointment of a committee to be known as the Seed Wheat Committee,

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

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. LaMoure moved

That the Senate concur in the amendments to Senate Bill No. 26 made by the House,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Belyea introduced—

Senate Bill No. 67,

A bill for an act to provide for elections in unorganized counties,

Which was read the first time.

Mr. Diesem introduced—

Senate Bill No. 68,

A bill for an act in relation to the *per diem* of members, officers and employes during recess and adjournment,

Which was read the first time.

Mr. McCormack introduced—

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,

Which was read the first time.

Mr. Randall introduced—

Senate Bill No. 70,

A bill for an act to hold the mare or cow and her offspring for the service of the stallion or bull,

Which was read the first time.

Mr. Harmon introduced—

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

Which was read the first time.

Mr. Harmon introduced—

Senate Bill No. 72,

A bill for an act to prevent the burial of the dead within the corporate limits of any town, city or village in this State,

Which was read the first time.

Mr. Lawrence introduced—

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

Which was read the first time.

Mr. Diesem asked the unanimous consent of the Senate to have Senate Bill No. 68,

Read the second time and referred to the proper committee,

There being no objections, it was so ordered, and

Senate Bill No. 68,

A bill for an act in relation to the *per diem* of members, officers and employes during recesses and adjournments,

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

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Judiciary.

Senate Bill No. 58, a Concurrent Resolution,

CONCURRENT RESOLUTION.

Resolved, That in the interest of true economy it is the sense of both Houses of the first Legislative Assembly of North Dakota, that they will not take or receive from the State of North Dakota the *per diem* allowed during the recess on adjournment from December 20, 1889, to January 7, 1890, concurred in by both Houses, November 27, 1889.

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

Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

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

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 second time, and referred to the Committee on Insurance.

Senate Bill No. 61,

A bill for an act providing for the levy and collection of taxes upon property of railroad companies in this State,

Was read the second time and referred to the Committee on Ways and Means.

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 second time, and referred to the Committee on Railroads.

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.

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

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 second time, and referred to the Committee on Education.

Senate Bill No. 65,

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.

THIRD READING OF SENATE BILLS.

Senate Bill No. 46,

A bill for an act to provide seals for the district courts of the State of North Dakota,

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

Mr. Rowe moved

That the report of the Committee on Judiciary be adopted in relation to Senate Bill No. 46,

Which motion prevailed.

Mr. LaMoure stated that a bill of the same character had already passed the Senate.

Mr. Rowe withdrew his motion.

Mr. Rowe moved

That the bill be recommitted to the Committee on Judiciary.

Mr. Dodds moved

As a substitute that further action be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 46 was indefinitely postponed.

FIRST READING OF HOUSE BILLS.

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 first time.

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 first time.

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 first time.

House Bill No. 15,

A bill for an act for the organization and government of State banks,

Was read the first time.

Mr. Swanston moved

That the rules be suspended, and that

House Bill No. 15,

Be read the second time, and referred to the proper committee, Which motion prevailed, and

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 16, 1889. }

MR. PRESIDENT:

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

A bill for an act to regulate the practice of medicine in the
State of North Dakota,

Which the House has amended as follows:

The title was amended to read as follows:

An Act to Regulate the Practice of Medicine in the State of North Dakota; to
License Physicians, Surgeons and Obstetricians, and to Punish Persons
Violating the Provisions of this Act.

Section 1 was amended to read as follows:

SECTION 1. The Governor of this State shall appoint a board of examiners, to be known as the State Board of Medical Examiners, consisting of nine members, of whom eight shall be practicing physicians in good standing, who shall hold their office for three years after such appointment, and until their successors are appointed; *Provided*, That the members thereof first appointed under this act shall be divided into three classes, each class to consist of three. The first class shall hold office under such appointment for the period of one year; the second class for two years, and the third class for three years from the date of their respective appointments. It is further provided that no member thereof shall be appointed to serve for more than two terms in succession, and no member of any college or university having a medical department shall be appointed to serve as members of said board. Two members of said board shall be homeopathic physicians, and one a lawyer.

Section 6 was amended as follows:

SEC. 6. Any person practicing medicine, surgery or obstetrics in this State without first having obtained the license herein provided for or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined not less than \$50 nor more than \$200, or by imprisonment in the county jail not less than ten days nor more than sixty days, or both fines and imprisonment. Any person shall be regarded as practicing within the meaning of this act who shall append the letters "M. D." or "M. B." to his or her name, or for a fee prescribe, direct or recommend for the use of any person any drug or medicine, or other agency for the treatment, care or relief of any wound, fracture or bodily injury, infirmity or disease; *Provided, however*, This act shall not apply to dentists. It shall be the duty of the respective State's Attorneys to prosecute violations of this act.

Also,

Senate Bill No. 49,

A bill for an act to amend Sections 2 and 5, Chapter 58, Session
Laws of 1879,

Which the House has amended to read as follows:

The title was amended to read as follows:

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."

Section 1 was 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: 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 hereby authorized and directed to issue funding warrants in lieu of the warrants so paid, and the Treasurer is hereby authorized and directed to apply to all State funds by him received and not otherwise lawfully appropriated, to the payment and cancellation 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 sixty days at any one time.

That Section 2 of said bill be amended by striking out the word "session" in the first line of the 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."

J. G. HAMILTON,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Swanston moved

That the Senate resolve itself into Committee of the Whole for the consideration of General Orders,

Which motion prevailed.

Mr. President called Mr. LaMoure to the chair.

When the committee arose they submitted the following report:

MR. PRESIDENT.

Your Committee of the Whole having had under consideration Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners,

Recommend the recommittal of said bill to the committee on Counties.

Your committee recommend the passage of 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 bill has been under consideration by your committee.

We also recommend that

Senate Bill No. 44,

Be recommitted to the Committee on Warehousing, Grain and Grain Grading.

JUDSON LAMOURE,
Chairman.

Mr. Rowe moved

The adoption of the report of the Committee of the Whole,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 16, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith the following Concurrent Resolution and Memorial to Congress praying for the maintenance of Fort Abraham Lincoln as a military post:

A 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 Appropriations for Its Improvement.

To the Honorable, the Congress of the United States:

Your Memorialist, the first Legislative Assembly of the State of North Dakota, respectfully represent:

That Fort Abraham Lincoln is so situated as to afford protection to a vast tract of country lying between the Fort Berthold Reservation on the north and the great Sioux Reservation on the south against any Indian outbreak which may occur on either of said reservations;

That settlers living upon said tract at a distance from the town and closely populated districts, in the absence of such post, would be kept in a constant state of alarm, with reservations on both sides of them and Indians continually travelling back and forth; and for the same reason persons intending to settle upon said tract would be deterred from seeking homes in that locality.

That the cost of maintaining troops at Fort Abraham Lincoln has been found to be less than any other western post, owing to the comparative cheapness of wood, coal, hay and provisions.

That the remains of soldiers formerly buried at Fort Abercrombie and other points have recently been removed to this fort, therefore

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

First. That your honorable body be requested to make appropriations for the maintenance and permanent improvement of said fort.

Second. That a copy of the above and foregoing resolution and memorial, signed by the Speaker of the House of Representatives and the President of the Senate, attested by the Chief Clerk, be sent to the President of the Senate, the Speaker of the House of Representatives of the United States, and to our Senators and Representative in Congress.

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

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved

That the Senate do now adjourn,

Which motion was lost.

Mr. LaMoure moved

That House Bill No. 6 be made a Special Order for 10 a. m. to-morrow.

Mr. Little moved

An amendment that House Bill No. 6 be made a Special Order for 3 p. m. to-morrow instead of 10 a. m. to-morrow,

Mr. Swanston moved

That the amendment be laid on the table,
Which motion was lost,
And the question recurring on Mr. Little's amendment,
The amendment was lost,
And the question being on the original motion of Mr. La-

Moure,

The motion prevailed.

Mr. LaMoure moved

That the Senate adjourn until 9:30 a. m. to-morrow.

Mr. Belyea appealed from the decision of the Chair on the ruling "that it did not require a suspension of the rules and a two-thirds vote to adjourn until 9:30 a. m.,"

And the question being shall the ruling of the Chair be sustained,

The Chair was sustained.

Mr. President announced his signature to Senate Bill No. 26.

Roll call was demanded on the motion to adjourn until 9:30 a. m., to-morrow.

The roll being called there were ayes 24, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,
Dodds,
Fisher

Messrs—

Haggart,
Harmon,
Hartman,
Hegleson,
LaMoure,
McBride,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Belyea,
Fuller,

Messrs—

Lawrence,
McCormack,

Messrs—

Swanston,
Worst.

Mr. Little absent and not voting.

So the motion prevailed, and

The Senate adjourned until 9:30 o'clock a. m. to-morrow.

C. C. BOWSFIELD,
Secretary.

T W E N T Y - N I N T H D A Y .

MORNING SESSION.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 18, 1889.

The Senate assembled at 9:30 a. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

The consideration of House Bill No. 6 was continued.

Mr. Swanston moved

To amend Section 3 by striking out all after the word "for" in line 5 and the word "given" in line 6.

Call of the Senate demanded.

Mr. Smith moved

That further proceedings under the call of the Senate be dispensed with.

Which motion prevailed,

And the question recurring on Mr. Swanston's amendment,

The roll being called there were ayes 13, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	McCormack,
Belyea,	Hartman,	Sandager,
Cowan,	Lawrence,	Swanston,
Fuller,	Little,	Worst.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow,	LaMoure,	Slotten,
Bell,	McBride,	Stevens,
Diesem,	Randall,	Svensrud,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.

So the amendment was lost.

Mr. Swanston moved

To amend Section 3 by striking out all the words after "\$800" in lines 17 and 18,

Which motion was lost.

Mr. Swanston moved

To amend Section 4 by striking out all from line 27 to the end of line 50.

Mr. Diesem moved

An addition to the amendment of Mr. Swanston striking out all of lines 51, 52, 53 and 54, in Section 4.

Roll call demanded.

The roll being called there were ayes 14, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Sandager,
Cowan,	Hartman,	Swanston.
Diesem,	Lawrence,	Worst.
Fuller,	Little,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Barlow,	McBride,	Stevens,
Bell,	Randall,	Svensrud,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.
Helgeson,	Smith,	

So the amendment to the amendment was lost,

And the question recurring on the original amendment of Mr. Swanston,

The roll being called there were ayes 13, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	McCormack,
Belyea,	Hartman,	Sandager,
Cowan,	Lawrence,	Swanston,
Fuller,	Little,	Worst.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow,	LaMoure,	Slotten,
Bell,	McBride,	Stevens,
Diesem,	Randall,	Svensrud,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.

So the amendment was lost.

Mr. LaMoure moved

To amend Section 2 by striking out commencing at the word "signed" in line 15 and all of lines 16, 17 and 18.

Mr. Little moved

That the amendment of Mr. LaMoure be laid on the table.

Which motion was lost.

Mr. Robinson moved

An amendment to Section 2 by striking out all from the word "and" in line 17 to the word "city" in line 18; also, strike out the words "and twenty-five reputable women," in line 79 of Section 2.

Mr. Swanston moved

To lay the amendment on the table,

Which motion was lost.

The question recurring on the amendment of Mr. Robinson,

The roll being called there were ayes 10, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bell,	Randall,	Svensrud,
Fuller,	Robinson,	Winship,
Haggart,	Sandager,	Worst.
McBride,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	McCormack,
Appleton,	Harmon,	Rowe,
Barlow,	Hartman,	Smith,
Belyea,	Helgeson,	Slotten,
Cowan,	LaMoure,	Stevens,
Diesem,	Lawrence,	Swanston,
Dodds,	Little,	Yager.

So the amendment was lost, and

The question recurring on Mr. LaMoure's motion,

The motion was lost.

Mr. Robinson moved

To 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.

Roll call demanded on Mr. Robinson's amendment.

The roll being called there were ayes 26, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager,
Appleton,	Harmon,	Smith,
Barlow,	Hartman,	Slotten,
Belyea,	Helgeson,	Stevens,
Bell,	LaMoure,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McBride,	Winship,
Dodds,	McCormack,	Yager,
Fisher,	Robinson,	

Those who voted in the negative were:

Messrs—
Fuller,
Lawrence,

Messrs—
Randall,
Rowe,

Messrs—
Worst.

So the amendment was adopted.

Mr. Swanston moved

To amend House Bill No. 6 by striking out the whole bill from the word "Provided" in line 12 of Section 1.

The roll being called there were ayes 14, nays 16.

Those who voted in the affirmative were:

Messrs—
Appleton,
Belyea,
Cowan,
Fuller,
Diesem

Messrs—
Haggart,
Harmon,
Hartman,
Lawrence,
Little,

Messrs—
McCormack,
Sandager,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—
Allin,
Barlow,
Bell,
Dodds,
Fisher,
Helgeson,

Messrs—
McBride,
Randall,
Robinson,
Rowe,
Smith,

Messrs—
Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Mr. LaMoure absent and not voting:

So the amendment was lost.

Mr. Allin moved

That House Bill No. 6 be made a special order for 3 p. m. to-day, Which motion prevailed.

Mr. Rowe moved

That the Senate adjourn,
Which motion prevailed, and
The Senate adjourned until 2 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present.

Mr. Dodds moved

That the reading of the Journal be dispensed with, and that a committee of two be appointed to revise and correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Dodds and McCormack.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Sandager presented the following petition:

TOWN OF MAPLE RIVER, N. D., December 7, 1889.

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

We, the undersigned farmers and producers of the State of North Dakota, ask the honorable body to act upon the following resolution to become law:

Resolved, That the elevators and warehouses which buy or sell farm produce such as wheat, oats, corn and barley shall be declared public.

Resolved, That the county commissioners shall have power to establish a weighmaster in each city, town and village where public warehouses or elevators are in operation on all lines of railroads in the State, and that said grain be inspected, weight and dockage and price agreed on before delivered to the warehouse man.

Resolved, That we indorse an enactment of law, be to inforce the collection on personal property, taxes and give the treasurer power to levy on all personal property, and said taxes so assessed to be superior of all chattel mortgages, and no exemption be allowed for taxes whatsoever.

Resolved, That the board of trade be abolished, such as option on farmers' produce where said parties or party cannot deliver said products.

Resolved, We ask the Legislature to give the Railroad Commissioners more power to regulate railroads and rates.

Resolved. That all sidetracks and grounds for elevators shall not be sold or leased to any one company which shall try to monopolize and keep out a competitor.

E. O. FAUSETT,
And 18 Others.

Which was referred to the Committee on Warehousing, Grain and Grain Grading.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
Senate Bill No 45,

A bill for an act to fix the salaries of certain State officers,

Have had the same under consideration and recommend that said bill be amended by fixing the salary of the Commissioner of Agriculture and Labor at \$2,000 per annum.

JUDSON LAMOURE,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture 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 suggest the following amendment:

Strike out the words "and cottonwood" in Section 1, so as to include cottonwood in the trees grown,

And when so amended recommend that said bill do pass.

S. A. FISHER,
Chairman.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

Your Committee on Federal Relations to whom was referred
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,

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

M. L. McCORMACK,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Senate Bill No. 50,

A bill for an act providing that any security that may be given on any grain or other crop, the seed of which had not been planted or sown, shall be null and void,

Have had the same under consideration and recommend that Section 3 be stricken out, and when so amended that said bill do pass.

S. A. FISHER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Barlow moved

That the following be added to the rules of the Senate:

That no moneys shall be appropriated from the public treasury by the Senate without the concurrence of the House of Representatives.

Mr. LaMoure moved

The adoption of the rule,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little introduced—

Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of Long's Legislative Hand Book for the year 1889,

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 16, 1889. }

MR. PRESIDENT:

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.

Also,

House Bill No. 51,

A bill for an act making an appropriation for certain printing.

Both of which the House has this day passed by more than a two-thirds vote.

J. G. HAMILTON,
Chief Clerk.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Belyea moved

That the Senate concur in the House amendments 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,

Which motion prevailed.

Mr. Winship asked unanimous consent to return to the fifth order of business,

Which was granted,

And the Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
Senate Bill No. 68,

A bill for an act relative to the *per diem* of members, officers and employes during recess and adjournment,

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

Your committee also recommend that

Joint Resolution No. 58,

Referring to the same subject be indefinitely postponed.

GEO. B. WINSHIP,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

House Bill No. 13,

Also,

Senate Bills Nos. 8, 34, 27 and 28,

And find the same correctly engrossed.

J. A. SMITH,
Chairman.

SECOND READING OF SENATE BILLS.

Senate Bill No. 67,

A bill for an act to provide for elections in unorganized counties.

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

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 second time, and referred to the Committee on Federal Relations.

Senate Bill No. 70,

A bill for an act to hold the mare or cow and her offspring for the service of the stallion or bull,

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

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

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

Senate Bill No. 72,

A bill for an act to prevent the burial of the dead within the corporate limits of any town, city or village in this State,

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

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 second time, and referred to the Committee on Ways and Means.

Mr. Winship moved

That the rules be suspended, and that

Senate Bill No. 68

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

Which motion prevailed, and

Senate Bill No. 68,

A bill for an act in relation to the *per diem* of members, officers and employes during recess and adjournment,

Was read the third time.

Mr. LaMoure moved

That further action on

Senate Bill No. 68,

Be deferred until to-morrow,

Which motion prevailed.

Mr. Fisher asked unanimous consent to refer back to the eighth order of business,

Which was granted, and

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
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,

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

S. A. FISHER,
Chairman.

Mr. Svensrud moved that

Senate Bill No. 66

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

Which motion prevailed, and

Senate bill No. 66,

A Concurrent Resolution for the appointment of a seed wheat committee,

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

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Mr. Hartman absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed 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,

Was read the third time.

Mr. Little moved that

Senate Bill No. 7,

Be referred to the Committee of the Whole,

Which motion prevailed.

House Bill No. 6,

Having been made a Special Order for 3 o'clock p. m., and the hour having arrived

The Secretary continued reading House Bill No. 6 from Section 9.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 17, 1889. }

MR. PRESIDENT:

I have the honor to return herewith

Senate Bill No. 27,

Which the House has by unanimous consent returned in order that the Senate may include therein an enacting clause.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

To amend Section 6 of House Bill No. 6, line 2, by inserting after the word "thereof," "including alcohol bitters and all proprietary medicines containing spirits in sealed packages."

Roll call demanded.

The roll being called there were ayes 14, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs--	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Sandager,
Bell,	Hartman,	Swanston,
Cowan,	Lawrence,	Worst.
Fuller,	Little,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Barlow,	McBride,	Stevens,
Diesem,	Randall,	Svensrud,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.
Helgeson,	Smith,	

So the amendment was lost.

Mr. Swanston moved

To amend Section 10, line 16, by striking out the words "commanding him to search the premises."

Which motion was lost.

Mr. Belyea moved

To amend Section 11, line 11, by striking out "\$25" and inserting "\$10"; also, in line 18, after "shall be paid by" strike out all the words and insert "by the prosecuting witness."

Mr. Diesem moved

A substitute to Mr. Belyea's amendment, to strike out after the word "advance," in line 10, to the word "provided" in line 14.

Roll call demanded on Mr. Diesem's amendment.

The roll being called there were ayes 11, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	Sandager.
Cowan,	Lawrence,	Swanston,
Fuller,	Little,	Worst.
Haggart,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	McBride,	Stevens,
Dodds,	Robinson,	Svensrud,
Fisher,	Rowe,	Winship,
Harmon,	Smith,	Yager.

Absent and not voting:

Messrs—	Messrs.—	Messrs—
Appleton,	Diesem,	Randall.
Bell,	LaMoure,	

Messrs. Diesem and LaMoure being excused.

So the motion was lost.

Mr. LaMoure moved

That Mr. Diesem be excused from voting on the amendment,
Which motion prevailed.

Mr. Diesem moved

That Mr. LaMoure be excused from voting on the amendment,
Which motion prevailed, and

The question being on the amendment of Mr. Belyea,

Mr. Worst moved

That the amendment of Mr. Belyea be divided,
Which motion prevailed, and

The question recurring on the amendment to Section 11, line 11, by striking out "\$25" and inserting "\$10,"

The roll being called there were ayes 16, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Bell,	Hartman,	Sandager,
Cowan,	LaMoure,	Swanston.
Diesem,	Lawrence,	Worst.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Stevens,
Barlow,	Robinson,	Svensrud,
Dodds,	Rowe,	Winship,

Messrs—

Fisher,
Hegleson,

Messrs—

Smith,
Slotten,

Messrs—

Yager.

Mr. Little absent and not voting.

So the amendment was adopted,

And the question recurring on the amendment of Mr. Belyea to strike out all the words in line 18 after "shall be paid by," and insert "the prosecuting witness."

The amendment was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 17, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 32,

A bill for an act to provide for the leasing and sale of common school lands of North Dakota,

Which the House has passed by more than a two-thirds vote and your favorable consideration thereof is requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Belyea moved

To amend Section 12, lines 40 and 46, by striking out "\$25" and inserting "\$10,"

Which amendment was adopted.

Mr. Swanston moved

To amend Section 12, line 26, by striking out the word "ten" where it occurs before the word "days," and insert the word "thirty,"

Which amendment was adopted.

Mr. Little moved

To amend Section 3, line 86, by inserting "\$300" instead of "\$200" where it occurs,

Which amendment was adopted.

Mr. Worst moved

To amend Section 13, line 17, by striking out the words "owner or."

Mr. Worst withdrew his motion with the consent of his second.

Mr. Swanston moved

That Section 14 be stricken out.

Roll call demanded.

The roll being called there were ayes 7, nays 24.

Those who voted voted in the affirmative were:

Messrs—
Appleton,
Belyea,
Cowan,

Messrs—
Fuller,
McCormack,

Messrs—
Stevens,
Worst.

Those who voted in the negative were:

Messrs—
Allin,
Barlow,
Bell,
Diesem.
Dodds,
Fisher,
Haggart,
Harmon,

Messrs—
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
Randall,
Robinson,

Messrs—
Rowe,
Sandager.
Smith,
Slotten.
Svensrud,
Swanston,
Winship,
Yager.

Mr. Little moved

To amend Section 16, line 11, by striking out "\$200" and inserting "\$300."

Which motion prevailed.

Mr. LaMoure moved

That further consideration of this bill be made a special order for 3 o'clock p. m. to-morrow.

Roll call demanded.

The roll being called there were ayes 14, nays 17.

Those who voted in the affirmative were:

Messrs—
Appleton,
Belyea,
Cowan,
Diesem.
Fuller,

Messrs—
Haggart,
Hartman,
LaMoure,
Lawrence,
Little,

Messrs—
McCormack,
Swanston,
Worst.
Yager.

Those who voted in the negative were:

Messrs—
Allin,
Barlow,
Bell,
Dodds,
Fisher,
Harmon,

Messrs—
Helgeson,
McBride.
Randall,
Robinson,
Rowe,
Sandager,

Messrs—
Smith,
Slotten,
Stevens,
Svensrud,
Winship.

So the motion was lost.

Mr. McCormick moved

That the Senate adjourn.

Roll call demanded.

The roll being called there were ayes 15, nays, 16.

Those who voted in the affirmative were:

Messrs—
Appleton,
Belyea,
Cowan,
Diesem,
Fuller,

Messrs—
Haggart,
Harmon,
Hartman,
LaMoure,
Lawrence,

Messrs—
Little,
McCormack,
Sandager,
Swanston,
Worst,

Those who voted in the negative were:

Messrs—
Allin,
Barlow,
Bell,
Dodds,
Fisher,
Helgeson,

Messrs—
McBride,
Randall,
Robinson,
Rowe,
Smith,

Messrs—
Slotten,
Stevens,
Svensrud,
Winship,
Yager.

So the motion to adjourn was lost.

Mr. President announced an informal recess.

The Senate reassembled.

Mr. President announced his signature to
Senate Bill No. 51,

A bill for an act making an appropriation for certain printing.

Mr. McCormack moved
That the Senate adjourn.

Roll call demanded.

The roll being called there were ayes 17, nays 14.

Those who voted in the affirmative were:

Messrs—
Appleton,
Belyea,
Cowan,
Diesen,
Fuller,
Haggart,

Messrs—
Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McCormack,

Messrs—
Randall,
Sandager,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—
Allin,
Barlow,
Bell,
Dodds,
Fisher,

Messrs—
Helgeson,
McBride,
Robinson,
Rowe,
Smith,

Messrs—
Slotten,
Stevens,
Svensrud,
Winship.

So the motion prevailed, and

The Senate adjourned until 2 o'clock p. m. to-morrow.

C. C. BOWSFIELD,
Secretary.

THIRTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 18, 1889.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. LaMoure moved

That the reading of the Journal be dispensed with and referred to the committee for correction,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 5 by striking out the word "county" in line 1 of said Section 5, and inserting the word "counties" in lieu thereof. Also, in line 2, add after the word "Mercer," the words "and Williams." Also, in line 3 after the word "county," add the words "of Mercer."

Amend Section 7 by adding after the word "parallel" in line 2 of said section the words "and south of said county of Morton."

Also amend Section 8 by striking out the word "Sanger" in the third line of said section, and inserting the word "Bentley" in lieu thereof.

Also, amend Section 9 by striking out the word "Williams" in line 2 of said section. Also, the word "and" between the words "McKenzie and Allred," and adding after the word "Allred" the following, "and all of that portion of the Sioux Indian Reservation south of said Hettinger county and north of the Seventh Standard Parallel, which is hereby attached to the said county of Hettinger for judicial purposes."

And as so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Committee on Sournal Correction made the following report:

MR. PRESIDENT:

Your committee appointed to examine the Journal of the twentieth-eighth day find the same correct.

D. S. DODDS,
Chairman.

•MR. PRESIDENT:

Your committee appointed to confer with a like committee from the House to determine the number of employes of the respective Houses of the Legislature, and to agree upon a fixed compensation therefor, beg leave to report as follows:

We find that we are unable to come to any agreement, and ask permission to offer the Concurrent Resolution herewith submitted. And inasmuch as there seems to be no authority of law by which the officers and employes of the respective Houses can receive the compensation due them, and there being an adjournment or recess contemplated soon, we ask that this resolution be acted upon as quickly as possible.

J. E. STEVENS,
Chairman.

Mr. Stevens moved

That the rules be suspended, and that
Senate Bill No. 7b,
A Concurrent Resolution,
Be acted upon,
Which motion prevailed.

Mr. Allin moved

That the rules be suspended, and that
Senate Bill No. 75,
A Concurrent Resolution,
Be read the first, second and third times, and placed upon its
final passage,
Which motion was lost.

Mr. Fisher moved

That the Hon. Elmer Elliott and Hon. Enos Gray be invited
within the bar of the Senate,
Which motion prevailed.

Mr. Swanston introduced the following:

WHEREAS, Senate Bill No. 27, a bill for an act to authorize the county commissioners of the several counties of the State of North Dakota to designate depositories for the public funds of their respective counties as originally introduced in the Senate, is alleged to have contained an enacting clause, and passed the Senate with the enacting clause; and,

WHEREAS, The engrossed bill transmitted to the House has no enacting clause, and has been returned by the House for correction; therefore, be it

Resolved, By the Senate that a committee of three be appointed by the President to investigate the subject and report the facts with such recommendations as they deem advisable.

Which motion prevailed.

The President appointed as the committee to investigate
Senate Bill No. 27,
Messrs. Swanston, Yager and LaMoure.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—
Senate Bill No. 76,

A bill for an act requiring county treasurers to act as treasurer
for school townships and school districts in certain cases,
Which was read the first time.

Mr. Worst introduced—
Senate Bill No. 77,

A bill for an act for the punishment of pools, trusts and con-
spiracies, and as to evidence in such cases,
Which was read the first time.

Mr. Swanston introduced—
Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session
Laws of 1887,

Which was read the first time.

Mr. Little (by request) introduced—
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,
Which was read the first time.

Mr. Fuller introduced—
Senate Bill No. 80,

A Joint Resolution for the submission of a proposition to
amend the Constitution of the State of North Dakota,
Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of
Long's Legislative Hand Book for 1889,

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
Was read the third time.

Mr. LaMoure moved

That the Senate take up House Bill No.

Which motion prevailed.

Mr. Fuller presented the follow petition:

To the Hon. B. W. Fuller, Hon. John Milsted, Hon. George Lutz, and the Members of the Legislature of North Dakota:

GENTLEMEN: We, the undersigned business men and citizens of Jamestown, North Dakota, respectfully petition your honorable body to fix the date for imposing fines and penalties against persons for violating the pending Prohibition Law of North Dakota not later than May 1, 1890.

G. S. WHITE,
And 46 Others.

The Secretary continued reading House Bill No. 6 from Section 19.

Mr. Smith moved

That the report of the Committee on House Bill No. 6 in regard to Section 24 be adopted,

Which motion prevailed.

Mr. President announced his signature to House Bill No. 13,

A bill for an act to transfer and reappropriate certain unexpended balances of appropriations made by the Eighteenth Legislative Assembly of the Territory of Dakota.

Mr. Rowe moved to amend House Bill No. 6,

By striking out the words "uses intoxicating liquors as a beverage," where they appear on 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,"

Which motion prevailed.

Mr. Little moved

To amend Section 32, line 5, by striking out "May 1, 1890," and inserting "January 1, 1891."

Mr. LaMoure moved, as an amendment,

To amend Section 32, line 5, by striking out "May 1, 1890," and inserting "July 1, 1890."

The question being on the amendment to the amendment, Roll call was demanded.

The roll being called there were ayes 19, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Smith,
Barlow,	McBride,	Slotten,
Bell,	Randall,	Stevens,
Diesem,	Robinson,	Svensrud,
Dodds,	Rowe,	Winship,
Fisher,	Sandager,	Yager.
Helgeson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Little,
Belyea,	Harmon,	McCormack,
Cowan,	Hartman,	Swanston,
Fuller,	Lawrence,	Worst.

So the amendment to the amendment was adopted.

The question recurring on the original amendment as amended,
The amendment was adopted.

The question then being shall the bill pass as amended by the Senate,

The roll being called there were ayes 23, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Smith,
Barlow,	Lawrence,	Slotten,
Belyea,	Little,	Stevens,
Bell,	McBride,	Svensrud,
Diesem,	Randall,	Swanston,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.
Helgeson,	Sandager.	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Cowan,	Harmon,	Worst.
Fuller,	Hartman,	

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Dodds moved

To reconsider the vote by which House Bill No. 6 passed.

Mr. LaMoure moved

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

Mr. President announced his signature to
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 public credit."

The President administered the oath of office to James Cudhie
as Assistant Enrolling Clerk, to date from December 9, 1889.

Mr. Stevens asked unanimous consent to return to the eleventh
order of business, and have

Senate Bill No. 75

Read the second time and referred to the proper committee,
Which was granted, and

Senate Bill No. 75,

A Concurrent Resolution to name the officers and employes of
the respective Houses of the Legislature and fix the compensa-
tion therefor,

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

Mr. Rowe moved

That the report of the committee on
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
Be adopted.

Which motion prevailed.

Mr. McCormack moved

To amend subdivision 9 of Senate Bill No. 45 by inserting at the end of said subdivision line 18 after the words "per annum" as follows:

And all necessary traveling expenses incurred while journeying in the performance of the duties of said office; *Provided*, That no warrant upon the Treasurer for such expenses shall be drawn by the Auditor until an itemized statement of such expenses, verified by oath shall be filed with the Auditor.

Which amendment was adopted.

The question recurring on the final passage of Senate Bill No. 45,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hegleson,	Sandager,
Barlow,	Lawrence,	Smith,
Belyea,	Little,	Slotten,
Bell,	McBride,	Stevens,
Cowan,	McCormack,	Svensrud,
Diesem,	Randall,	Swanston,
Dodds,	Robinson,	Winship,
Fisher	Rowe,	Yager.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	LaMoure,
Fuller,	Hartman,	Worst.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved that

Senate Bill No. 48,

A bill for an act to regulate the practice of dentistry and punish violations thereof in the State of North Dakota,

Be made a Special Order for January 7, 1890, at 3 o'clock p. m.

Which motion was withdrawn.

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,

Was read the third time, and placed upon it final passage.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,
 Harmon,

Messrs—

Hartman,
 Helgeson,
 LaMoure,
 Lawrence,
 Little,
 McBride,
 McCormack,
 Randall,
 Rowe,

Messrs—

Sandager.
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—

Belyea,
 Fuller,

Messrs—

Haggart,

Messrs—

Robinson,

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Swanston moved

That the Senate return to the eighth order of business, that the
 rules be suspended and
 Senate Bill No. 47

Be read the first and second times and referred to the proper
 committee,

Which motion prevailed, and
 Senate Bill No. 47,

A bill for an act to promote forest tree culture,

Was read the first and second times, and referred to the Com-
 mittee on Agriculture.

Mr. Rowe moved

That the rules be suspended, and that
 House Bills No. 32 and 52

Be read the first and second times and referred to the proper
 committee,

Which motion prevailed, and

House Bill No. 32,

A bill for an act to provide for the leasing and sale of the com-
 mon school lands of North Dakota,

Was read the first and second times, and referred to the Com-
 mittee on Public Lands.

Also,

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 first and second times, and referred to the Com-
 mittee on Public Lands.

Mr. Belyea asked permission to refer back to the eighth order
 of business,

Which was granted.

The Committee on Counties made the following report:

MR. PRESIDENT:

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 amended as follows:

After the words "county board" in the eleventh line in Section 1 insert the
words "*Provided, however,* That no county shall have five commissioners
until the assessed valuation of such county shall reach the sum of \$1,500,000."

Also, after the word "terms," in the twenty-first line, add the words "pro-
vided the district in which the term of the commissioner shall first expire shall
be attached to one of the other districts."

And as so amended recommend that said bill do pass.

Also,

Senate Bill No. 29,

A bill for an act to repeal Chapter 45 of the Session Laws of
1885,

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

F. G. BARLOW,
Chairman.

Mr. Allin moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

THIRTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
December 19, 1889.

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

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Appleton, Bell, La-Moure and Randall.

Mr. Haggart moved

That the absent members be excused,

Which motion prevailed.

The Journal of the preceding day was read and approved.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }
December 19, 1889. }

MR. PRESIDENT:

I have the honor to inform the Senate that on Wednesday the 18th of December, the House passed the following motion:

That when the House adjourn on Thursday, the 19th, it be to meet again on January 7, 1890, and that the Senate be requested to consent thereto.

Your concurrence in the above motion is respectfully requested.

Also,

I have the honor to transmit herewith
Senate Bill No. 24,

A bill for an act to provide for the erection of suitable buildings for and operation of the Agricultural College and Experimental Station at Fargo,

Which the House has passed with the following amendments in phraseology:

In Section 6 strike out the word "Legislature" wherever it occurs, and insert the words "Legislative Assembly."

In Section 9 strike out "Legislature" and insert "Legislative Assembly."
 In Section 17 strike out "Legislature" and insert "Legislative Assembly."
 In the first line of Section 21 change to read as follows: "The assent of the Legislative Assembly of the State of North Dakota is hereby."

And your concurrence in these amendments is respectfully requested.

J. G. HAMILTON,
 Chief Clerk.

Mr. Fisher moved

That Honorables J. Wellwood and G. S. Turner be invited within the bar of the Senate,

Which motion prevailed.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Rowe presented the following petitions:

To the Honorable, the Senate of the State of North Dakota:

We, the undersigned residents of Hunter, Cass county, North Dakota, petition your honorable body to pass, at as early a date as practicable, stringent laws for the enforcement of Article 20 of the Constitution, which prohibits the sale of and traffic in intoxicating liquors; and in so far as our information goes, we cordially approve the bill for that purpose introduced in the Senate by Senator Rowe, of Cass county, and in the House by Representative Haugen of Grand Forks County.

JOHN MUIR,
 And 60 Others.

To the the Honorable, the Senate of the State of North Dakota:

We, the undersigned residents of Cavalier county, North Dakota, petition your honorable body to pass, at as early a date as practicable, stringent laws for the enforcement of Article 20 of the Constitution, which prohibits the sale of and traffic in intoxicating liquors; and in so far as our information goes, we cordially approve the bill for that purpose introduced in the Senate by Senator Rowe of Cass county, and in the House by Representative Haugen of Grand Forks county.

A. B. CHALMER,
 And 100 Others.

Mr. McBride moved

That the petition be referred to the gentleman from Cass.

Mr. Dodds moved as a substitute

That all petitions received on the temperance question to-day be made a note of by the Secretary and filed without reading,

Which motion prevailed.

Mr. Svensrud presented the following petition:

A petition from Bottineau county praying for the assistance of the State to procure seed grain for the poor, signed by the county officials and 275 others.

Also,

A statement from a committee of said county showing the quantity of seed actually required as follows:

BOTTINEAU, N. D., December 13, 1889.

Hon. Anton Svensrud, Bismarck, N. D.

DEAR SIR:—A committee of three responsible men from each township was appointed to ascertain accurately the situation regarding seed wheat in the county, and we the undersigned as a central committee have carefully can-

vassed the reports from these committees and find there are 31,428 acres in cultivation in the county for which the owners have no seed, and you know as well as we that our farmers are so heavily mortgaged now that it is impossible for them to obtain grain with which to sow their land unless the Legislature does something to help them out, and we earnestly urge you and your colleagues to come to the rescue, for the people cannot stay unless they get assistance in procuring their seed. This report has been very carefully obtained, and we believe it to be as nearly correct as possible.

O. F. CORNEMANN,
 GEORGE MICHIL,
 EZRA TURNER,
 County Commissioners.
 M. O. TIBBETS,
 County Clerk.

To the Honorable Senators of North Dakota in Legislature Assembled:

GENTLEMEN: As the crops in this county last year were destroyed by frost to a great extent and that this year they are almost an entire failure on account of the dry weather, thus leaving many people in destitution, and that a great many farmers are without seed grain with no way of procuring same, but have their lands plowed and ready for seeding now, therefore, we, your petitioners, the residents of said county, humbly pray that your honorable body pass such laws as may in your wisdom seem best, that such farmers may be provided with seed grain, for unless ways be provided whereby seed can be obtained, numbers of your people will be forced to leave the State that they may subsist, and further we submit a statement of the number of men without seed and the number of acres in cultivation for which the owners have no seed, which statement has been carefully obtained by responsible men in each congressional township; and as those who purchased seed last year paid \$1.50 and \$2 per bushel besides 12 per cent. interest on same, which charge is ruinous even if said terms could be made this year, which is doubtful; we do most respectfully beseech you to give heed to our prayer and your petitioners will ever pray.

A. D. STEWART,
 And 275 Others.

Mr. McCormack moved

That the petition be referred to the Committee on Agriculture.
 Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 75,

A Concurrent Resolution,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1, line 1, after the word "Senate" by striking out the following: "A Speaker *pro tem.*, whose compensation shall be five dollars per day."

Amend Section 1 after "Assistant Sergeant-at-Arms" by striking out the word "five" and insert the word "four," and after the word "Chaplain," same section, strike out the word "three" and insert the word "two"; after the word "Janitor" strike out "two dollars and fifty cents" and insert "four dollars."

Amend Section 2 after the words "shall be" by striking out the word "eight" and insert the following: "two dollars in addition to the regular *per diem.*"

Amend Section 2 after the words "Assistant Sergeant-at-Arms" by striking out the word "five" and inserting "four"; after the words "one Chaplain at"

strike out the word "three" and insert the word "two"; strike out the word "two" before "Pages," in same section; after the word "Janitor" strike out "two dollars and fifty cents" and insert "four dollars"; after the words "Watchman at" strike out the words "two dollars and fifty cents" and insert the words "four dollars."

GEO. B. WINSHIP,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education 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 do pass with the following amendments:

Sec. 4. Add to the end of the section the following words: "The Governor and the State Superintendent of Public Instruction shall be members ex-officio of said board," and in the third line after the word "Senate" add the word "to."

Sec. 5. After the word "board" insert the following words: "In absence of the principal, the board at any time may choose one of their own number as secretary."

Sec. 8. After the word "duties" strike out the balance of the section.

Sec. 9. After the word "appropriated" insert the words "or subscribed."□

Sec. 12. Add at the end of the section the following: "All of which shall be under the general supervision of the board of directors."

Sec. 15. After the word "appropriated" insert the words "or subscribed."

Sec. 18. Add the following: "And said board shall have general supervision and control of all land heretofore or hereafter granted, allotted or set apart for the purposes as set forth by the provisions of this act."

And that when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

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 railroad crossings and the maintenance of depots at the same,

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

ROGER ALLIN,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 45,

And find the same correctly engrossed.

J. O. SMITH,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 19, 1889.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has passed a motion to recall Senate Bill No. 13 for the purpose of correction.

J. G. HAMILTON,
Chief Clerk.

MOTIONS, RESOLUTIONS, ETC.

Mr. Stevens introduced the following resolution:

Resolved, That the Postmaster of the Senate be requested to prepare a list of names of the members, officers and employes of the Senate, with the postoffice address of each. Said list to be by him left with the Postmaster of the City of Bismarck, with a request that the mail of each be forwarded during the recess about to be taken.

Mr. Little moved

The adoption of the resolution,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dodds introduced—
Senate Bill No. 81,

A Joint Resolution and Memorial to Congress to subdivide North Dakota into four judicial districts,
Which was read the first time.

Mr. President 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 intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes.

Mr. Haggart moved

That the Senate concur in the House amendments to Senate Bill No. 24,

Which motion prevailed.

Mr. Sandager moved

That the Senate concur in the House resolution to adjourn December 19, 1889, until January 7, 1890.

Which motion prevailed.

Mr. Haggart moved

That the House amendments to Senate Bill No. 12 be concurred in.

Mr. Little moved

As a substitute that the Senate concur in the amendments of the House to Senate Bill No. 12, as to Sections 3 and 4.

Mr. Haggart withdrew his motion.

Mr. Little withdrew his motion.

Mr. Dodds moved

That the Senate do now concur in the House amendments to Senate Bill No. 12, and that the President appoint a conference committee to consult with a like committee of the House,

Which motion prevailed.

The President appointed as such committee, Messrs. Dodds, Worst and Yager.

The Senate referred back to the fifth order of business.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred

House Bill No. 52,

A bill for an act to prevent trespass upon School and Public Lands, and to recover damages therefor.

Have had the same under consideration and recommend that said bill be amended as follows:

By striking out the emergency clause, and when so amended recommend that said 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,

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

W. E. SWANSTON,
Chairman.

Mr. Little moved

That the Senate concur in the Concurrent Resolution and Memorial to Congress, praying for the maintenance of Fort Abraham Lincoln,

Which motion prevailed.

Mr. Swanston moved

That the Chief Clerk of the House be requested to keep Senate Bills in the House until they receive the third reading,

Which motion prevailed.

Mr. Belyea moved

That the Senate concur in the House amendments to Senate Bill No. 13,

Which motion prevailed.

The President presented the following:

OMAHA, NEB., December 19, 1889.

To Hon. Alfred Dickey:

The Interstate Prohibition Convention rejoices over the passage of Senate Bill No. 1 by the body over which you preside, and desire you to return it our sincere thanks for its prompt passage.

JAMES TRAUTMAN,
President.

Mr. Rowe moved that
 The Senate concur in the House amendments to
 Senate Bill No. 49,
 Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 December 19, 1889. }

To the President of the Senate:

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

Senate Bill No. 26,

As act defining the duties and prescribing the fees and fixing the salary of the Clerk of the Supreme Court.

Also,

Senate Bill No. 51,

An act making an appropriation for certain printing,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
 Governor.

SECOND READING OF SENATE BILLS.

Senate Bill No. 76,

A bill for an act requiring county treasurers to act as treasurer for school townships and school districts in certain cases,

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

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 second time, and referred to the Committee on the Whole Senate.

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session Laws of 1887,

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

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 second time, and referred to the Committee on Appropriations.

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 second time, and referred to the Committee of the Whole Senate.

Mr. Diesem moved
That the Senate take up
Senate Bill No. 47,

And it be read the third time, and placed upon its final passage,

Which motion prevailed, and
Senate bill No. 47,

A bill for an act to promote forest tree culture,
Was read the third time, and placed upon it final passage.

Mr. Stevens moved
That the report of the committee be adopted in regard to Senate Bill No. 47,

Which motion prevailed.

Mr. Diesem moved
That the enacting clause of Senate Bill No. 47 be amended by inserting the words "of the State,"

Which motion prevailed, and
The question being shall the bill pass,
The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager.
Barlow,	Helgeson,	Smith,
Belyea,	Lawrence,	Slotten,
Cowan,	Little,	Stevens,
Diesem,	McBride,	Svensrud,
Fisher,	Robinson,	Swanston,
Haggart,	Rowe,	Winship.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Randall,
Bell,	LaMoure,	Worst,
Dodds,	McCormack,	Yager.

So the bill passed,
The question being as to its title
Its title was agreed to.

Mr. Swanston moved
That the rules be suspended and that House Bills Nos. 32 and 52, be read the third time, and placed upon their 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 read the the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 32 be adopted,

Which motion prevailed, and

The question recurring on the passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher
Harmon,

Messrs—

Hartman,
Hegleson,
Lawrence,
Little,
McBride,
McCormack,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Swanston,
Worst.
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Fuller,

Messrs—

Haggart,
LaMoire,
Randall,

Messrs—

Stevens,
Svensrud,
Winship.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Hartman moved that

House Bill No. 52

Be made a Special Order for January 8, 1890, at 3 o'clock p. m.,

Which motion was withdrawn by consent of the second, and

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.

Mr. Little moved

That the report of the Committee on House Bill No. 52 be adopted.

Mr. Rowe moved

In amendment that in Section 2, line 5, the word "April" be stricken out and the word "July" inserted,

Which amendment prevailed.

Mr. Hartman moved

That House Bill No. 52 be made a Special Order for January 8, 1890, at 3 p. m.,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 19, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has concurred in, the same being read once.

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved that

Senate Bill No. 56

Be read the third time and placed upon 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.

Mr. LaMoure moved

That the Senate concur in the amendments of the House,

Which motion prevailed.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 56 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 56,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesen
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
Lawrence,
Little,
McCormack,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst.
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Fuller,

Messrs—

LaMoure,
McBride,

Messrs—

Randall,
Winship.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 19, 1889. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 28,

A bill for an act providing clerk hire for the various State offices and making appropriations therefor,

Which the House has amended by inserting the dollars after the figures in the bill and by adding the words "per annum" after dollars.

Also,

By striking out from the body of the bill the reports of the Standing Committee of the Senate incorporated therein.

J. G. HAMILTON,
Chief Clerk.

The Conference Committee on Senate Bill No. 12 made the following report:

MR. PRESIDENT:

The Conference Committees of the Senate and House 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.

D. S. DODDS,

J. H. WORST,

E. L. YAGER,

On the part of the Senate.

J. F. SELBY,

N. B. PINKHAM,

W. H. H. RONEY,

Committee of the House.

Mr. Little moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. Swanston moved

That the Senate concur in the amendments of the House to Senate Bill No. 12,

Which motion prevailed.

Mr. Barlow moved that

Senate Bill No. 44

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

Which motion prevailed, and

Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners,

Was read the third time.

Mr. Lawrence moved

The adoption of the report of the committee on Senate Bill No. 44,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 44.

The roll being called there were ayes 13, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Robinson,
Barlow,	Harmon,	Rowe,
Belyea,	Lawrence,	Smith,
Diesem,	McCormack,	Swanston,
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cowan,	McBride,	Svensrud,
Dodds,	Sandager,	Winship,
Hartman,	Slotten,	Worst.
Helgeson,	Stevens,	

Absent and not voting:

Messrs—	Messrs.—	Messrs—
Appleton,	LaMoure,	Randall,
Bell,	Little,	Yager.
Fuller,		

So the bill was lost, there being less than a majority of the members-elect voting therefor.

Mr. Dodds moved

To reconsider the vote by which Senate Bill No. 44 was lost,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 19, 1889. }

MR. PRESIDENT:

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,

Which the House has concurred in.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved that
Senate Bill No. 44

Be made a Special Order for January 7, 1890, at 4 o'clock p. m.,
Which motion prevailed.

Mr. Diesem moved that
Senate Bill No. 68

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

Mr. Swanston moved
That the motion be laid on the table.

Which motion prevailed.

Mr. McCormack moved that
Senate Bill No. 64

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

Mr. President announced his signature to
Senate Bill No. 28,

A bill for an act making appropriations for certain clerk hire
for the various State officers.

Mr. McCormack moved that
Senate Bill No. 64,

Be recommitted to the Committee on Education,
Which motion prevailed.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 24 and 28,
And find the same correctly engrossed.

J. H. SMITH,
Chairman.

Mr. President announced his signature to
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. Rowe moved

That the Senate do now adjourn until January 7, 1890,
Which motion prevailed.

C. C. BOWSFIELD,
Secretary.

FIFTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 7, 1890.

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

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Diesem, Hartman, Lawrence, Sandager, Robinson and Slotten, who were excused by consent.

The Journal of the thirty-first day was read, corrected and approved.

MOTIONS AND RESOLUTIONS.

Mr. Worst presented the following resolution:

Resolved, That a Senate standing committee be appointed on Coal Lands and Mining by the President of the Senate.

Mr. Belyea moved

The adoption of the resolution,

Which motion prevailed.

Mr. President appointed the Standing Committee on Public Lands as such committee.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—

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. 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. 84,

A bill for an act authorizing the judges of the district courts to administer oaths,

Also,

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the acts of the Eighteenth Session of the Legislative Assembly,

Also,

Senate Bill No. 86,

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

Also,

Senate Bill No. 87,

A bill for an act to amend Chapter 11 of the acts of the Seventeenth Session of the Legislative Assembly,

Also,

Senate Bill No. 88,

A bill for an act amending Chapter 16 of the acts of the Seventeenth Session of the Legislative Assembly.

Mr. LaMoure moved

That the Senate adjourn until to-morrow at 2 p. m.,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 8, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Lawrence, Hartman, Robinson and Sandager, who were excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred the matter of salaries of Senate officers and employes, report that they have had the same under consideration, and recommend that the following resolution be adopted:

Resolved, That the salaries of the respective officers and employes of the Senate be fixed and allowed as follows:

Secretary	\$ 6 00	per day
Assistant Secretary	5 00	"
Journal Clerk	5 00	"
Stenographer	5 00	"
Sergeant-at-Arms	5 00	"
Assistant Sergeant-at-Arms	4 00	"
Engrossing Clerk	5 00	"
Enrolling Clerk	5 00	"
Messenger	4 00	"
Postmaster	4 00	"
Bill Clerk	5 00	"
Chaplain	2 00	"
Doorkeeper	4 00	"
Watchman	3 00	"
Janitor	3 00	"
Clerk Judiciary Committee	5 00	"

Assistant Enrolling and Assistant Engrossing Clerks, when necessary to be employed, and clerks of committees shall each receive \$5 00 per day for every day actually employed.

In this connection your committee desire to amend their report, submitted December 19, 1889, so far as the watchman and janitor are concerned, and recommend that said employes be paid \$3 00 per day each.

GEORGE B. WINSHIP,
Chairman.

The Committee on Rules made the following report:

MR. PRESIDENT:

Your Committee on Rules would recommend that the seventeenth order of business be made the fourth and that the succeeding orders of business be renumbered to conform to the change.

F. G. BARLOW,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Committee on Printing Constitution and Manual made the following report:

MR. PRESIDENT:

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 attorney 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 remainder to be retained by the Secretary of State for distribution from time to time as in his judgment seems proper.

J. H. WORST,
Chairman Senate Committee.

C. A. CURRIER,
Chairman House Committee.

MOTIONS, RESOLUTIONS, ETC.

Mr. Little introduced the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Favoring Chicago, Ills., as the Place for Holding the World's Fair in 1892.

WHEREAS, Chicago is the center of the markets for the eastern manufacturers, and also of the producer's fields; and

WHEREAS, Chicago is a typical American city in spirit, enterprise and character, and has never failed in any undertaking; and

WHEREAS, In her extensive municipality Chicago has the space for the magnificent display of fine blooded stock of all kinds, agricultural products, farm machinery, minerals, etc.; and

WHEREAS, The carrying capacity of the Atlantic ocean steamships is insufficient to induce Congress to locate the World's Exposition of 1892 on the seaboard as an attraction to foreign visitors, the number of such visitors who

will come to this country in any event being very small as compared with the masses of our people who will attend if the exposition is held elsewhere; therefore, be it

Resolved by the Senate and House of Representatives of the State of North Dakota, That we hereby endorse the City of Chicago as the most available site for said exposition, and that we urge our Representatives in Congress to direct their best efforts to promote that result; be it further

Resolved, That a copy of these resolutions be forwarded to each of said Representatives.

Mr. Worst moved

The adoption of the resolution.

Mr. McCormack moved

To lay the resolution on the table,

Which motion was lost.

Mr. Stevens moved

That the resolution be amended by striking out the word "Chicago" wherever it appears and insert the word "Jamestown."

Mr. Dodds raised the point of order that under rule 22 the motion was out of order.

The President ruled the point of order well taken.

Mr. Dodds moved

That the Attorney General be requested to give his opinion in regard to the *per diem* of members during the recess of nineteen days.

Mr. LaMoure moved

To lay the resolution on the table,

Which motion prevailed.

Mr. Barlow moved

That the report of the Standing Committee on Rules be adopted,

Which motion prevailed.

Mr. Dodds moved

That the word "joint" be inserted after the "or," and before the word "resolution," in Rule 22,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Smith introduced—

Senate Bill No. 89,

A bill for an act providing for the taxation of express companies,

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887,

Which was read the first time.

Mr. Worst introduced the following Concurrent Resolution:

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.

FIRST READING OF SENATE BILLS.

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 first time.

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.

Senate Bill No. 84,

A bill for an act authorizing the judges of the district courts to administer oaths,

Was read the first time.

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the act of the Eighteenth Session of the Legislative Assembly,

Was read the first time.

Senate Bill No. 86,

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

Was read the first time.

Senate Bill No. 87,

A bill for an act to amend Chapter 11 of the acts of the Seventeenth Session of the Legislative Assembly,

Was read the first time.

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 time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 81,

A Joint Resolution and Memorial to Congress to subdivide North Dakota into four judicial districts,

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

THIRD READING OF SENATE BILLS.

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 third time, and placed upon its final passage,

Mr. Swanston moved

That Senate Bill No. 43,

Be indefinitely postponed, as House Bill No. 71 is the same.

The motion was withdrawn.

Mr. Worst moved

That the report of the committee on Senate Bill No. 43 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 43,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,

Messrs—

Fisher,
Fuller,
Haggart,
Harmon,
Helgeson,
LaMoure,
McCormack,
Randall,

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.
Yager.

Absent and not voting:

Messrs—

Hartman,
Lawrence,
Little,

Messrs—

McBride,
Robinson,

Messrs—

Sandager.
Smith.

Messrs. Lawrence, Hartman, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 8, 1890. }

To the President of the Senate:

I have the honor to inform your honorable body that I decline to approve

Senate Bill No. 24,

Entitled an act to provide for the erection and operation of the Agricultural College and Experimental Station at Fargo,

And said bill was, together with my objections, filed in the office of the Secretary of State, January 2, 1890, as required by Section 79 of the State Constitution.

Respectfully,

JOHN MILLER,
Governor.

Mr. Haggart moved

That the veto message from the Governor on Senate Bill No. 24 be referred to the Committee on Judiciary, and that it be made a special order for January 18, 1890, at 3 p. m.,

Which motion prevailed.

House Bill No. 52 was called up under Special Orders.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 8, 1890. }

To the Senate:

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 a 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 be seen, is exclusive of the cost of the present session of the Legislature, and also of the additional cost for the four months from November 4, 1889, to March 8, 1890, of 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 from issuing 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. LaMoure moved

That the message be referred to the Committee on Ways and Means,

Which motion prevailed.

Mr. Dodds moved

That House Bill No. 52 be made a special order for January 9, 1890, at 3 p. m.,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and that the seventh order of business be returned to,

Which motion prevailed.

Mr. Little moved

The adoption of the concurrent resolution favoring Chicago, Illinois, as the place for holding the World's Fair.

Mr. Stevens moved an amendment

That the words "Chicago, Illinois," be stricken out wherever they appear, and the words "Jamestown, North Dakota," be inserted,

Which amendment was lost,

And the question recurring on the motion of Mr. Little on the adoption of the resolution,

The motion prevailed.

Mr. Winship moved

The adoption of the report of the Committee on Appropriations on Salaries of Officers and Employees.

Mr. Swanston moved an amendment

That the Secretary receive \$8 per day instead of \$6 per day.

Roll call demanded.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Swanston,
Harmon,	Randall,	Worst.
Helgeson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Slotten,
Barlow,	LaMoure,	Stevens,
Bell,	McBride,	Svensrud,
Cowan,	Rowe,	Winship,
Dodds,	Smith,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	Robinson,
Diesem,	Lawrence,	Sandager.
Haggart,	McCormack,	

Messrs. Lawrence, Hartman, Sandager and Robinson being excused.

So the amendment was lost.

Mr. Worst moved an amendment

That the Stenographer receive \$7.50 per day, and that he act as a committee clerk,

Which motion was lost.

Mr. LaMoure moved

That the Assistant Sergeant-at-Arms receive \$5 per day, Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 8, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,"

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

J. G. HAMILTON,
Chief Clerk.

Mr. Dodds moved an amendment

That the Secretary receive \$7 per day instead of \$6,
Which motion prevailed.

Mr. Swanston moved

That the salary of the Assistant Secretary be made \$6 instead
of \$5 per day,

Which motion prevailed.

The question recurring on the report of the Committee on Ap-
propriations as amended,

The report was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 29,

A bill to repeal Chapter 45 of the Session Laws of 1885,
Was read the third time, and placed upon its final passage.

Mr. LaMoure moved

That further action on Senate Bill No. 29 be deferred until to-
morrow,

Which motion prevailed.

Mr. LaMoure moved

That Senate Bill No. 50 be recommitted to the Committee on
Agriculture,

Which motion prevailed.

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 and placed upon its final passage.

Mr. Rowe moved

The adoption of the report of the committee on Senate Bill No.
57,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Hartman,
S—13

Messrs—

Lawrence,
Robinson,

Messrs—

Sandager.

Messrs. Hartman, Lawrence, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 placed upon its final passage.

Mr. Appleton moved

That the report of the committee on Senate Bill No. 53 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Harmon,
Helgeson,
LaMoure,
Little,
McBride,
Randall,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.
Yager.

Absent and not voting:

Messrs—

Fuller,
Haggart,
Hartman,

Messrs—

Lawrence,
McCormack,

Messrs—

Robinson,
Sandager,

Mr. Belyea voting in the negative.

Messrs. Hartman, Lawrence, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Stevens moved

That the Senate adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 9, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Hartman, Robinson and Sandager, excused.

The Journal of the preceding day was read and approved.

Mr. President announced his signature to

A Concurrent Resolution and Memorial to Congress praying for the maintenance of Fort Abraham Lincoln as a military post, and for an appropriation for its improvement.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

☐ Senate Bills Nos. 13 and 49,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Worst moved

The adoption of the Concurrent Resolution for the distribution of the Manual and Constitution,

Which motion prevailed.

Mr. Swanston moved

The adoption of the following resolution:

Resolved, That the President of the Senate be instructed to sign vouchers for *per diem* of members and employes during the recess of this session.

Roll call demanded.

The roll being called there were ayes 9, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Bell,	Lawrence,
Barlow,	Cowan,	McCormack,
Belyea,	Diesem,	Swanston.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Dodds,	Little,	Stevens,
Fisher,	McBride,	Svensrud,
Fuller,	Randall,	Winship,
Haggart,	Rowe,	Worst,
Harmon,	Smith,	Yager.
Hegleson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hartman,	Robinson,	Sandager.

Messrs. Hartman, Robinson and Sandager being excused.

So the resolution was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 9, 1890.

MR. PRESIDENT:

I have the honor to transmit herewith the Concurrent Resolution favoring Chicago as the place for holding the World's Fair in 1892,

Which the House has concurred in.

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

Also,

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.

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.

Both of which the House has passed without change.

J. G. HAMILTON,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Winship introduced—

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,
Which was read the first time.

Also,

Senate Bill No. 92,

A bill for an act to promote the planting of forest and fruit
trees and hedges on the prairies of North Dakota,

Which was read the first time.

Mr. Smith introduced—

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, deaths and marriages in his township,

Which was read the first time.

Mr. Dodds introduced—

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 was read the first time.

Mr. Swanston introduced—

Senate Bill No. 95,

A bill for an act to amend Section 5128 of the Compiled Laws
of 1887,

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 96,

A bill for an act to provide for the registration of the names of
electors and to prevent frauds at elections,

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182,
Article 12 of the Constitution of North Dakota,

Which was read the first time.

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 second time, and referred to the Committee on
Judiciary.

Senate Bill No. 84,

A bill for an act authorizing the judges of the district courts to
administer oaths,

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

Senate Bill No. 85,

A bill for an act amending Chapter 42 of the acts of the Eighteenth Session of the Legislative Assembly,

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

Senate Bill No. 86,

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

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

Senate Bill No. 87,

A bill for an act to amend Chapter 11 of the acts of the Seventeenth Session of the Legislative Assembly,

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

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 second time and referred to the Committee on Cities and Municipal Corporations.

Senate Bill No. 89,

A bill for an act providing for the taxation of express companies,

Was read the second time and referred to the Committee on Ways and Means.

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887,

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

The President announced his signature to

House Bill No. 32,

A bill for an act to provide for the leasing and sale of the common school lands of North Dakota.

THIRD READING OF SENATE BILLS.

Senate Bill No. 29,

A bill for an act to repeal Chapter 45 of the Session Laws of 1885,

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

Mr. McCormack moved

That the report of the committee on Senate Bill No. 29 be adopted,

Which motion prevailed.

And the question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Randall,
Appleton,	Haggart,	Rowe,
Barlow,	Harmon,	Smith,
Belyea,	Helgeson,	Slotten,
Bell,	LaMoure,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Winship,
Dodds,	McCormack,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hartman,	Robinson,	Swanston,
Lawrence,	Sandager.	Worst.

Messrs. Hartman, Robinson and Sandager being excused.

Mr. Worst was excused from voting.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced his signature to
Senate Bill No. 13,

A bill for an act to regulate the practice of medicine in North Dakota, and to license physicians, surgeons and obstetricians, and to punish persons violating the same.

Also,

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."

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

That the Senate resolve itself into Committee of the Whole to consider House Bill No. 52,

Which motion prevailed, and

The President called Mr. McCormack to the Chair.

When the committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole having had under consideration

House Bill No. 52,

A bill for an act to prevent trespass upon school and public lands, and to recover damages therefor,

Recommend that Section 1 be amended as follows:

In line 6 of the printed bill, after the word "thereon," strike out the words, "or who injures or removes any buildings, fences,

improvements or other property to or appertaining to said lands.”
And when so amended recommend that said bill do pass.

M. L. McCORMACK,
Chairman.

Mr. Rowe moved

The adoption of the report of the Committee of the Whole in regard to House Bill No. 52,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Mr. Belyea moved

That Senate Bill No. 44 be made a special order for 3 p. m. to-morrow,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

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 first time.

SECOND READING OF HOUSE BILLS.

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 second time and referred to the Committee on State Affairs.

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 second time and referred to the Committee on State Affairs.

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.

THIRD READING OF HOUSE BILLS.

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.

Mr. Stevens moved

That House Bill No. 52 be amended by inserting in line 6, Section 1, the words “or who injures or removes any buildings,

fences, improvements or other property belonging to or appertaining to said lands.”

Roll call demanded.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Belyea,	LaMoure,	Slotten,
Bell,	Little,	Stevens,
Cowan,	McBride,	Winship.
Dodds,	McCormack,	Yager.
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Svensrud,
Barlow,	Helgeson,	Worst.
Diesem,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Randall,	Sandager,
Hartman,	Robinson,	Swanston.
Lawrence,		

Messrs. Hartman, Robinson and Sandager being excused.

So the motion was adopted.

Mr. Diesem moved

That Section 9 be amended to read as follows:

Sec. 9. That in case any persons having erected buildings on any school lands, and being unable to purchase or lease said lands at the prices bid for same, the owners thereof be allowed to remove said buildings and fences, at any time previous to May 1, 1890.

Which motion was lost.

Mr. McCormack moved

An amendment that Section 9 be stricken out,

Which amendment was lost.

Mr. Smith moved

That the further consideration of House Bill No. 52 be indefinitely postponed,

Which motion was lost,

And the question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher	Rowe,
Appleton,	Haggart,	Slotten,
Barlow,	Harmon,	Stevens,
Belyea,	Hegleson,	Svensrud,
Bell,	LaMoure,	Winship,
Cowan,	Little,	Worst,
Diesem,	McBride,	Yager
Dodds,		

Those who voted in the negative were:

Messrs— Fuller, McCormack,	Messrs— Randall,	Messrs— Smith.
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Absent and not voting:

Messrs— Hartman, Lawrence,	Messrs— Robinson, Sandager,	Messrs— Swanston.
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Messrs. Hartman, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved

That the rules be suspended and that the Senate return to the
fourteenth order of business,

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 second time, and referred to the Committee on
Public Buildings.

Mr. McCormack moved

That the rules be suspended and that the Senate return to the
eleventh order of business,

Which motion prevailed, and

Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricul-
tural, 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 second time.

Mr. McCormack moved

That Senate Bill No. 82 be referred to the Committee on State
Affairs,

Which motion prevailed.

Mr. Worst moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 10, 1890.

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

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Hartman and Robinson.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 10, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 94,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law.

Also,

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,

And your favorable consideration thereof is requested.

Also,

Senate Bill No, 31,

Which the House has passed with the following amendments:

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."

Amend Section 2 by striking out the words "three years," and substituting therefor the words "two years."

Amend Section 7 by striking out the word "Legislature" and substituting therefor the words "Legislative Assembly."

Amend Section 14 by striking out the word "Legislature" wherever it occurs and substituting therefor the words "Legislative Assembly."

Also, amend the bill by adding after the word "deaf" wherever it occurs in the bill the words "and dumb."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the Senate concur in the amendment of the House to Senate Bill No. 31,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 47,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Public Buildings made the following report:

MR. PRESIDENT:

Your Committee on Public Buildings to whom was referred House Bill No. 91,

A bill for an act providing for the displaying of the American flag on all public State institutions,

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

JOHN E. HAGGART,
Chairman.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections 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:

Amend title to said bill by adding after the word "counties," in said title, the following: "For State, Legislative and judicial purposes."

Amend Section 1 as follows: In line 1 strike out the word "ten" and insert "twenty-five legally qualified voters;" in line 2, Section 1, add after the word "or" the word "judicial."

At the end of Section 3 add the following proviso: "*Provided, however,* That no voting precinct shall be established, containing less than twenty-five voters, nor shall more than one voting precinct be established in any county unless said county contains more than seventy-five legally qualified voters."

Also, in line 9, Section 3, after the words "register of deeds," add the following, "of the organized county to which such unorganized county is attached for judicial purposes."

Also, in line 14, Section 3, strike out all after word "said" to the word "voters," in line 15, and insert in lieu thereof the words "in accordance with the provisions of this section."

In Section 5, line 2, strike out the word "five" and insert in lieu thereof the word "three."

Also add to Section 5 after the words "authorized to be held" in line seven "said election shall be conducted in all respects as such election are conducted in organized counties under the laws governing general elections."

Strike out Section 6.

Change number of Section 7 to Section 6.

Strike out Section 8.

Change Section 9 to Section 7.

In Section 9, line 7 strike out the words "judicial sub-division" and insert in lieu thereof the words "such organized county to which such unorganized county is attached for judicial purposes."

Also, strike out the balance of Section 9 and add thereto the following: "The returns of such elections shall be made as by law provided, to the officials designated to receive and canvass such returns of the organized county to which such unorganized county is attached for judicial purposes, and the result thereof shall be certified to the proper officers."

Change Section 10 to Section 8.

Change Section 11 to Section 9.

And when so amended recommend that said bill do pass.

J. E. STEVENS,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
Senate Bill No. 36,

A bill for an act entitled "An Act to provide for publication of proposed Constitutional Amendments,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 2, in line 4, by striking out the word "the" and inserting the word "one." Also, line 6 and 7 by striking out the words "one in each week for."

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Winship presented the following 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 Thursday, February 6, 1890, at or before 12 o'clock p. m. of said day.

Mr. Winship moved
That the resolution be adopted.

Mr. Little moved
That the resolution be laid on the table.
Roll call demanded.

The roll being called there were ayes 8, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Lawrence,	Swanston.
Belyea,	Little,	Worst.
Diesem,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Sandager.
Bell,	Hegleson,	Slotten,
Dodds,	McBride,	Stevens,
Fisher,	McCormack,	Svensrud,
Fuller,	Randall,	Winship,
Haggart,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Robinson.
Cowan,	LaMoure,	

Messrs. Hartman and Robinson being excused.

So the motion was lost.

Mr. Dodds moved

To strike out the figure "6" where it appears in the resolution and insert the figures "20."

Mr. McCormack moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 12, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Fuller,	Little,
Belyea,	Harmon,	Svensrud,
Diesem,	Helgeson,	Swanston,
Fisher,	Lawrence,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	McCormack,	Slotten,
Bell,	Randall,	Stevens,
Dodds,	Rowe,	Winship.
Haggart,	Sandager.	Yager.
McBride,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Robinson.
Cowan,	LaMoure,	

Messrs. Hartman and Robinson being excused.

So the motion was lost.

Mr. Swanston moved

That the amendment of Mr. Dodds be amended by inserting "January 18th" instead of "February 20th."

Mr. Belyea moved

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

Mr. McCormack introduced the following resolution:

Resolved, That the salaries of the two pages now employed by the Senate, be fixed at the rate of \$2 each, per day.

Mr. LaMoure moved the adoption of the resolution,
Which motion prevailed.

Mr. Worst introduced the following resolution:

Resolved, That the Assistant Sergeant-at-Arms be authorized to see that six copies of each printed Senate Bill are produced and kept on file in the committee room over the Capitol National Bank for the use of the several Senate committees.

Which resolution was adopted.

Mr. LaMoure offered the following resolution:

Resolved, That the State Auditor be requested to furnish this Senate with a statement of the *per diem* and mileage drawn from the Treasury of the directors and regents of the several State institutions for the last fiscal year.

Mr. McCormack moved

To take the resolution of Mr. Winship from the table.

Roll call demanded.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Randall,
Appleton,	Harmon,	Slotten,
Bell,	Helgeson,	Stevens,
Fisher,	McBride,	Winship.
Fuller,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Lawrence,	Svensrud,
Belyea,	Little,	Swanston,
Diesem,	Rowe,	Worst,
Dodds,	Sandager,	Yager.
LaMoure,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cowan,	Hartman,	Robinson.

Messrs. Hartman and Robinson being excused.

The vote being a tie, Mr. President voted aye.

Mr. LaMoure raised the point of order, as it required a two-third vote to take a resolution from the table.

Mr. Fuller changed his vote from aye to no,

And Mr. LaMour's point of order was not passed on.

Mr. Diesem presented the following resolution:

Resolved, That the Senate now proceed to the business for which this body was created, and so continue from day to day until its duties are finished.

Which the Chair ruled out of order.

Mr. Appleton presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring, That the Senate and the House of Representatives of the State of North Dakota do adjourn *sine die* on February 16, 1890.

Mr. Haggart moved

The adoption of the resolution of Mr. Appleton.

Mr. Swanston moved

To lay the resolution upon the table.

Roll call demanded.

Mr. Little moved

A call of the Senate.

Mr. Cowan was excused by consent.

Mr. Dodds moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed, and

The question recurring on the motion to lay the resolution of Mr. Appleton on the table,

The roll being called there were ayes 9, nays 18.

Those who voted in the affirmative were:

Messrs—

Barlow,

Belyea,

Diesem

Messrs—

Lawrence,

Little,

Rowe,

Messrs—

Smith,

Swanston,

Worst.

Those who voted in the negative were:

Messrs—

Allin,

Appleton,

Bell,

Dodds,

Fisher,

Fuller,

Messrs--

Haggart,

Helgeson,

LaMoure,

McBride,

McCormack,

Randall,

Messrs--

Sandager,

Slotten,

Stevens,

Svensrud,

Winship.

Yager.

Absent and not voting:

Messrs—

Cowan,

Harmon,

Messrs—

Hartman,

Messrs—

Robinson.

Messrs. Cowan, Hartman and Robinson being excused.

So the motion was lost.

Mr. Swanston moved

To amend by substituting "January 17th" for February 16th."

Roll call demanded.

The roll being called there were ayes 9, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Lawrence,	Smith,
Diesem,	Little,	Swanston,
Harmon,	McBride,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager.
Appleton,	Helgeson,	Slotten,
Barlow,	LaMoure,	Stevens,
Bell,	McCormack,	Svensrud,
Dodds,	Randall,	Winship,
Fisher,	Rowe,	Yager.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cowan,	Hartman,	Robinson.

Messrs. Cowan, Hartman and Robinsen being excused.

So the amendment of Mr. Swanston was lost.

The question recurring on the motion to adopt the resolution of Mr. Appleton.

Roll call demanded.

The roll being called there were ayes 17, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager.
Appleton,	Harmon,	Slotten,
Bell,	Helgeson,	Stevens,
Dodds,	McBride,	Swanston,
Fisher,	McCormack,	Winship.
Fuller,	Randall,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Lawrence,	Svensrud,
Belyea,	Little,	Worst,
Diesem,	Rowe,	Yager.
LaMoure,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cowan,	Hartman,	Robinson.

Messrs. Cowan, Hartman and Robinson being excused.

So the resolution was adopted.

Mr. Swanston gave notice that he would move to reconsider the resolution to-morrow.

COMMITTEE OF THE WHOLE.

The hour having arrived for the consideration of Senate Bill No. 44,

Mr. President called Mr. Swanston to the Chair.

Mr. Rowe moved

That the Senate resolve itself into Committee of the Whole to consider Senate Bill No. 44,

Which motion prevailed, and

The Senate resolved itself into Committee of the Whole,

With Mr. Swanston in the Chair.

When the committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole having had under consideration Senate Bill No. 44,

A bill for an act to enable counties to regulate the number of county commissioners,

Recommend the following amendment:

In line 7, Section 1, after the word "commissioners" strike out "call a special election" and insert "to submit the question to a vote at the first general election." Strike out the lines relating to "\$1,500,000."

In Section 2 strike out the word "special" wherever it appears and insert the word "general."

And when amended recommend that said bills do pass.

W. E. SWANSTON,
Chairman.

Mr. Rowe moved

To adopt the report of the Committee of the Whole on Senate Bill No. 44,

Which motion prevailed.

Mr. Rowe moved

The adoption of the resolution of Mr. LaMoure regarding the *per diem* and mileage of the directors of State institutions,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended and that Senate Bill No. 44 be read the third time and placed upon its final passage,

Which motion prevailed.

Mr. President announced his signature to

Senate Bill No. 47,

A bill for an act to promote forest tree culture.

Mr. Barlow moved

To amend Senate Bill No. 44 by striking out the last word in line 10 in Section 1 and all of line 11 of Section 1,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Sandager,
Appleton,	LaMoure,	Slotten,
Barlow,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst.
Haggart,	Rowe,	Yager.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Hartman,	Robinson,
Cowan,	Fuller,	Smith.

Messrs. Cowan, Hartman and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fuller introduced—

Senate Bill No. 98,

A bill for an act amending Section 7, Chapter 39 of the Political Code, and Section 1, Chapter 1, and Section 1, Chapter 76, Law of 1881, entitled "Register of Deeds," abolishing the fees on entering satisfaction of mortgage or lien,

Which was read the first time.

Mr. Fisher introduced—

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,
Which was read the first time.

Mr. Worst (by request) introduced—

Senate Bill No. 100,

A bill for an act to define the duties of a States attorney,
Which was read the first time.

Mr. Allin (by request) introduced—

Senate Bill No. 101,

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

Which was read the first time.

Mr. Little introduced—

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,

Which was read the first time.

Mr. Fuller introduced—

Senate Bill No. 103,

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 salaries of register of deeds and county treasurers,"

Which was read the first time.

Mr. President appointed and administered the oath of office to R. L. Metcalf and Daniel W. Harshman as assistants on the engrossing force.

SECOND READING OF SENATE BILLS.

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,
Was read the second time and referred to the Committee on State Affairs.

Senate Bill No. 92,

A bill for an act to promote the planting of forest and fruit trees and hedges on the prairies of North Dakota,
Was read the second time and referred to the Committee on Agriculture.

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, deaths and marriages in his township,

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

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 second time and referred to the Committee on Cities and Municipal Corporations.

Senate Bill No. 95,

A bill for an act to amend Section 5128 of the Compiled Laws of 1887,

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

Senate Bill No. 96,

A bill for an act to provide for the registration of the names of electors and to prevent frauds at elections,

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

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 second time, and referred to the Committee of the Whole Senate.

Mr. McCormack moved
To refer Senate Bill No. 97 to the Committee on Ways and Means,

Which motion prevailed.

Mr. Appleton asked consent to return to the ninth order of business,

Which was granted, and

Mr. Appleton introduced—

Senate Bill No. 104,

A Joint Resolution authorizing the printing of 5,000 copies of House Bills Nos. 32 and 52,

Which was read the first time.

Mr. Appleton moved

That the rules be suspended, and that Senate Bill No. 104 be read the second time, and referred to its proper committee,

Which motion prevailed, and

Senate Bill No. 104,

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

FIRST READING OF HOUSE BILLS.

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 first time.

House Bill No. 94,

A bill for an act fixing the penalty for willful neglect of officers to make reports in the manner required by law,

Was read the first time.

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,

Was read the first time.

Mr. Worst moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 11, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Fuller, Harmon, Hartman and Robinson who were excused.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 11, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

Which the House has passed.

Also,

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.

Which the House has concurred in.

J. G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 81,

A Concurrent Resolution for a Memorial to Congress to sub-
divide North Dakota into four judicial districts,

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

C. B. LITTLE,
Chairman.

Mr. Barlow moved

That the report of the Committee on Senate Bill No. 81 be
adopted,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred
Senate Bill No. 62,

A bill for an act to require all railroad corporations doing busi-
ness in the State of North Dakota to file with the county clerk in
which any railroad or part thereof may be located, a map show-
ing all railroad and right of way owned by said corporation,

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

ROGER ALLIN,
Chairman.

Mr. Worst moved that the the report of the committee on Sen-
ate Bill No. 62 be adopted.

Which motion prevailed.

REPORT OF SELECT COMMITTEES.

The Special Committee on Senate Bill No. 27 made the follow-
ing report:

MR. PRESIDENT:

Your Special Committee to whom was referred
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,

Have had the same under consideration and recommend that
said bill be amended as follows by inserting the enacting clause:

"Be it enacted by the Legislative Assembly of the State of
North Dakota."

W. E. SWANSON,
Chairman.

Mr. LaMoure raised the point of order that Senate Bill No. 27 must be reintroduced, as it was not a bill because it had no enacting clause, which is the life of a bill.

The President ruled the point well taken.

Mr. Stevens moved

That Senate Bill No. 27 be recommitted to the Committee on Counties,

Which motion prevailed.

The Chair 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.

MOTIONS, RESOLUTIONS, ETC.

Mr. Swanston moved

That the vote by which the Senate passed the Concurrent Resolution to adjourn on February 16th be reconsidered,

Which motion prevailed.

Mr. Appleton moved

To amend the resolution by inserting February 14th instead of February 16th.

Roll call demanded.

The roll being called there were ayes 12, nays 14.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bell,
Cowan,

Messrs—

Fisher,
Haggart,
Helgeson,
McBride,

Messrs—

McCormack,
Randall,
Slotten,
Winship.

Those who voted in the negative were:

Messrs—

Barlow,
Belyea,
Diesem,
LaMoure,
Lawrence,

Messrs—

Little,
Rowe,
Sandager,
Smith,
Stevens,

Messrs—

Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Dodds,
Fuller,

Messrs—

Harmon,
Hartman,

Messrs—

Robinson.

Messrs. Fuller, Harmon, Hartman and Robinson being excused.

So the amendment was lost, and

The question recurring on the original motion, to adjourn on February 16, 1890,

The roll being called there were ayes 8, nays 19.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bell,

Messrs—

Cowan,
Fisher,
Randall,

Messrs—

Stevens,
Winship.

Those who voted in the negative were:

Messrs—

Barlow,
Belyea,
Diesem,
Dodds,
Haggart,
Helgeson,
LaMoure,

Messrs—

Lawrence,
Little,
McBride,
McCormack,
Rowe,
Sandager.

Messrs—

Smith,
Slotten,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Robinson,

Messrs—

Harmon,

Messrs—

Hartman,

Messrs. Fuller, Harmon, Hartman and Robinson being excused.

So the motion was lost.

Mr. Barlow moved

That Senate Bill No. 9 be recalled from the House for correct engrossment,

Which motion prevailed.

Mr. Dodds moved

That the report of the committee on

Senate Bill No. 81,

A Joint Resolution,

Be adopted,

Which motion prevailed.

Mr. Winship presented the following resolution:

Resolved, That the Secretary of State be requested to deliver to each member of the Senate a copy of the Debates of the Constitutional Convention.

Mr. Little moved

The adoption of the resolution,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little introduced—

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,

Which was read the first time.

Mr. Belyea introduced—

Senate Bill No. 106,

A bill for an act to amend Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14 and 15 of Chapter 121 of the General Laws of 1887, and to repeal Section 1 of Chapter 131 of the General Laws of 1887,

Which was read the first time.

Mr Allin introduced—

Senate Bill No. 107,

A bill for an act to allow organized townships in this State to raise a tax for irrigation purposes,

Which was read the first time.

Mr. Smith introduced—

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,

Which was read the first time.

Mr. Winship introduced—

Senate Bill No. 109,

A bill for an act granting powers to county courts,

Which was read the first time.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 11, 1890. }

To the President of the Senate:

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

Senate Bill No. 13,

An act to regulate the practice of medicine in the State of North Dakota and to licence physicians, surgeons and obstetricians, and to punish persons violating the provisions of this act.

Also,

Senate Bill No. 49,

An act to amend Sections 2 and 4, Chapter 58, Session Laws of 1879, entitled "An Act for the protection of the public credit."

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

SECOND READING OF SENATE BILLS.

Senate Bill No. 98,

A bill for an act amending Section 7, Chapter 39 of the Political Code, and Section 1, Chapter 1, and Section 1, Chapter 76, Laws of 1881, entitled "Register of Deeds," abolishing the fees on entering satisfaction of mortgage or lien,

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

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,

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

Senate Bill No. 100,

A bill for an act to define the duties of a State's attorney,

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

Senate Bill No. 101,

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.

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 second time, and referred to the Committee on Cities and Municipal Corporations.

Senate Bill No. 103,

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 salaries of register of deeds and county treasurers,"

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

Mr. Belyea moved

That the rules be suspended and that Senate Bill No. 106 be read the second time, and referred,

Which motion prevailed, and

Senate Bill No. 106,

A bill for an act to amend Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14 and 15 of Chapter 121 of the General Laws of 1887, and to repeal Section 1 of Chapter 131 of the General Laws of 1887,

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

Mr. Swanston moved

That Senate Bill No. 106 be ordered printed,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 67,

A bill for an act to provide for elections in unorganized counties,

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

Mr. Little moved

That the report of the committee on Senate Bill No. 67 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	McBride,	Svensrud,
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Rowe,	Worst,
Fisher,	Sandager,	Yager.
Helgeson,		

Absent and not voting :

Messrs—	Messrs—	Messrs—
Dodds,	Haggart,	LaMoure.

Mr. Appleton voting in the negative.

Messrs. Fuller, Harmon, Hartman and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to as amended in the committee.

Mr. Rowe moved that

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,

Be recalled from the Committee of the Whole,

Which motion prevailed.

Mr. Rowe moved

That Senate Bill No. 7 be read the third time and placed upon its final passage,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 7 be recommitted to the Committee on Public Health for correction,

Which motion prevailed.

Senate Bill No. 36,

A bill for an act to provide for publication of proposed constitutional amendments,

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

Mr. McCormack moved

That the report of the committee on Senate Bill No. 36 be adopted,

Which motion prevailed, and

The question recurred on the final passage of the bill.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Smith,
Appleton,	Lawrence,	Slotten,
Barlow,	Little,	Stevens,

Belyea,
Bell,
Cowan,
Fisher,
Haggart,
Helgeson,

McBride,
McCormack,
Randall,
Rowe,
Sandager,

Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—
Diesem,
Dodds,

Messrs—
Fuller,
Harmon,

Messrs—
Hartman,
Robinson.

Messrs. Fuller, Harmon, Hartman and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed

The following communication was received from the Auditor:

BISMARCK, January 11, 1890.

To the Honorable Members of the Senate for the First Legislative Assembly of the State of North Dakota:

GENTLEMEN: I have the honor to herewith transmit as per your request the amount paid for salaries and expenses of the regents and trustees of the several public institutions of the State of North Dakota, from January 1, 1889, to January 1, 1890, as follows:

University of North Dakota, Grand Forks	\$ 700 10
North Dakota Hospital for Insane, Jamestown	1,201 25
Penitentiary, Bismarck	2,079 36

Total

Very respectfully submitted,

J. P. BRAY,
State Auditor.

Mr. Rowe moved

That the rules be suspended and that the Senate return to the sixth order of business,

Which motion prevailed, and

The Committee on Public Health made the following report:

MR. PRESIDENT:

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 practitioners 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 the following substitute for Section 1 of the original bill:

Sec. 1. That it shall be unlawful for any person who is, at the time of the passage of this act, lawfully entitled to practice dentistry in this State, pursuant to the provisions of the act of which this act is a revision and amendment, to practice or attempt to practice dentistry in this State, unless such persons shall have first received a license to practice dentistry from the Board of Dental Examiners, as hereinafter provided.

And when so amended recommend that said bill do pass.

E. W. BELYEA,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 56 and 31,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

Mr. President announced his signature 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.

Mr. Rowe moved

That the report of the Committee on Enrolled and Engrossed bills on Senate Bill No. 31 be adopted,

Which motion prevailed.

Mr. Rowe moved

That the Report of the Committee on Public Health on Senate Bill No. 7 be adopted,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended, and that Senate Bill No. 7 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 7,

A bill for an act to revise and amend the 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,

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

Mr. Belyea moved

To amend Section 8, line 25, by striking out "15" and inserting "on or before the first,"

Which motion prevailed.

Mr. Swanston moved

To amend Section 2 by striking out in line 4 all after the word "Governor" up to and including the word "society," in line 5, and the words in line 14 beginning with the word "from" up to and including the word "appointed" in line 17,

Which amendment was adopted.

Mr. Little moved

To amend Section 5, line 17, by substituting the word "shall" for the word "may."

Mr. Worst moved, as an amendment,

To strike out all in line 16 after the word "diploma" up to the word "shall" in line 17,

The motion to amend the amendment was withdrawn by consent of the second, and

The question recurring on the amendment of Mr. Little,
It was adopted.

Mr. Stevens moved

To amend by striking out all of Section 10,
Which amendment was adopted.

Mr. Stevens moved

To amend by renumbering the succeeding sections,
Which amendment was adopted, and

The question recurred on the final passage of the bill.

The roll being called there were ayes 21, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Smith,
Appleton,	Helgeson,	Slotten,
Barlow,	Little,	Stevens,
Bell,	Randall,	Svensrud,
Belyea,	Rowe,	Swanston,
Cowan,	Sandager,	Worst.
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Diesem,	Winship,	Yager.
McBride,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Hartman,	McCormack,
Fuller,	Lawrence,	Robinson.
Harmon,	LaMoure,	

Messrs. Fuller, Harmon, Hartman and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. La Moure moved

That the Senate adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 13, 1890.

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

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Fuller, Harmon and LaMoire who were excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

Senate Bill No. 104,

A Joint Resolution for the printing of 5,000 copies of House Bills Nos. 32 and 52,

Have had the same under consideration, and recommend that said Joint Resolution be indefinitely postponed, and the following resolution substituted therefor:

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—ten 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.

GEO. B. WINSHIP,
Chairman.

The rules were suspended by consent and the following communication was presented by the President:

UNITED STATES SENATE,
WASHINGTON, D. C., January 8, 1880.

Hon. Alfred Dickey, Lieut. Governor, Bismarck, North Dakota:

DEAR SIR: I enclose copies of a bill which has been duly introduced in the Senate, in harmony with the recent concurrent resolution of the Legislature, providing for the entry of all lands in North Dakota, under the homestead and pre-emption laws, at the minimum price of \$1.25 per acre. The bill reads as follows:

A BILL PROVIDING FOR THE ENTRY OF THE PUBLIC LANDS IN THE STATE OF NORTH DAKOTA UNDER THE HOMESTEAD AND PRE-EMPTION LAWS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That hereafter all the public lands in the State of North Dakota shall be subject to entry under the provisions of the homestead and pre-emption laws, at the minimum price of one dollar and twenty-five cents per acre: *Provided*, That all lands in said State heretofore entered under the homestead laws, to which title has not been perfected, may be commuted to cash at said minimum price.

Very truly yours,
LYMAN R. CASEY.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
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,

Have had the same under consideration and beg leave to amend by reporting a substitute, and recommend that the bill as amended do pass.

F. G. BARLOW,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 102,

A bill for an act providing for the election of boards of education in cities not organized under the general laws,

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 1, line 6, insert the word "second" in place of the word "first"

Amend Section 3, line 1, by inserting the word "second" in place of word "first."

And when so amended recommend that said bill do pass.

ANDREW SANDAGER,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

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 do not pass,

Also,

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of
1887,

Have had the same under consideration and recommend that
said bill be considered in Committee of the Whole Senate.

J. E. STEVENS,
Chairman *pro tem.*

MOTIONS, RESOLUTIONS, ETC.

Mr. Winship moved

The adoption of the resolution reported by the Committee on
Appropriations—a substitute for Senate Bill No. 104—a Joint
Resolution.

Mr. Appleton moved

That the resolution be amended by making it twenty copies in-
stead of ten copies,

Which motion prevailed, and

The question recurring on the resolution as amended,

The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Barlow introduced—

Senate Bill No. 110,

A bill for an act proposing an amendment to the Constitution
of the State of North Dakota by striking out section 56 of article 2,

Which was read the first time.

Mr. Barlow introduced—

Senate Bill No. 111,

A bill for an act proposing an amendment to Section 45 of
Article 2 of the Constitution of the State of North Dakota,

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 112,

A bill for an act to prescribe the manner of conducting, and to
prevent fraud and deceptions at the elections in this State,

Which was read the first time.

Mr. Diesem introduced—

Senate Bill No. 113,

A bill for an act to provide for the incorporating and regulating

of life endowment and casualty insurance companies, corporations or societies other than co-operative or assessment life endowment or casualty associations or societies,

Which was read the first time.

Mr. Barlow moved

That the rules be suspended and that the substitute for Senate Bill No. 27 be read the first and second times and referred to the proper committee, also to adopt the report of the Committee on Counties,

Which motion prevailed, and

Senate Bill No. 114,

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,

Was read the first and second times and referred to the Committee on Counties.

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

Senate Bill No. 107,

A bill for an act to allow organized townships in this State to raise a tax for irrigation purposes,

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

• 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 appropriations therefor,

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

Senate Bill No. 109,

A bill for an act granting powers to county courts,

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

Mr. Diesem moved

That the rules be suspended and that Senate Bill No. 113 be read the second time and referred to its proper committee.

Which motion prevailed, and

Senate Bill No. 113,

A bill for an act to provide for the incorporating and regulating of life endowment and casualty insurance companies, corporations or societies other than co-operative or assessment life endowment or casualty associations or societies,

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

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.

Mr. Worst moved

That the report of the Committee on Railroads be adopted on Senate Bill No. 62,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Appleton,	Hegleson,	Smith.
Barlow,	Lawrence,	Slotten,
Bell,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Diesem,	McCormack,	Winship,
Dodds,	Randall,	Worst,
Fisher,	Robinson,	Yager.
Haggart,	Rowe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Harmon,	Swanston.
Fuller,	LaMoure,	

Messrs. Fuller, Harmon and LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

SECOND READING OF HOUSE BILLS.

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 Judiciary.

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,

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

House Bill No. 94,

A bill for an act fixing the penalty for willful neglect of officers to make reports in the manner required by law,

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

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 13, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

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

J. G. HAMILTON,
Chief Clerk.

THIRD READING OF HOUSE BILLS.

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.

Mr. Rowe moved

That the report of the Committee on House Bill No. 91 be adopted,

Which motion prevailed.

Mr. McCormack moved

To strike out the figure "6" in line 2 after the word "and," and insert the figure "4" in lieu thereof,

Which motion prevailed.

Mr. Little moved

To strike out the words "American flags," where they appear in line 1, Section 1, and insert in lieu thereof the words "national emblem,"

Which amendment was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Hartman,
Helgeson,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Haggart,

Messrs—

Harmon,

Messrs—

LaMoure.

Messrs. Fuller, Harmon and LaMoure being excused.

So the bill passed,

The question being as to its title

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Worst moved

That the Senate resolve itself into Committee of the Whole to consider all bills now referred to the committee, also, Senate Bill No. 90 recommended by the Committee on Agriculture,

Which motion prevailed.

Mr. President called Mr. Little to the Chair and the Senate resolved itself into Committee of the Whole.

When the committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole having had under consideration Senate Bill No. 48,

A bill for an act to regulate the practice of dentistry and punish violations thereof in the State of North Dakota,

Recommend that said bill be indefinitely postponed.

Your committee has also had under consideration

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 the passage of said bill with the following amendments:

In line 4, Section 1, after the word "whatsoever" insert the word "who."

Also, in Section 8, line 3, strike out all after the word "act."

Your committee has also had under consideration

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 be made a special order for tomorrow at 3 o'clock.

C. B. LITTLE,
Chairman.

Mr. Rowe moved

That the report of the Committee of the Whole be adopted,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended, and that Senate Bill No. 78 be made a special order for 3:30 p.m. to-morrow,

Which motion prevailed.

Mr. Worst moved

That the rules be suspended, and that Senate Bill No. 77 be read the third time and placed upon its final passage,

Which motion prevailed, and

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.

Mr. Rowe moved

That the word "who" be stricken out of line 4, Section 1, and the word "which" inserted in lieu thereof,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Haggart,
Helgeson,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson.
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship.
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Harmon,

Messrs—

Hartman,

Messrs—

LaMoure.

Messrs, Fuller, Harmon and LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Dodds moved

That the Senate do now adjourn,

Which motion prevailed, and,

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 14, 1890.

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

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Fuller, LaMoure and Harmon who were excused.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 14, 1890. }

MR. PRESIDENT: •

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,"

The return of which the Senate has requested.

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,

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,

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,

Both of which the House has passed and your favorable consideration thereof is requested.

Also,

A Concurrent Resolution for a Joint Committee to investigate discrimination on freight rates,

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

J. G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

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 recommended that the bill do pass with the following amendments:

In line 2 of Section 2 after the word "and" strike out the word "also" and insert the words "accompanied with a copy of."

Section 3 in line 7 strike out the word "recorder" and insert the words "clerk of the court."

SEC. 4. The following said lien shall have priority over any mortgage given upon the increase or offspring of said female, and over any subsequent mortgage given upon said female, and in case of the sale or removal of said female or offspring from the county without the consent of the party or parties owning said lien, then the amount of said lien shall become due and subject to foreclosure under the same law as chattel mortgages are foreclosed.

Section No. 4 change to No. 5, and in line 2 strike out the words "or recorder" and insert the words "of court."

Section No. 5 change to No. 6, and add at the end of the section the following words: "A fee not to exceed \$2."

J. E. STEVENS,
Chairman *pro tem*.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 1, line 2, after the word "of" strike out the word "two" and insert in lieu thereof the word "ten."

And when so amended recommend that said bill do pass.

Also,

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,

Have had the same under consideration and recommend that said bill 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Insert at the end of Section 11 the following: "For the purpose of judicial proceedings, the fair grounds, and precincts thereof, shall be deemed to be within and part of the County of Grand Forks, and the courts of said county shall have jurisdiction of all the crimes and offenses committed within the same."

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

House Bill No. 66,

A bill for an act to define the powers and duties of the State Superintendent of Public Instruction,

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

J. H. WORST,
Chairman.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

Your Committee on Federal Relations to whom was referred

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,

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

M. L. McCORMACK,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 14, 1890. }

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 school 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 corps 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 of 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.

Mr. Swanston moved

That the veto message of the Governor on Senate Bill No. 31 be made a Special Order for January 18, 1890, at 4 o'clock p. m.,
Which motion prevailed.

REPORTS OF SELECT COMMITTEES.

The Joint Committee on Seed Grain made the following report:

MR. PRESIDENT:

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 respectfully 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 accomplish 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."

D. S. DODDS,
EDW. L. YAGER,
M. L. McCORMACK,
JOHN McBRIDE,
ANTON SVENSRUD,
For the Senate.
J. F. SELBY,
JAS. E. REED,
ARNE P. HAUGEN,
G. W. RAWLINGS,
JAMES McCORMICK,
For the House.

Mr. Svensrud moved

To adopt the report of the committee,
Which motion prevailed.

Mr. Rowe moved

That Senate Bill No. 82 be made a special order for Monday next at 3 p. m.

Mr. McCormack moved an amendment,

That Senate Bill No. 82 be taken up in its regular order,
Which amendment prevailed, and the question recurring on the motion of Mr. Rowe as amended,

The motion was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Worst introduced the following resolution:

WHEREAS, The Legislative business is greatly retarded by Senators absenting themselves from meetings of the several committees; and

WHEREAS, A brilliant record seems to be a predominant consideration especially in respect to economy; therefore, be it

Resolved, That all absentees from regularly announced committee meetings shall be reported by the Chairman thereof at the next day's session of the Senate, and if the Chairman of any committee absents himself the same shall be reported by some member of his committee, and the names of all such absentees shall be entered upon the Journal except where such absentee so reported may interpose a reasonable excuse, personally or through a friend.

Mr. Swanston moved
To adopt the resolution.

Mr. Dodds moved
To amend by fining every absentee \$5 when absent from committee meetings.

Mr. McCormack moved
To amend the amendment by making the resolution a Special Order for April 1st,

Which amendment to the amendment was lost, and

The question recurring on the amendment of Mr. Dodds,
The amendment was lost.

Mr. Worst moved
To amend by making the announcement of committee meetings by the Chair a regularly authorized call.

Mr. Dodds moved
To lay the resolution of Mr. Worst on the table.

Roll call demanded.

The roll being called there were ayes 15, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Haggart,	McCormack,
Bell,	Hartman,	Randall,
Cowan,	Helgeson,	Sandager,
Dodds,	Lawrence,	Smith,
Fisher,	McBride,	Winship.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Svensrud,
Appleton,	Robinson,	Swanston,
Belyea,	Slotten,	Worst.
Diesem,	Stevens,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Yager.
Harmon,	Rowe,	

Messrs. Fuller, Harmon and LaMoure being excused.
So the resolution was laid on the table.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Seed Wheat Committee introduced—
Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers,

Which was read the first time.

Mr. Doods moved

That the rules be suspended and that Senate Bill No. 115 be read the second time and referred to the proper committee.

Which motion prevailed, and

Senate Bill No. 115 was read the second time and referred to the Committee on Agriculture.

Mr. Barlow introduced—

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 was read the first time.

Mr. Sandager introduced—

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,"

Which was read the first time.

Mr. Diesem introduced—

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges, the cost of which exceeds one hundred dollars,

Which was read the first time.

Mr. Belyea introduced—

Senate Bill No. 119,

A bill for an act proposing an amendment to Section 216 of Article 19 of the Constitution of the State of North Dakota,

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 120,

A bill for an act to provide a way to dissolve the incorporation of cities containing less than one thousand inhabitants on a petition and vote of the people,

Which was read the first time.

Also,

Senate Bill No. 121,

A bill for an act requiring the boards of county commissioners of the several counties of the State of North Dakota to adjust the fees of the office of the register of deeds in certain cases,

Which was read the third time.

Mr. Dodds moved
That Senate Bill No. 115 be referred to the Joint Seed Wheat
Committee,
Which motion prevailed, and
Senate Bill No. 115 was referred to the Joint Committee on
Seed Wheat.

SECOND READING OF SENATE BILLS.

Senate Bill No. 110,
A bill for an act proposing an amendment to the Constitution
of the State of North Dakota by striking out Section 56 of
Article 2,
Was read the second time, and referred to Committee of the
Whole Senate.

Senate Bill No. 111,
A bill for an act proposing an amendment to Section 45 of
Article 2 of the Constitution of the State of North Dakota,
Was read the second time, and referred to Committee of the
Whole Senate.

Senate Bill No. 112,
A bill for an act to prescribe the manner of conducting, and to
prevent fraud and deceptions at the elections in this State,
Was read the second time, and referred to the Committee on
Elections.

MESSAGE FROM THE HOUSE

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January, 14, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has this
day passed a motion requesting the Secretary of the Senate to
transmit to the House any and all amendments passed by the Sen-
ate, to

House Bill No. 91,
Providing for the displaying of the American flags on all public
and State institutions,
The original bill having been transmitted to the House without
any amendments attached.

J. G. HAMILTON,
Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 102,
A bill for an act providing for the election of boards of educa-
tion in cities not organized under the general laws,
Was read the third time.
Mr. Worst moved

That the report of the committee on Senate Bill No. 102 be adopted.

Mr. Dodds moved that the rules be suspended and as a substitute that Senate Bill No. 102 be made a special order for 2:30 tomorrow,

Which substitute motion was lost,

And the question recurring on the motion to adopt the report of the committee,

The motion prevailed.

Mr. Little moved

To amend Senate Bill No. 102 as follows:

SEC. 5. No son, wife or daughter of any member of the school board shall be eligible to a position as teacher in schools of the district which said member represents.

Change Section 5 to 6 and Section 6 to 7.

Amend Section 3, lines 1 and 2, by inserting the word "third" before the word "Tuesday," in first line, and insert the word "June" in place of the word "April" before the figures "1890," in second line.

Mr. Diesem asked that the amendment of Mr. Little be divided, Which was granted.

The hour having arrived for the consideration of Senate Bill No. 78,

Mr. President called Mr. Dodds to the Chair, and

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.

Mr. Rowe moved

That the report of the committee be adopted.

Mr. Swanston moved

As an amendment to recommit Senate Bill No. 78 to the Committee on Agriculture,

Which motion prevailed.

Mr. Little moved

That the Senate take up Senate Bill No. 102 and place it upon its final passage,

Which motion prevailed.

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887,

Being made a special order for 3 p. m.,

The Chair ruled the motion of Mr. Little to take up Senate Bill No. 102, out of order.

Mr. Diesem moved

That Senate Bill No. 90 be amended by striking out the enacting clause.

Roll call demanded.

The roll being called there were ayes 10, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Smith,
Diesem,	Lawrence,	Svensrud,
Dodds,	Rowe,	Worst.
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hegleson,	Sandager.
Barlow,	Little,	Slotten,
Belyea,	McBride,	Stevens,
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Hartman,	Robinson.	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	LaMoure.

Messrs. Fuller, Harmon and LaMoure being excused.

So the amendment was lost.

Mr. Worst moved

That Senate Bill No. 90 be recommitted.

Mr. Swanston moved

As an amendment to place Senate Bill No. 90 on its final passage.

Mr. Diesem moved

That the amendment be laid on the table.

Which motion was lost, and

The question recurring on the amendment of Mr. Swanston,

The amendment was carried.

Mr. Rowe moved

That the Senate adjourn.

Roll call demanded.

The roll being called there were ayes 8, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Diesem,	Lawrence,	Svensrud,
Haggart,	Rowe,	Worst.
Hartman,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Sandager,
Appleton,	Helgeson,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	McBride,	Swanston,
Bell,	McCormack,	Winship,
Cowan,	Randall,	Yager.
Dodds,	Robinson.	

Absent and not voting:

Messrs— Fuller, Messrs— Harmon, Messrs— LaMoure.
 Messrs. Fuller, Harmon and LaMoure being excused.
 So the motion was lost.
 Mr. Worst moved
 That the bill be indefinitely postponed,
 Which motion was lost.
 Mr. Diesem moved
 That the Senate adjourn,
 Which motion was lost, and
 The question recurring on the final passage of Senate Bill
 No. 90,
 The roll being called there were ayes 18, nays 10.
 Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Sandager,
Appleton,	Helgeson,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	McBride,	Swanston,
Bell,	McCormack,	Winship,
Cowan,	Randall,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Diesem,	Lawrence,	Smith,
Dodds,	Robinson.	Svensrud,
Haggart,	Rowe,	Worst.
Hartman,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	LaMoure.

Messrs. Fuller, Harmon and LaMoure being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Stevens moved
 That Senate Bill No. 102 be placed upon its final passage.

Mr. Rowe moved
 As an amendment that Senate Bill No. 102 be recommitted.

The amendment was withdrawn by consent of second, and
 The question recurring on the motion to take up Senate Bill
 No. 102, and place it upon its final passage,

The motion prevailed.

Mr. Stevens moved

The following amendment to the amendment of Mr. Little:

SEC. 5. That in case any relative of the board is an applicant for the position of teacher, such applicant must have the endorsement of the entire board.

Mr. Stevens asked that his amendment be changed to a substitute to Mr. Little's amendment,

Which consent was granted.

Mr. Diesem moved as an amendment to the substitute,
That all applicants require the endorsement of the entire board before being employed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 14, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has refused to concur in the Senate amendments to

House Bill No. 91,

A bill for an act providing for the display of the American flag upon all public State institutions,

And has appointed as a committee to confer with a similar committee from the Senate on the difference, Messrs. Williams, Roney and Walsh.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the President appoint a committee of three as such Conference Committee,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Swanston, McCormack and Belyea.

Mr. Sandager moved the previous question,

Which motion prevailed, and

The question being shall the main question be taken up,

The motion prevailed, and

The question being on the amendment to the substitute of Mr. Stevens,

The motion was lost, and

The question recurring on the substitute of Mr. Stevens,

The substitute was lost, and

The question recurring on the amendment of Mr. Little to Section 5,

The amendment was adopted.

Mr. Little moved

To include in his previous amendment (Section 1, line 6) the words "third Tuesday," and in line 7 the word "June,"

Which motion prevailed.

Mr. Dodds moved

To strike out the word "nine" and insert in lieu thereof the word "seven" in line 2, Section 1,

Which amendment was adopted.

Mr. Dodds moved

To amend Section 1, line 5, by striking out the word "three" and inserting the word "two"; also, after the word "annually" insert the words "three tri-annually,"

Which amendment was adopted.

Mr. Dodds moved

To amend Section 3, line 5, by striking out the word "three" and inserting the word "two" where it appears,

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 102,

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Belyea,	Lawrence,	Stevens,
Bell,	Little,	Svensrud,
Cowan,	McBride,	Swanston,
Diesem,	McCormack,	Winship,
Dodds,	Randall,	Worst,
Fisher,	Robinson,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	LaMoure.

Mr. Rowe voting in the negative.

Messrs. Fuller, Harmon and LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 38 and 36,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Senate, by consent, returned to the ninth order of business.

Mr. Worst presented the following resolution:

Resolved, That the President of the Senate be requested to announce committee meetings each day immediately after No. 13 of order of daily exercises, entitled "Third reading of Senate Bills."

Mr. Little moved

The adoption of the resolution

Which motion prevailed.

Mr. Dodds moved

That the Secretary of State be instructed to have 500 additional copies of Senate Bill No. 115 printed,

Which motion prevailed.

Mr. President appointed the following Clerks: J. H. Waugh, H. W. Allin and J. C. McMillin.

Mr. Rowe moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 15, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Harmon, LaMoure and Sandager, excused.

Mr. Dodds moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same and report,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Worst and Diesem.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 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.

Also,

Senate Bill No. 84,

A bill for an act authorizing the judges of the district courts to administer oaths,

Have had the same under consideration and recommend that said bill be amended as follows:

Section 1, line 1, after the word "is" insert the word "hereby," and as so amended recommend that the bill do pass.

Also,

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,"

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

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,

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

C. B. LITTLE,
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred Senate Bill No. 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.

Also,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of North Dakota,

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

Also,

Senate Bill No. 89,

A bill for an act providing for the taxation of express companies,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1 line 10, by adding "doing business within the limits of this State."

Amend Section 5, line 3, by inserting after the the word "prescribed" "by the provisions of this Act."

Amend by adding Section 8 as follows: "An emergency exists in this that in order to make this act operative for the ensuing year, it will be necessary

that 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.

W. H. ROBINSON,
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred

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,

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

ROGER ALLIN,
Chairman *pro tem*.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 67,

And find the same correctly engrossed.

J. O. SMITH,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

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 purpose, 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 do pass.

Also,

Senate Bill No. 71,

A bill for an act to require county commissioners to give and file a bond,

Have had the same under consideration and recommend that said bill be amended as follows:

Add the words "for the filling of vacancies" to the end of the fourth section.

Also,

Senate Bill No. 98,

A bill for an act amending Section 7, Chapter 39 of the Political Code, and Section 1, Chapter 1, and Section 1, Chapter 76, Laws of 1881, entitled "Register of Deeds," abolishing the fees on entering satisfaction of mortgage or lien,

Have had the same under consideration and recommend that said bill do not pass, and beg to report the accompanying bill as a substitute for said Senate Bill No. 98:

A BILL

For An Act Prescribing the Fees of the Register of Deeds.

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. The register of deeds of the several counties of the State of North Dakota shall be entitled to charge and receive the following fees:

For recording a deed, mortgage or other instrument and indexing the same for the first four hundred words, 75 cents, and for each additional folio, 10 cents.

Copy of record, for each ten words, 1 cent.

Certificate and seal, 25 cents.

Making certified abstract of title, for the first deed or transfer, \$1, and for each additional deed or transfer, 10 cents.

And whenever any person presents an abstract to the register of deeds who made the same for the continuation of such abstract it shall be his duty to continue the same, and he shall be entitled to receive 10 cents for each new transfer, and 25 cents for his certificate thereto, and no more.

For recording marks and brands each, 25 cents.

For filing and indexing chattle mortgages, 25 cents.

For recording a final receipt from the receiver of any United States Land Office, 50 cents.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

F. G. BARLOW,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 15, 1890. }

MR. PRESIDENT:

I have the honor to transmit 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 House has adopted, and your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

The resolution was concurred in.

MOTIONS, RESOLUTIONS, ETC.

Mr. Little presented the following resolution:

Resolved, That the Secretary of State be requested to deliver to the Judiciary Committee of the Senate one copy of the Compiled Laws of the Territory of Dakota and copies of such of the Session Laws as he may have on hand; also, a set for the Secretary of the Senate for the use of the members in session.

Mr. Dodds moved
The adoption of the resolution,
Which motion prevailed.

Mr. Little moved
To reconsider the vote by which Senate Bill No. 90 was passed,
Which motion prevailed, and
The vote by which Senate Bill No. 90 was passed was reconsidered.

Mr. Swanston moved
That Senate Bill No. 90 be recommitted to the proper committee,
Which motion was lost.

Mr. Dodds moved
To amend Senate Bill No. 90, by striking out the emergency clause,
Which amendment was lost.

Mr. Swanston moved
That the bill be made a special order for Monday next at 3 o'clock p. m.,
Which motion was lost, as it required a two-thirds majority to make it a special order.

Mr. Little moved
That Senate Bill No. 90 be recommitted to the Committee of the Whole Senate,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Yager introduced—
Senate Bill No. 122,
A bill for an act to regulate the fees of the district court,
Which was read the first time.

Mr. Belyea introduced—
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,
Which was read the first time.

The Judiciary Committee introduced—
Senate Bill No. 124, substitute for Senate Bill No. 54,
A bill for an act establishing a State Library,
Which was read the first time.

Mr. LaMoure introduced—
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,

Which was read the first time.

Mr. Dodds moved

That the Senate do not concur in the House Concurrent Resolution for a joint committee to investigate discrimination on freight rates.

Mr. McCormack moved as a substitute

That the Senate do concur in the House Concurrent Resolution.

Mr. Winship moved the following amendment:

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 of any discrimination by any railroad corporation against the business interests of North Dakota, and that the commissioners be requested to report measures of relief to the Legislature within twenty days.

Which amendment was lost, and

The question recurring on the substitute of Mr. McCormack,

Roll call was demanded.

The roll being called there were ayes 10, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Randall,
Cowan,	Little,	Swanston,
Fuller,	McCormack,	Worst.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Smith,
Barlow,	Helgeson,	Stevens,
Belyea,	McBride,	Svensrud,
Diesem,	Robinson.	Winship.
Dodds,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs.—	Messrs—
Bell,	LaMoure,	Sandager.
Harmon,	Lawrence,	Slotten.

Messrs. Harmon, LaMoure and Sandager being excused.

So the substitute was lost, and

The question recurring on the motion of Mr. Dodds,

Mr. Worst arose to debate the question and was ruled out of order.

Mr. Stevens raised the point of order, that the question was debatable even if the ayes had been called.

Mr. President ruled the point of order not well taken.

Roll call demanded on Mr. Dodds' motion.

The roll being called there were ayes 9, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Haggart,	Rowe,
Dodds,	McBride,	Smith,
Fuller,	Robinson,	Svensrud.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Stevens,
Appleton,	Hartman,	Swanston,
Barlow,	Helgeson,	Winship,
Bell,	Little,	Worst,
Cowan,	McCormack,	Yager.
Diesem,	Randall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Harmon,	Lawrence,	Slotten.
LaMoure,	Sandager,	

Messrs. Harmon, LaMoure and Sandager being excused.

So the motion was lost.

Mr. Little moved

That the Senate do now concur in the House resolution,
Which motion was lost.

Mr. Stevens moved

The adoption of the resolution of Mr. Winship.

Mr. Little raised the point of order that the motion of Mr. Stevens was out of order.

Mr. President ruled the point of order well taken.

Mr. President 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. Stevens moved

To reconsider the vote first taken on the House Concurrent Resolution,

Which motion was lost.

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.

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 second time, and referred to the Committee on Judiciary.

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges, the cost of which exceeds one hundred dollars,

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

Senate Bill No. 119,

A bill for an act proposing an amendment to Section 216 of Article 19 of the Constitution of the State of North Dakota,

Was read the second time, and referred to the Committee of the Whole Senate.

Senate Bill No. 120,

A bill for an act to provide a way to dissolve the incorporation of cities containing less than one thousand inhabitants on a petition and vote of the people,

Was read the second time, and referred to the Committee on Cities and Municipal Corporations.

Senate Bill No. 121,

A bill for an act requiring the boards of county commissioners of the several counties of the State of North Dakota to adjust the fees of the office of the register of deeds in certain cases,

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

THIRD READING OF SENATE BILLS.

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,

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 63 be adopted,

Which motion prevailed.

Mr. Appleton moved

To amend by striking out all of Section 3 after the word "get" in line 4.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January, 15, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has passed with the following amendments:

Amend Section 6, page 4, line 4, after the word "weights," the words "and spring" be inserted.

In Section 14, line 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.

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.

Strike out Section 18 and substitute 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.

And your concurrence therein is respectfully requested.

Also,

The Senate Concurrent Resolution providing for the printing of 5,000 copies of certain bills which the House has concurred in.

Also,

A Concurrent Resolution concerning the adjustment of the land grant of the Northern Pacific Railroad company,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Allin moved

That the Senate concur in the House amendment to Senate Bill No. 4.

Mr. Allin withdrew his motion by consent.

Mr. Stevens moved

That all messages from the House be read by the Secretary after their receipt from the House and before action is taken by the Senate.

The vote being a tie, Mr. President voted no, and the motion was lost,

And the question recurring on the amendment of Mr. Appleton to Senate Bill No. 63,

The amendment was lost.

Mr. McBride moved

To amend Senate Bill No. 63 in line 5, Section 3, by striking out the words "six months" and inserting in lieu thereof the words "one year,"

Which amendment was adopted,

And the question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,

Messrs—

Fuller,
Haggart,
Hartman,
Helgeson,
Lawrence,
Little,

Messrs—

Robinson,
Rowe,
Smith,
Stevens,
Svensrud,
Swanston,

Messrs—

Diesem,
Dodds,
Fisher,

Messrs—

McBride,
McCormack,
Randall,

Messrs—

Winship,
Worst,
Yager.

Absent and not voting :

Messrs—

Harmon,
LaMoure,

Messrs—

Sandager,

Messrs—

Slotten.

Messrs. Harmon, LaMoure and Sandager being excused.

So the bill passed,

The question being as to its title

Its title was agreed to.

Mr. Swanston asked consent to return to the seventh order of business,

Which consent was granted.

Mr. Swanston moved

To reconsider the vote by which House Bill No. 91 was passed,

Mr. Little raised the point of order that a motion to reconsider could not be entertained for the reason that more than one day had elapsed as under Rule 27,

The point of order was not ruled on.

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 91,

Mr. Swanston moved

That the title of the bill be amended by striking out the words "American flag" and inserting the words "flag of the United States."

Also,

In line 1, Section 1, the same amendment,

Which amendment was adopted.

Mr. Swanston moved

To amend House Bill No. 91, Section 1, line 3, by striking out all after the word "day,"

Which amendment was adopted.

Mr. Swanston moved

That further action on House Bill No. 91 be deferred until tomorrow,

Which motion prevailed.

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.

Mr. Worst moved

That the report of the Committee on Senate Bill No. 69 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill;

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Rowe,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Stevens,
Belyea,	Lawrence,	Svensrud,
Bell,	Little,	Swanston,
Cowan,	McBride,	Winship,
Diesem,	McCormack,	Worst,
Dodds,	Randall,	Yager.
Fisher,	Robinson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	LaMoure,	Slotten.
Harmon,	Sandager,	

Messrs. Harmon, LaMoure and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Rowe moved

That Senate Bill No. 82 be recommitted,

Which motion was lost, and

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. Rowe moved

That Senate Bill No. 82 be made a special order for Monday next at 3 p. m.,

Which motion prevailed, and

The further consideration of the bill was postponed.

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds,

Was read the third time.

Mr. Rowe moved

The adoption of the report of the Committee on Senate Bill No. 91,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Rowe,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Stevens,
Belyea,	Lawrence,	Svensrud,
Bell,	McBride,	Swanston,
Cowan,	McCormack,	Winship,
Diesem,	Randall,	Worst,
Dodds,	Robinson,	Yager.
Fisher,		

Absent and not voting:
 Messrs— Haggart, Harmon,
 Messrs— LaMoure, Little,
 Messrs— Sandager, Slotten.

Messrs. Harmon, LaMoure and Sandager being excused.
 So the bill passed, and
 The question being as to its title,
 Its title was agreed to.
 Senate Bill No. 114,

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,
 Was read the third time.

Mr. Appleton moved
 That the report of the committee on Senate Bill No. 114 be adopted,

Which motion prevailed.

Mr. Swanston moved
 That Senate Bill No. 114 be recommitted to the Committee on Counties,

Which motion was lost.

Mr. Swanston moved
 That Senate Bill No. 114 be made a special order for Tuesday next at 3 o'clock p. m.,

The vote being a tie, the motion was lost, as it required a two-third majority.

Mr. Swanston moved
 That Senate Bill No. 114 be made a special order for Wednesday next at 3 o'clock p. m.,

Which motion was lost.

Mr. Bell moved
 That the further consideration of Senate Bill No. 114 be postponed until to-morrow at 3:30 p. m.,

Which motion prevailed.

The committee appointed to revise the Journal reported as follows:

MR. PRESIDENT:

Your committee appointed to examine the Senate Journal for the Fifty-seventh day have examined the same and are of the opinion that the same is correct.

J. H. WORST,
 H. S. DIESEM.

Mr. Little moved
 That the Senate do now adjourn,
 Which motion prevailed, and,
 The Senate adjourned.

C. C. BOWSFIELD,
 Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Harmon, Haggert,
LaMoure and Sandager, who were excused.

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

PETITIONS, COMMUNICATIONS, ETC.

Mr. Worst presented the following petition:

WILLIAMSPORT, EMMONS COUNTY, N. D.

To the Hon. J. H. Worst:

We, the undersigned farmers, respectfully petition you to use your influence to secure the passage of a law during the present session of the Legislature to allow stock to range at will from the first of November to the first of May of each year.

M. E. WALDROFF,
And 22 Others.

To the Hon. J. H. Worst:

We, the undersigned farmers, respectfully petition you to use your influence to secure the passage of a law during the present session of the Legislature to allow stock to range at will from the first of November to the first of May of each year.

ROBERT BUCHANAN,
And 9 Others.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 7 and 102,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred
Senate Bill No. 107,

A bill for an act to allow organized townships in this State to raise a tax for irrigation purposes,

Have had the same under consideration and recommend the following as a substitute bill:

A BILL

For An Act to Allow Organized Townships to Raise a Tax for Irrigation Purposes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Whenever ten legal voters of any organized township petition the town board thirty days previous to any annual town meeting to submit the question of irrigation by building dams to create ponds or reservoirs on any of the creeks or coulies in said township, it shall be the duty of said town board to submit the question to the voters at the next annual town meeting, and the town clerk shall cause three notices to be posted, specifying the place and nature of said improvements.

Sec. 2. Whenever two-thirds of the legal voters of any organized town in this State, at their annual town meeting, agree that it is advisable and for the public good that certain specified creeks or coulies should be improved to increase the water supply, and for the purpose of irrigation, it shall be lawful for such voters to levy a tax upon said town to be expended in building dams to create ponds and reservoirs by and under the direction of the board of supervisors of said town; *Provided*, Such improvements shall be wholly in said town; *Provided, further*, That no lands shall be flooded without the consent of the owner, or without a just compensation therefor, which compensation shall be determined by arbitration.

Sec. 3. The tax authorized to be levied by Section 1 shall not exceed two mills on the dollar of assessed valuation of said town.

Sec. 4. There being an emergency existing by reason of the fact that the annual town meetings are held in March of each year; this act shall take effect and be in force from and after its passage and approval.

Sec. 5. All acts or parts of acts in conflict with this act are hereby repealed.

A. F. APPLETON,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
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,

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

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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 4, line 3, by inserting the word "to" before the word "be."

Amend Section 4, line 4, after the word "Legislature" by inserting the words "the Governor and State Superintendent of Public Instruction shall be ex-officio members of said board."

In Section 5, line 6, after the second word "board" add the following: "In the absence of the principal the board may select one of their own number to act as secretary of said board."

In Section 7, line 11, after the word "the" and before the word "funds" insert the words "interest and income," and strike out the letter "s" from the word "funds."

In Section 7, line 13, after the word "accumulates" insert the words "in the interest and income fund."

And when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
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 authorize the payment thereof,

Have had the same under consideration and report the same back without recommendation.

GEO. B. WINSHIP,
Chairman.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking to whom was referred
House Bill No. 15,

A bill for an act for the organization and government of State banks,

Have had the same under consideration and recommend that said bill be amended as follows:

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 written bill, after the word "security" strike out the words "for debts previously contracted."

In Section 6 strike out the following words in the witten 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 transact 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 writted 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.

And when so amended recommend that said bill do pass.

ANDREW HELGESON,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Diesem presented the following resolution:

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.

Mr. Dodds moved

The adoption of the Concurrent Resolution,

Which motion prevailed.

Mr. Barlow moved

That House Bill No. 57 be recommitted to the Committee on Judiciary,

Which motion prevailed.

Mr. Appleton moved

The adoption of the Concurrent Resolution and Memorial to Congress, introduced by the Irrigation Committee.

Mr. Dodds moved

To amend by inserting after the word "soil" "in certain districts in the State of North Dakota,"

Which amendment was adopted.

Mr. Stevens moved

That further consideration of the Concurrent Resolution be postponed until the same is printed,

Which motion was lost.

Mr. Diesem moved

To amend by striking out "\$200,000" and inserting "\$300,000" in lieu thereof,

Which amendment was lost.

Mr. Winship moved

As an amendment that the first paragraph be stricken out of the resolution,

Which amendment was adopted, and

The question recurring on the adoption of the resolution,

The resolution was adopted.

Mr. Swanston moved

That the Hon. Thomas Elliott, of Ransom county, be invited within the bar of the Senate,

Which motion prevailed.

Mr. Dodds moved

That the Senate concur in the House resolution concerning the adjustment of the land grant of the Northern Pacific Railroad company,

Which motion prevailed.

Mr. Allin moved

That the Senate concur in the House amendments to Senate Bill No. 4,

Which motion prevailed.

The Chair ruled that a roll call on the bill was necessary to adopt the amendments before the bill could pass.

Mr. Bell moved

That further consideration of the bill be postponed until Tuesday at 2:30 p. m.

Mr. Swanston appealed to the Senate 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.

Mr. Dodds moved

That the vote by which the Senate concurred in the House amendments to Senate Bill No. 4 be reconsidered,

Which motion prevailed, and

The question before the Senate being shall the Senate concur in the House amendments to Senate Bill No. 4,

Mr. McCormack moved

As a substitute that the Senate do not concur in the House amendments, and that the Chair appoint a Conference Committee to confer with a like committee from the House,

Which substitute was lost, and

The question recurring on the motion to concur in the House amendments to Senate Bill No. 4,

The motion prevailed.

The hour having arrived for the consideration of Senate Bill No. 114,

Mr. President called Mr. Dodds to the Chair.

Mr. Swanston moved

That Senate Bill No. 114 be made a special order for next Tuesday at 3:30 o'clock p. m.,

Which motion prevailed, and

Senate Bill No. 114 was made a special order for next Tuesday at 3:30 o'clock p. m.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Counties introduced--

Senate Bill No. 126,

A bill for an act prescribing the fees of the register of deeds,
Which was read the first time.

Mr. Robinson introduced--

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139, of the General Laws of 1887,

Which was read the first time.

Mr. Swanston introduced--

Senate Bill No. 128,

A bill for an act providing for the display of the flag of the United States on all public State institutions,

Which was read the first time.

Mr. Swanston moved

That the rules be suspended, and that Senate Bill No. 128 be read the second time and referred to the proper committee,

Which motion prevailed, and

Senate Bill No. 128 was read the second time, and referred to the Committee on State Affairs.

The Committee on Irrigation introduced--

Senate Bill No. 129,

A bill for an act to allow organized townships to raise a tax for irrigation purposes,

Which was read the first time.

Mr. Appleton moved

That the rules be suspended, and that Senate Bill No. 129 be read the second time and referred to its appropriate committee,

Which motion prevailed, and

Senate Bill No. 129 was read the second time and referred to General Orders.

Mr. Winship introduced--

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 122,

A bill for an act to regulate the fees of the district court,

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

Senate Bill No. 124, substitute for Senate Bill No. 54,

A bill for an act establishing a State Library,

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

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 second time, and referred to the Committee on Counties.

THIRD 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 third time.

Mr. McCormack moved

That Senate Bill No. 83 be made a special order for next Wednesday at 3 p. m.,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 75 be read the third time and placed upon its final passage.

Which motion prevailed, and

Senate Bill No. 75,

A Concurrent Resolution to name the officers and employes of the respective Houses of the Legislature and fix the compensation therefor.

Was read the third time.

Mr. Robinson moved

As an amendment that the Stenographer receive \$6.50 per day and act as a committee clerk,

Which motion prevailed.

Mr. Swanston moved

To amend by making the pay of the bill clerk, engrossing and enrolling clerk, \$6 per day instead of \$5 per day.

Roll call demanded.

The roll being called there were ayes 10, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Robinson,
Belyea,	Little,	Rowe,
Diesem,	McCormack,	Worst.
Helgeson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	McBride,	Stevens,
Barlow,	Randall,	Swanston,
Bell,	Smith,	Winship,
Cowan,	Slotten,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Harmon,	Sandager.
Fuller,	Hartman,	Svensrud.
Haggart,	LaMoure,	

Messrs. Fuller, Harmon, Haggert, LaMoure and Sandager being excused.

So the amendment was lost.

Mr. Swanston moved

That Senate Bill No. 75 be made a special order for Saturday at 3 o'clock p. m.,

Which motion prevailed, and

Further action on Senate Bill No. 75 was postponed until Saturday next at 3 o'clock p. m.

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 third time, and placed upon its final passage.

Mr. Worst moved

That the report of the committee be adopted,

Motion withdrawn by consent.

Mr. Dodds moved

As an amendment to the report of the committee that the words "the auditor" in line 42, Section 10, be stricken out and the words "said commissioner" be inserted,

Which motion prevailed.

Mr. Worst moved

That the report of the committee as amended be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Helgeson,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Haggart,

Messrs—

Harmon,
Hartman,

Messrs—

LaMoure,
Sandager.

Messrs. Fisher, Haggart, Harmon, LaMoure and Sandager being excused.

So the bill passed,

The question being as to its title

Its title was agreed to.

Mr. Robinson moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SIXTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 17, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Haggart, Harmon and LaMoure.

Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections to whom was referred

Senate Bill No. 42,

A bill for an act providing for holding primary elections to elect nominees for county offices and delegates to State and district conventions, and a county central committee for each political party or association and regulating the same, and providing penalties,

Also,

Senate Bill No. 101,

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 bills be considered by Committee of the Whole Senate.

J. E. STEVENS,
Chairman.

Mr. Rowe moved

The adoption of the report of the Committee on Elections,
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

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, relating to the preservation game,

Have had the same under consideration and recommend that said bill be amended by substituting the following for Section 1:

SECTION 1. It shall be unlawful for any person within this State to shoot or kill any prairie chicken or pinnated grouse, or sharp-tailed grouse, or ruffed grouse between the 1st day of December and the first day of September following, or any wild duck, snipe, goose or brant, plover or curlew between the 15th day of May and the first day of September, or any song bird at any time.

And with the above substitute for Section 1 recommend that the same do pass.

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,"

Have had the same under consideration and recommend that said bill be amended as follows:

Amend title by adding after the word "penalties" the words "and for submitting this act to a vote."

Amend by adding after Section 2 the following Section:

SEC. 3. Whenever the board of county commissioners of any county in this State are petitioned by one-third or more in number of the resident legal voters of said county, as shown by the return of the last preceding election, praying for the operation of this act, the said board shall cause the proposition to be submitted at the next general election by having written or printed on the ballots the following questions:

"For repeal of the herd law from November first to April first—Yes."

"For repeal of the herd law from November first to April first—No."

If the returns of such election show a majority of all the legal votes cast to be for the repeal of said law between November first and April first, then in such county this act shall be a law; *Provided, however,* That nothing contained in Section 1 of this act shall be construed to in any manner affect counties not submitting said proposition to a vote, as provided for in this section, or having submitted said proposition without receiving a majority of all the legal votes cast.

Amend Section 3 by causing it to read instead "Section 4."

And when so amended recommend that said bill do pass.

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,

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

S. A. FISHER,
Chairman.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

Your Committee on 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:

That Section 1 be amended by inserting at the end of said Section the following: "And all necessary traveling expenses incurred while journeying in the performance of the duties of said commission shall be paid by the State provided that no warrant upon the Treasurer for such expenses shall be drawn by the Auditor until an itemized statement of such expenses be verified to by oath.

M. L. McCORMACK,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 69, 77 and 91,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January, 17, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith the following Concurrent Resolution authorizing and empowering the Railroad Commissioners to investigate exorbitant railroad rates:

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.

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

J. G. HAMILTON,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Stevens moved

To reconsider the vote on the question by which an appeal was taken from the decision of the Chair, yesterday.

Mr. Dodds moved

To lay the motion to reconsider on the table,

Which motion was lost, and

The question recurring on the motion of Mr. Stevens to reconsider the vote on appeal,

Roll call was demanded.

The roll being called there were ayes 11, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	McCormack,	Winship,
Appleton,	Slotten,	Worst,
Fisher,	Stevens,	Yager.
McBride,	Swanston,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Dodds,	Rowe,
Belyea,	Hartman,	Sandager,
Bell,	Helgeson,	Smith,
Cowan,	Randall,	Svensrud.
Diesem,	Robinson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	Lawrence,
Haggart,	LaMoure,	Little.

Messrs. Fuller, Haggart, Harmon and LaMoure being excused.

So the motion was lost.

Mr. McCormack presented the following resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring:
First. That no bill shall be introduced after February 1, 1890, except by unanimous consent of the House in which it is sought to be introduced.

Second. 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.

Third. That the Senate and House of Representatives hold morning and afternoon sessions on and after February 3d, until adjournment.

Mr. McCormack moved

The adoption of the resolution.

Mr. Little moved
To lay the resolution on the table.

Roll call demanded.

The roll being called there were ayes 8, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Hartman,	Swanston,
Belyea,	Little,	Worst.
Dodds,	Rowe,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Appleton,	McBride,	Slotten,
Bell,	McCormack,	Stevens,
Cowan,	Randall,	Winship,
Diesem,	Robinson,	Yager.
Fisher,	Sandager,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	Lawrence,
Haggart,	LaMoure,	Svensrud.

Messrs. Fuller Haggart, Harmon and LaMoure being excused.

So the motion to lay on the table was lost.

Mr. McCormack moved
The previous question.

Mr. Swanston moved
A call of the Senate.

Mr. McCormack raised the point of order, that nothing was in order pending the call for the previous question.

Mr. President asked that the Senate decide the point of order.

Mr. Little moved

That the Chair be instructed to rule that a call of the house or motion to adjourn is in order pending the call for the previous question,

Which motion prevailed.

Mr. Swanston moved
A call of the house,
Which motion prevailed.

Mr. Appleton moved
That further proceedings under the call of the house be dispensed with.

Roll call demanded.

The roll being called there were ayes 17, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Smith,
Appleton,	Hegleson,	Slotten,

Messrs— Bell, Cowan, Dodds, Fisher,	Messrs— McBride, McCormack, Randall, Robinson,	Messrs— Stevens, Winship, Yager.
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Those who voted in the negative were:

Messrs— Barlow, Belyea, Diesem,	Messrs— Little, Rowe, Sandager,	Messrs— Svensrud, Swanston, Worst.
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Absent and not voting:

Messrs— Fuller, Haggart,	Messrs— Harmon, LaMoure,	Messrs— Lawrence.
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Messrs. Fuller, Haggart and LaMoure being excused.

So the motion prevailed, and

The question being shall the main question now be put,

Roll call was demanded.

The roll being called there were ayes 18, nays 8.

Those who voted in the affirmative were:

Messrs— Allin, Appleton, Bell, Cowan, Dodds, Fisher,	Messrs— Hartman, Helgeson, McBride, McCormack, Randall, Robinson,	Messrs— Sandager, Smith, Slotten, Stevens, Winship, Yager.
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Those who voted in the negative were:

Messrs— Barlow, Belyea, Diesem,	Messrs— Little, Rowe, Svensrud,	Messrs— Swanston, Worst.
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Absent and not voting:

Messrs— Fuller, Haggart,	Messrs— Harmon, LaMoure,	Messrs— Lawrence.
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Messrs. Fuller, Harmon, Haggart and LaMoure being excused.

So the question prevailed.

Mr. Dodds asked for a division of the question.

So question was divided.

Roll call demanded on the adoption of Section 1 of Mr. McCormack's resolution.

The roll being called there were ayes 15, nays 11.

Those who voted in the affirmative were:

Messrs— Allin, Appleton, Bell, Cowan, Diesem,	Messrs— Fisher, Hartman, Helgeson, McBride, McCormack,	Messrs— Randall, Robinson, Slotten, Stevens, Winship.
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Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Rowe,	Swanston,
Belyea,	Sandager,	Worst,
Dodds,	Smith,	Yager.
Little,	Svensrud,	

Absent and not voting.

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	Lawrence.
Haggart,	LaMoure,	

Messrs. Fuller, Harmon, Haggart and LaMoure being excused.

So Section 1 was adopted.

Roll call was demanded on the adoption of Section 2 of the resolution.

The roll being called there were ayes 19, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Smith,
Appleton,	Helgeson,	Slotten,
Belyea,	McBride,	Stevens,
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Dodds,	Robinson,	Yager.
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Rowe,	Svensrud,
Diesem,	Sandager,	Worst.
Little,		

Absent and not voting :

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	Lawrence.
Haggart,	LaMoure,	

Messrs. Fuller, Haggart, Harmon and LaMoure being excused.

So Section 2 was adopted, and

The question being on the adoption of Section 3.

Section 3 of the resolution was lost.

Mr. McCormack demanded a roll call.

Mr. Swanston raised the point of order, that the question was already decided by the Chair and no roll call could be had.

The President decided the point of order well taken.

Mr. McCormack 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 16, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow,	Little,	Slotten,
Belyea,	Robinson,	Svensrud,
Diesem,	Rowe,	Swanston,
Dodds,	Sandager,	Worst.
Hartman,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	McBride,	Stevens,
Bell,	McCormack,	Winship,
Cowan,	Randall,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	Lawrence.
Haggart,	LaMoure,	

Messrs. Fuller, Haggart, Harmon and LaMoure being excused.

So the decision of the Chair was sustained.

Mr. Swanston gave notice that he would move to reconsider the vote by which Section 2 was carried.

Mr. McCormack moved

That the vote by which Section 2 was carried be reconsidered.

Mr. Bell moved

That the motion of Mr. McCormack be laid upon the table,
Which motion prevailed.

Mr. Diesem moved

That when Messages from the House are presented and read, they be received by the Secretary of the Senate and placed on file, and considered matter under the tenth order of business,

Mr. Diesem withdrew his motion by consent.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dodds introduced—

Senate Bill No. 131,

A bill for an act abolishing the office of Commissioner of Immigration and defining the duties of the Commissioner of Agriculture and Labor,

Which was read the first time.

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,

Which was read the first time.

Mr. Dodds asked that unanimous consent be granted and that Senate Bills Nos. 131 and 132 be read the second time and referred.

Unanimous consent granted, and Senate Bills Nos. 131 and 132 were read the second time, and referred to the Committee on Agriculture.

SECOND READING OF SENATE BILLS.

Senate Bill No. 126,

A bill for an act prescribing the fees of the register of deeds,
Was read the second time, and referred to Committee on Counties.

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 149, of the General Laws of 1887,
Was read the second time, and referred to the Committee on Cities and Municipal Corporations.

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,
Was read the second time, and referred to the Committee on Printing.

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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 17, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has passed with the following amendment:
Amend Section 4 to read as follows:

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 your concurrence therein is respectfully requested.

Also,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Dodds asked unanimous consent to return to the eighth order of business,

Which consent was granted.

Mr. Dodds moved

That the Senate concur in the House amendments to Senate Bill No. 21,

Which motion prevailed.

Mr. Rowe moved

That the Senate concur in the House Concurrent Resolution in relation to exorbitant railroad freights.

Mr. Rowe withdrew his motion.

THIRD READING OF SENATE BILLS.

Mr. McCormack asked unanimous consent to take up Senate Bill No. 52, and read it the third time and place it upon its final passage,

Consent granted, and

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.

Mr. McCormack moved

That the report of the committee be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Hartman,
Helgeson,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Haggart,

Messrs—

Harmon,
LaMoire,

Messrs—

Lawrence,
Sandager.

Messrs. Fuller, Haggart, Harmon and LaMoure being excused.
So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved
That the vote just taken on Senate Bill No. 52 be reconsidered.

Mr. Randall moved
That the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Little asked consent to return to the sixth order of business
Consent was granted, and

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 109,

A bill for an act granting powers to county courts,

Have had the same under consideration and recommend that
said bill be amended as follows:

By inserting after the word "mortgaged" in line 11 of Section 1, the following, "including all former mortgages."

Also, after the word "and" in line 11, Section 1, strike out the word "it" and insert in lieu thereof the words "said mortgage."

By adding after the word "situated" in Section 2, line 13, the following:

"Provided, That all parties interested in said estate shall, before final action is taken according to the provisions of Section 1 of this act, receive due notice as provided by law for the sale of the real estate of decedents."

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Senate Bill No. 26,

Was delivered to the Governor at 3:30 p. m., Dec. 17, 1889.

Senate Bill No. 51,

Was delivered to the Governor at 2:55 p. m., Dec. 18, 1889.

Senate Bill No. 24,

Was delivered to the Governor at 5:33 p. m., Dec. 19, 1889.

Senate Bill No. 28,

Was delivered to the Governor at 5:33 p. m., Dec. 19, 1889.

Senate Bill No. 13,

Was delivered to the Governor at 4:38 p. m., Jan. 9, 1890.

Senate Bill No. 49,

Was delivered to the Governor at 4:38 p. m., Jan. 9, 1890.

Senate Bill No. 31,

Was delivered to the Governor at 4:15 p. m., Jan. 11, 1890.

J. O. SMITH,
Chairman.

Senate Bill No. 89,

A bill for an act providing for the taxation of express companies,

Was read the third time.

Mr. Rowe moved

That the report of the Committee on Senate Bill No. 89 be adopted,

Which motion prevailed.

Mr. Smith moved to amend as follows:

SEC. 7. At any time after the expiration of ninety days after any tax has become due and payable under the provisions of this act the State Treasurer or his deputy shall distrain sufficient property, real or personal, belonging to such person or corporation to pay the taxes and penalties due the State and if sufficient property cannot be found, then such as can be found and shall immediately advertise the sale of such property in at least three newspapers printed in the State for a period of thirty days, which notice must state the time and place at which such property will be sold, and shall apply the proceeds of such sale to the costs arising therefrom, and to the payment of such taxes; *Provided*, That all proceedings for the collection of such taxes and penalties shall be abated on the payment of such delinquent taxes and accrued cost on all property distrained returned to the owner, and number the balance of the bill to correspond.

Which amendment was adopted.

Mr. Smith moved

That final action on Senate Bill No. 89 be deferred until tomorrow,

Which motion prevailed.

The president *pro tem.* was called to the chair.

Senate Bill No. 84,

A bill for an act authorizing the judges of the district courts to administer oaths,

Was read the third time.

Mr. Rowe moved

The adoption of the report of the committee on Senate Bill No. 84.

Which motion prevailed,

And the question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Absent and not voting:

Messrs—

Fuller,
Haggart,

Messrs—

Hartman,
Helgeson,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Harmon,
LaMoure,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Messrs—

Lawrence,
Sandager.

Messrs. Fuller, Haggart, Harmon and LaMoure being excused
 So the bill passed, and
 The question being as to its title,
 Its title was agreed 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 purpose, and to issue and dispose of bonds to provide for the payment of principal and interest of such bonds,"

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 85 be adopted,

Which motion prevailed.

Mr. Swanston moved

That the bill be recommitted for amendments,

Which motion was lost.

Mr. Barlow moved

That the word "acts" be stricken out where it appears in line 1, Section 1. and insert in lieu thereof the words "general laws,"

Which motion prevailed.

Mr. Barlow moved

That the title be amended to conform with the body of the bill,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Belyea,
 Bell,
 Cowan,
 Diesem,
 Dodds,

Messrs—

Fisher,
 Hartman,
 Helgeson,
 Little,
 McBride,
 McCormack,
 Randall,
 Robinson,

Messrs—

Rowe,
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—

Fuller,
 Haggart,

Messrs—

Harmon,
 LaMoure,

Messrs—

Lawrence,
 Sandager.

Mr. Swanston voting in the negative.

Messrs. Fuller, Haggart, Harmon and LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to as amended.

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.

Mr. Rowe moved

That the report of the Committee on Senate Bill No. 97 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 12, nays 12.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Belyea,
Cowan,

Messrs—

Hartman,
McCormack,
Randall,
Robinson,

Messrs—

Stevens,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Bell,
Diesem,
Dodds,

Messrs—

Fisher,
Helgeson,
McBride,
Rowe,

Messrs—

Smith,
Slotten,
Svensrud,
Winship.

Absent and not voting:

Messrs—

Fuller,
Haggart,
Harmon,

Messrs—

LaMoure,
Lawrence,

Messrs—

Little,
Sandager.

Messrs. Fuller, Haggart, Harmon and LaMoure being excused.
So the bill did not pass.

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 third time.

Mr. Little moved.

That Senate Bill No. 97 be made a special order for Tuesday at 4 o'clock p. m.,

Which motion prevailed.

Mr. Appleton gave notice that he voted with the affirmative on Senate Bill No. 97, and would move to reconsider the vote tomorrow.

Mr. Swanston raised the point of order that Mr. Appleton voted on the affirmative side, and the bill failing to pass, he was in the minority,

The Chair ruled the point of order well taken.

Mr. Svensrud gave notice that he would move to reconsider the vote by which Senate Bill No. 97 was lost to-morrow, as he voted on the negative side.

Mr. Appleton moved

That Mr. Rowe be excused from attendance to-morrow,
Which motion prevailed.

Mr. McBride moved
That the Senate do now adjourn,
Which motion prevailed, and,
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SIXTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Haggart, Harmon, Little and Rowe, who were excused.

The Journal of the preceding day was read and approved.

Mr. Swanston rose to a question of privilege, and said:

I notice that in the North Dakota Capital there is a paragraph that I consider a reflection upon myself and another senator. The paragraph is this: "A Tacoma paper states that State Senator Belyea of Minot, and Senator Dr. Swanston of Devils Lake, while on their recess junket made arrangements to move out there and enter into partnership in the practice of medicine as soon as they can close up their business in North Dakota."

The part I take exception to more especially is this: "If that be true their interests in the laws they are now helping to make for this State will be tempered wholly by consideration for their fellowmen who are here to stay."

I wish to state that I made no arrangement to enter into any partnership out there, and no arrangements to leave the State, and have no intention of so doing. The whole statement is false, and I wish to deny it.

Mr. Belyea also rose and said:

I endorse the statements made by Senator Swanston. The whole thing is a false statement from beginning to end.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 59,

A bill for an act relating to the selection of jurors,
Have had the same under consideration and recommend that
said bill be amended as follows:

Amend Section 3 of said bill by striking out the words "district judge" where they occur in said section.

By striking out the word "sheriff" where it occurs in said section.

Amend Section 1 by striking out the word "fifty" where it occurs in said section, and insert in lieu thereof the word "sixty."

Amend Section 2 by striking out the word "fifty" where it occurs in said section, and insert in lieu thereof the word "sixty."

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties 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 construction of the
same exceeds the sum of one hundred dollars,

Have had the same under consideration and recommend that
said bill be amended as follows:

In Section 1 strike out the words "or bridges" where they occur in lines 25, 34 and 36 of the written bill. Also, strike out the "or bidders" where they occur in lines 38 and 39 of the same.

In Section 2 strike out the words "or bridge" in line 3 and add the words "if said bridge is accepted and approved by said board" to the end of the section.

And when so amended recommend that said bill do pass.

F. G. BARLOW,
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred
Senate Bill No. 106,

A bill for an act to amend Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12,
14 and 15 of Chapter 121 of the General Laws of 1887, and to repeal
Section 1 of Chapter 131 of the General Laws of 1887,

Have had the same under consideration and recommend that
said bill be indefinitely postponed.

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,

Have had the same under consideration and recommend that
said bill be amended as follows:

In Section 2, strike out the word "ten" and insert the word "four" in lieu thereof.

In Section 5, line 17, after the word "notice" insert "in three of the pharmaceutical journals of general circulation of the State."

In Section 17, insert before all the words in the section "An emergency existing for reason that the law requires immediate operation."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 72,

A bill for an act to prevent the burial of the dead within the corporate limits of any town, city or village in this State,

Have had the same under consideration and recommend that said bill be referred to the Committee of the Whole Senate.

E. H. BELYEA,
Chairman.

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

MR. PRESIDENT:

The Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 23,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

Mr. Worst moved

That the report of the Committee on Public Health on Senate Bill No. 72 be adopted,

Which motion prevailed.

The President 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.

MOTIONS AND RESOLUTIONS.

Mr. Allin moved

That the vote by which Section 1 of the Concurrent Resolution of Mr. McCormack was passed, be reconsidered.

Mr. Dodds raised the point of order that the Chair had already decided that where a motion to table has been carried it carries with it the whole subject matter, and therefore the motion of Mr. Allin was out of order.

Mr. President stated that the ruling referred to was not on a question of the same import.

Mr. Swanston raised the point of order, that his notice to reconsider was the same as a motion and required a two-thirds majority, and therefore the motion to table Mr. McCormack's motion to reconsider was not carried.

Mr. President ruled the point of order not well taken, and

The question recurring on the motion to reconsider the vote by which Section 1 of the Concurrent Resolution was carried,

The motion prevailed, and

The question recurring on the adoption of Section 1 of the Concurrent Resolution of Mr. McCormack,
Section 1 of the Concurrent Resolution was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Judiciary Committee introduced—

Senate Bill No. 133,

A bill for an act to fix the number of officers and employees of the Legislative Assembly of the State of North Dakota, and to provide for the compensation and payment of the same,

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 134,

A bill for an act to fix the maximum rate the railroad companies and other common carriers may charge for the transportation within North Dakota of coal mined in North Dakota,

Which was read the first time.

Mr. McCormack introduced—

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 was read the first time.

Mr. Swanston moved

That the rules be suspended, and that Senate Bill No. 133 be read the second time and referred to the proper 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 and payment of the same,

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

Mr. Barlow asked unanimous consent to introduce a resolution.

Consent was granted, and

Mr. Barlow moved

The following resolution:

Resolved, That the Attorney General be and is hereby requested to give, as soon as practicable, both branches of the Legislative Assembly his written opinion upon the following question:

Is that portion of the main line of the Northern Pacific railroad in this State taxable as other property is taxed?

Mr. Dodds moved

The adoption of the resolution,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

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.

Mr. Worst moved

That the report of the Committee on Senate Bill No. 73 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,
Dodds,

Messrs—

Fisher,
Hartman,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Robinson,
Slotten,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Belyea,
Fuller,
Haggart,
Harmon,

Messrs—

Helgeson,
LaMoure,
Rowe,
Sandager.

Messrs—

Smith,
Stevens,
Swanston.

Messrs. Fuller, Haggart, Harmon and Rowe being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Little moved

The adoption of the report of the Committee,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,

Messrs—

Fisher,
Hartman,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
Haggart,
Harmon,

Messrs—

Helgeson,
Lawrence,
Rowe,

Messrs—

Sandager,
Smith.

Messrs. Fuller, Haggart, Harmon and Rowe being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Yager moved

That the report of the committee on Senate Bill No. 37 be adopted,

Which motion prevailed.

Mr. Diesem moved in amendment

That the word "not" be inserted in line 1, Section 1, after the word "shall."

Mr. Appleton moved

That the rules be suspended, and that Senate Bill No. 37 be made a special order for Monday at 3 p. m.,

Which motion was lost, and

The question recurring on the amendment of Mr. Diesem,

The amendment was lost.

Mr. Little moved

To amend Section 1, line 3, after the words "and year" by inserting "except within the corporate limits of any city, town or village,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 24, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Hartman,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Sandager,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting.

Messrs—

Fuller,
Haggart,

Messrs—

Harmon,
Rowe,

Messrs—

Smith.

Messrs. Appleton and Diesem voting in the negative.
Messrs. Fuller, Haggart, Harmon and Rowe being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

The hour having arrived for the consideration of Senate Bill No. 75.

Mr. Dodds moved

That the rules be suspended, and that Senate Bill No. 75 be made a special order for 3 p. m. on Monday next,

Which motion prevailed.

The hour having arrived for the special consideration of the Governor's veto of Senate Bill No. 31,

Mr. Swanston moved

That the rules be suspended, and that the veto message of the Governor be made a special order for February 5, 1890, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Svensrud asked consent to return to the eighth order of business,

Which was granted.

Mr. Svensrud moved

To reconsider the vote on Senate Bill No. 97,

Which motion prevailed, and

The question being on the passage of Senate Bill No. 97,

Mr. Swanston moved

That the bill be amended by striking out the figure "2" and inserting the figure "1" in lieu thereof in line 8.

Mr. McCormack moved

To strike out the word "two," in line 3, Section 182, Article 12, and insert in lieu thereof the word "one."

Mr. Dodds moved

That the rules be suspended, and that the bill be made a special order for 3:30 p. m. on Wednesday next,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
January 18, 1890. }

To the President of the Senate:

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

Senate Bill No. 23,

An act prescribing the Great Seal of the State of North Da-

kota, and the official seal of all courts and officers of the State, who are authorized to use a seal,

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

Respectfully,
JOHN MILLER,
Governor.

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

That the Senate now resolve itself into Committee of the Whole to consider the bills in General Orders,

Which motion prevailed.

Mr. President called Mr. LaMoure to the Chair, and the Senate resolved itself into Committee of the Whole.

When the Committee arose the following report was submitted:

MR. PRESIDENT:

Your Committee of the Whole having had under consideration Senate Bill No. 42,

A bill for an act providing for holding primary elections to elect nominees for county offices and delegates to State and district conventions, and a county central committee for each political party or association and regulating the same, and providing penalties,

And recommend that it be referred to General Orders.

Also,

Senate Bill No. 101,

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

And recommend that it be referred to General Orders.

Also,

Senate Bill No. 111,

A bill for an act proposing an amendment to Section 45 of Article 2 of the Constitution of the State of North Dakota,

And recommend that said bill be indefinitely postponed.

Also,

Senate Bill No. 110,

A bill for an act proposing an amendment to the Constitution of the State of North Dakota by striking out Section 56 of Article 2,

And recommend that said bill be indefinitely postponed.

Also,

Senate Bill No. 80,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

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 be amended as follows:

Strike out Section 2 from the bill; also, in Section 1, line 2, strike out the word "are" and insert the word "is,"

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

Mr. Smith moved

That the report of the Committee of the Whole be adopted.

Mr. Swanston moved

To amend by adopting the report except as to Senate Bills Nos. 110 and 111,

Which amendment was adopted, and

The question recurring on the report of the committee as amended,

The report was adopted.

Mr. McCormack asked unanimous consent to take up the sixteenth order of business,

Consent was granted, and

Mr. McCormack moved

To take up House Bill No. 15 and place it upon its third reading and final passage.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bills Nos. 52, 84, 85, 60,

And find the same correctly engrossed and enrolled.

Senate Bill No. 23 was delivered to the Governor at 3:10 p. m.

J. O. SMITH,
Chairman.

Mr. Appleton asked consent to return to the sixth order of business.

Consent was granted, and

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred

Senate Bill No. 129,

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 do pass.

A. F. APPLETON,
Chairman.

Mr. Swanston moved

That the Senate adjourn,

Motion withdrawn, and

Mr. President asked consent to present a communication and a form of voucher that he wished to have made a part of the record.

Consent was granted, and

Mr. President presented the following communication from the Attorney General:

BISMARCK, North Dakota, Jan. 6, 1890.

Hon. Alfred Dickey, Lieutenant-Governor and Ex-Officio President of the Senate:

DEAR SIR: I have the honor to acknowledge receipt of your favor of the 4th instant, submitting the following questions for my opinion:

Are the members of the Legislature entitled to *per diem* during their holiday adjournment?

Also, are the employes of the Legislature entitled to pay during this adjournment?

If they are not entitled to pay, can I, as President of the Senate, legally certify to their account in the way of signing vouchers for pay for the days of this adjournment?

I might with great propriety decline to answer these questions for the reason that it does not come within the prescribed duties of this office. [Chapter 8, Laws of 1883.] However, I do not wish to appear technical, and will reply as an act of courtesy, as, in my opinion, the first two questions do not in any manner affect your duties in the premises, and as no facts are stated in your communication upon which to base an opinion as to the law, and it not being the province of this office to determine questions of fact,—I must decline to express any opinion upon the first two questions at this time.

In answer to the third and last question as to your duties, allow me to say: That under the provisions of Section 16 of Chapter 2 of the Political Code, in my opinion, your duties are simply ministerial; it is not your duty to audit or allow any account for *per diem* of members or employes of the Senate; it is your duty to certify, and of the Chief Clerk to attest, the facts as they actually exist (as shown by your record or aliunde) as to the attendance and services of such members and employes; from those facts and the laws fixing their compensation, the State Auditor is authorized to audit the accounts and draw his warrants upon the State Treasurer for such sums, if any, as he finds that each is entitled to receive.

I have the honor to remain very respectfully yours,
GEO. F. GOODWIN,
Attorney General.

FORM OF VOUCHER.

THE STATE OF NORTH DAKOTA, DR.

To.....
For services rendered as
of the Senate of the first Legislative Assembly of the State of North Dakota,
from to.....
at.....dollars per day.

It is hereby certified that..... is duly elected and qualified..... of the Senate; that the foregoing account is just and correct; that the services have been rendered as aforesaid, and that no part thereof has been paid.

Attest:
.....
Chief Clerk. President.

Mr. Swanston moved
That the Senate adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD, Secretary.

SIXTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Allin, Dodds and Fuller, who were excused.

Mr. McCormack moved

That the reading of the Journal be dispensed with, and a committee of two appointed to correct errors,

Which motion prevailed, and

The Chair appointed Messrs. McCormack and Sandager as such committee.

Mr. LaMoure asked consent to make a motion before proceeding to Unfinished Business, and

Consent being granted,

Mr. LaMoure moved

That Senate Bill No. 45 be recalled from the House for the purpose of correction,

Which motion prevailed.

Mr. Swanston also asked consent to make a motion, and

Consent being given,

Mr. Swanston moved

That the Concurrent Resolution relating to adjournment on February 15th be recalled from the House,

Which motion prevailed.

UNFINISHED BUSINESS.

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

Was read the third time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 20, 1890. }

MR. PRESIDENT:

I have the honor to return herewith
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
 Also,
 The Senate Concurrent Resolution providing for the adjournment of the Legislature on February 20, 1890,
 As requested by the Senate.

J. G. HAMILTON,
 Chief Clerk.

Mr. Worst moved

That the report of the Committee on Banks and Banking be adopted,

Which motion prevailed.

Mr. Robinson moved

To amend Section 6 by inserting after the word "inhabitants," line 4, of printed bill, "any association may organize under this act with an authorized capital of \$200,000;" also, after the word "the," in line 4, of printed bill, insert the word "authorized,"

Which amendment was adopted.

Mr. Diesem moved

To amend Section 17, line 4, by inserting the word "double" after the word "of,"

Which amendment was lost.

Mr. Stevens moved

That the engrossed copy of this bill be reprinted.

Mr. LaMoure moved

As a substitute that the bill be recommitted, and that it be reprinted with all the amendments.

Roll call demanded.

The roll being called there were ayes 16, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Smith,
Barlow,	LaMoure,	Stevens,
Cowan,	Lawrence.	Svensrud,
Diesem,	McBride,	Winship,
Haggart,	Rowe,	Yager.
Harmon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	Little,	Sandager,
Bell,	McCormack,	Swanston,
Fisher,	Randall,	Worst.
Helgeson.	Robinson,	

Absent and not voting :

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Slotten.
Dodds,		

So the motion prevailed, and
 The bill was recommitted.

PETITIONS, COMMUNICATIONS, ETC.

Mr. McCormack presented the following communication and petition:

To the Legislature of the State of North Dakota:

We, the undersigned petitioners, residents of the city and county of Grand Forks, N. D., believing that the State is morally bound to make restitution for any and all property, goods or things taken by it for use or depreciated in value by any act done under and by authority of the State, and believing that all persons that have hitherto engaged in the business of brewing within the confines of what is now the State of North Dakota, did so engage in said business with full authority and sanction of the law of the then Territory of Dakota, and believing further that the business of brewing of beer or other liquors is in itself a legitimate business and is only made illegal by virtue of some law of the State; and,

WHEREAS, One Jacob Dobmeier did heretofore and during the period of time when the brewing business was supposed to be and was legal and legitimate, engage in the business of carrying on a brewery for the purpose of brewing beer in the city of Grand Forks aforesaid, and has heretofore and has now invested in said business for kegs \$35,000, tubs and hogsheads, \$3,940; kettle and mash tubs and cooler, \$1,800; engine, boiler, pumps and elevator and mills, \$7,700; malt and barley on hand, \$10,000; real estate, \$50,500; manufactured stuff on hand, \$10,500; and bottling establishment, \$4,000.

That after having invested said sums in said property, as aforesaid, the electors of the State of North Dakota did on the first day of October, A. D. 1889, a majority of them so cast their votes that the said business of conducting a brewery in the said State of North Dakota is now illegal. That on account of the said votes being so cast, the said business is now illegal, the properties hereinbefore mentioned have been very materially depreciated in value, so that the present time they are worth and of the value of no more than the following amounts, to-wit: Kegs, \$14,000; tubs and hogsheads, \$1,500; kettle and mash tub, cooler, \$800; engine and boiler, pumps, elevator and mills, \$3,000; real estate, \$25,000; manufactured stuff, \$5,000; bottling establishment, \$1,500; making in all a total depreciation of \$121,940.

Now, therefore, we, your petitioners aforesaid, in consideration of all the facts above stated would respectfully petition and urge upon your honorable body to refund and make restitution to the said Jacob Dobmeier for such depreciation in his said property, as aforesaid, to-wit: The sum of \$72,640.

L. B. RICHARDSON,
And 71 Others.

Mr. Swanston moved

That the communication be referred to the Committee on Temperance,

Which motion was lost.

Mr. McCormack moved

That the communication be referred to the Committee on State Affairs,

Which motion prevailed, and

The communication was so referred.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties 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 do pass.

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,

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

Also,

Senate Bill No. 126,

A bill for an act prescribing the fees of the register of deeds,

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

F. G. BARLOW,
Chairman.

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

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 37,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

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.

N. C. LAWRENCE,
Chairman.

The Committee on State Library made the following report:

MR. PRESIDENT:

Your Committee on State Library (Joint Standing) to whom was referred

Senate Bill No. 124,

A bill for an act establishing a State library,

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

EDWARD L. YAGER,
Chairman of the Joint Committee.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred
Senate Bill No. 131,

A bill for an act abolishing the office of Commissioner of Immigration and defining the duties of the Commissioner of Agriculture and Labor,

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,

Have had the same under consideration and recommend that said bills be referred to the Committee on Appropriations.

S. A. FISHER,
Chairman.

Mr. Stevens moved

That the report of the committee be adopted,

Which motion prevailed, and

The bills were recommitted to the Committee on Appropriations.

Mr. President announced that the hour having arrived for the consideration of Senate Bill No. 75, it would now be taken up.

Mr. Barlow moved

That the rules be suspended, and that Senate Bill No. 75 be postponed until Wednesday at 3 o'clock,

Which motion prevailed, and

Further consideration of Senate Bill No. 75 was postponed until that time.

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 being a special order, was read the third time.

Mr. McCormack moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

Mr. Winship moved

To amend as follows: In Section 1, line 4, after the words "consist of," insert the words "the Commissioner of Agriculture and Labor and,"

Which motion was lost.

Mr. LaMoure moved

To amend Section 1, line 5, by inserting after the word "State" the words "and one at large,"

Mr. Rowe moved

To amend line 9 of the Preamble by striking out "forty (40)"

and inserting "80" in lieu thereof, and striking out "Grand Forks" in line 9 and inserting "Casselton." Also, by striking out "Grand Forks" in line 10 and inserting "Cass" in lieu thereof. Also, Section 2, line 2, by striking out "Grand Forks" and inserting "Casselton," and in same line strike out "Grand Forks" and insert "Cass." In line 5, Section 2, strike out "Grand Forks" and insert "Casselton." Section 3, line 3, strike out "Grand Forks" and insert "Casselton."

Mr Appleton asked for division, and

The question was divided.

Mr. Little moved

That further consideration of the bill be postponed, and that it be made a special order for next Thursday at 3 o'clock,

Which motion was lost, and

The question recurred upon the first section of the amendment.

Mr. Diesem moved

To amend the amendment by striking out the word "eighty" and inserting the words "one hundred and sixty,"

Which motion prevailed, and

The question recurring on the first division of the amendment as amended,

It was adopted.

The question then being upon the second division of the amendment,

Mr. Swanston moved

To strike out the word "Casselton" wherever it occurs and insert the word "Devil's Lake," and also strike out the word "Cass" wherever it appears and insert "Ramsey."

Mr. Swanston moved

That further consideration of the bill be postponed until 3 o'clock on Thursday next, and that it be made a special order for that time,

Which motion was lost, and

The question recurring on the amendment to the amendment,

The amendment to the amendment was lost, and

The question recurring on the original amendment,

Roll call was demanded.

The roll being called there were ayes 13, nays 14.

Those who voted in the affirmative were:

Messrs—

Belyea,
Diesem,
Haggart,
Harmon,
Hartman,

Messrs—

Helgeson,
Lawrence,
Little,
Rowe,

Messrs—

Sandager,
Smith,
Swanston,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Barlow,

Messrs—

LaMoure,
McBride,

Messrs—

Stevens,
Svensrud,

Bell,
Cowan,
Fisher,

McCormack,
Randall,
Robinson,

Winship,
Worst.

Absent and not voting:

Messrs—
Allin,
Dodds,

Messrs.—
Fuller,

Messrs—
Slotten.

So the amendment was lost.

Mr. Barlow moved

To amend line 4 of Section 6 by striking out the figures "5,000" and inserting the figures "1,000."

Roll call was demanded.

The roll being called there were ayes 10, nays 17.

Those who voted in the affirmative were:

Messrs—
Belyea,
Cowan,
Harmon,
Little,

Messrs—
Rowe,
Stevens,
Svensrad,

Messrs—
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—
Appleton,
Barlow,
Bell,
Diesem,
Fisher,
Haggart,

Messrs—
Hartman,
Helgeson,
LaMoure,
Lawrence,
McBride,
McCormack,

Messrs—
Randall,
Robinson,
Sandager
Smith,
Worst.

Absent and not voting:

Messrs—
Allin,
Dodds,

Messrs—
Fuller,

Messrs—
Slotten.

And so the amendment was lost.

Mr. Diesem moved

To amend by striking out in Section 6, line 4, "\$5,000" and inserting in lieu thereof four cyphers (0000),

Which amendment was lost.

Mr. Worst moved

To amend Section 2, line 4, by striking out "forty" and inserting "one hundred and sixty,"

Which amendment was adopted.

The Special Committee on the Correction of the Journal reported as follows:

MR. PRESIDENT:

Your Committee on the Correction of the Journal of January 18, 1890,

Have had the same under consideration and recommend that said Journal be corrected as follows:

Mr. McCormack asked unanimous consent to take up the sixteenth order of business,

Consent was granted, and

Mr. McCormack moved

To take up House Bill No. 15 and place the same upon its third reading and final passage.

Insert the above after the adoption of the report of the Committee of the Whole on page 9.

Also, strike out No. 23 of the report of the Committee of Enrolled and Engrossed Bills on page 9, and insert the following: "Senate Bill No. 23 was delivered to the Governor at 3:10 p. m."

M. L. McCORMACK,
Chairman.

Mr. Diesem moved

To amend Senate Bill No 82 as follows: In line 11, insert after the word "be," "used for a period of three years" and strike out the words "forever used."

Mr. Smith moved

That the Senate take a recess for ten minutes,

Which motion prevailed.

The Senate reassembled, and

The question recurring on Mr. Diesem's amendment,

Mr. Winship moved

As a substitute that the word "forever" be stricken out of the bill,

Which motion prevailed.

Mr. Appleton moved

To amend Section 2, in line 4, as amended, by striking out the words "one hundred and sixty" and inserting the word "eighty,"

Which amendment was lost.

Mr. Diesem moved

That line 11 in the preamble be amended by inserting after the word "used," the words, "for a period of three years,".

Which motion was lost.

Mr. Diesem moved

That this bill be recommitted to the Committee of the Whole,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Harmon introduced--

Senate Bill No. 136,

A Joint Resolution amending Section 45 of the Constitution of the State of North Dakota,

Which was read the first time. •

Mr. Sandager introduced--

Senate Bill No. 137,

A bill for an act to amend Section 77 of the Civil Code of 1877, entitled "Husband and Wife,"

Which was read the first time.

Mr. Smith introduced--

Senate Bill No. 138,

A bill for an act to amend Chapter 32 of the Session Laws of 1887,

Which was read the first time.

Mr. Harmon introduced--

Senate Bill No. 139,

A bill for an act to prohibit pools, trusts, agreements, combinations, confederations or understandings,

Which was read the first time.

Mr. Haggart introduced—

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and operation of the North Dakota Agricultural College and Experimental Station at Fargo,

Which was read the first time.

Mr. Haggart asked unanimous consent to have Senate Bill No. 140 read the second time, and referred, and consent being given,

Senate Bill No. 140,

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

Mr. Winship introduced—

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,

Which was read the first time.

Mr. Appleton introduced—

Senate Bill No. 142,

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

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 143,

A bill for an act to provide for a system of free public schools throughout the State.

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Senate Bill No. 45, returned from the House, was re-referred to the Committee on Appropriations.

Mr. Barlow moved

That the rules be suspended, and that Senate Bill No. 143 be read the second time and referred.

Consent being granted,

Senate Bill No. 143,

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 134,

A bill for an act to fix the maximum rate the railroad companies and other common carriers may charge for the transportation within North Dakota of coal mined in North Dakota,

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

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 second time, and referred to the Committee on Education.

THIRD READING OF SENATE BILLS.

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.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 64 be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Worst moved

To amend Section 10, line 5; strike out all of line 5, after the word "schools;" all of lines 6 and 7 up to and including the word "course,"

Which motion prevailed, and

The amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher
Haggart,
Harmon,

Messrs—

Hartman,
Hegleson,
LaMoure,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith.
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Allin,
Dodds,

Messrs—

Fuller,
Lawrence,

Messrs—

Little,
Slotten.

Messrs. Allin, Dodds and Fuller being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Rowe moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SIXTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Dodds, Fuller and Slotten, who were excused.

The Journal of the preceding day was read and approved.

Mr. McCormack moved

That the letter addressed to himself in regard to the petition from Grand Forks, and also the names of the subscribers to the petition be printed in the Journal.

Mr. Belyea moved

To lay the motion on the table,

Which motion was lost, and

The question recurring on the motion of Mr. McCormack,

The motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 21, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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,

Substitute for House Bill No. 35,

A bill for an act to amend Section 1, General Laws 1885, supplement, relating to noxious weeds,

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

J. G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
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:

Section 1, line 12, add: "*Provided*, That the Enrolling and Engrossing Clerks shall each receive six dollars per day for this session."

In line 20, same section, add: "*Provided*, That the compensation of Door-keeper for session of 1889 and 1890 shall be four dollars (\$4) per day."

Section 2, line 2, after the word "necessary," insert the words "by the Senate and"

Line 3, same section, after the word "clerks," insert the words "as may be actually necessary."

Section 4, line 2, after the word "necessary" insert the words "by the House."

Line 3, same section, after the word "clerks" insert "as may be actually necessary."

Section 6, line 11, add: "When deemed necessary."

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education 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 Experiment Station at Fargo,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 12 by striking out the word "December" and inserting the word "November."

Amend Section 13 by striking out the word "last" and inserting the word "first" where it occurs before the word "Monday."

And when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 94,

A bill for an act to amend Section 69 of Chapter 112 of the General Laws of 1883, entitled "Township Government,"

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

ANDREW SANDAGER,
Chairman.

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

MR. PRESIDENT:

The Committee on Engrossed and Enrolled Bills have examined

Senate Bills Nos. 4, 12 and 17,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139, of the General Laws of 1887,

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

ANDREW SANDAGER,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Committee on Seed Wheat made the following report:

MR. PRESIDENT:

Your Committee on Seed Wheat 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,

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

ANTON SVENSRUD,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Worst asked unanimous consent for Mr. Fuller to introduce an appropriation bill, and consent was granted.

Mr. Appleton introduced—

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 was read the first time.

Mr. Fuller introduced—

Senate Bill No. 145,

A bill for an act providing for the maintenance of the Hospital for the Insane at Jamestown,

Which was read the first time.

Mr. President announced his signature to

Senate Bill No. 17,

A bill for an act designating the place of deposit for all abstracts and conveyances of title to the State of North Dakota of land now owned or hereafter acquired by the State,

Also,

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,

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.

Mr. Appleton moved

That the rules be suspended, and that Senate Bill No. 144 be read the second time and referred,

Which motion prevailed, and

Senate Bill No. 144,

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 136,

A Joint Resolution amending Section 45 of the Constitution of the State of North Dakota,

Was read the second time, and referred to the Committee of the Whole.

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 second time, and referred to the Committee on Judiciary.

Senate Bill No. 138,

A bill for an act to amend Chapter 32 of the Session Laws of 1887,

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

Senate Bill No. 139,

A bill for an act to prohibit pools, trusts, agreements, combinations, confederations or understandings.

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

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,

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 126,

A bill for an act prescribing the fees for register of deeds,
Was read the third time.

Mr. Rowe moved

That the report of the Committee on Counties be adopted,

Which motion prevailed, and

The report was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,

Messrs—

Fisher,
Harmon,
Helgeson,
LaMoure,
Lawrence,
McBride,
McCormack,

Messrs—

Randall,
Robinson,
Rowe,
Sandager,
Svensrud,
Winship,
Yager.

Absent and not voting:

Messrs—

Dodds,
Fuller,
Haggart,

Messrs—

Hartman,
Little,
Smith,

Messrs—

Slotten,
Swanston,
Worst.

Mr. Stevens voting in the negative.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. LaMoure asked permission to introduce a resolution, and
Consent being given,

Mr. LaMoure introduced the following resolution:

Resolved, That the State Auditor be requested to furnish this Senate a detailed account of the disbursements on account of the Hospital for the Insane during the last fiscal year.

Mr. Rowe moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January, 21, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 108,

A bill for an act regulating the State Library,

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,

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

J. G. HAMILTON,
Chief Clerk.

Senate Bill No. 109,

A bill for an act granting powers to county courts,

Was read the third time.

Mr. Winship moved

That the report of the committee be adopted.

Mr. Swanston moved

To amend the report of the committee by inserting the emergency clause and striking out the last clause of the bill,

Which motion prevailed, and

The question recurring on the report of the committee as amended,

The report was adopted, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Harmon,

Messrs—

Hartman,
Helgeson,
Lawrence,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Stevens,
Svensrud,
Swanston,
Winship,
Yager.

Absent and not voting.

Messrs—

Diesem,
Dodds,
Fuller,

Messrs—

Haggart,
LaMoure,
Little,

Messrs—

Slotten,
Worst.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 59,

A bill for an act relating to the selection of jurors,

Was read the third time.

Mr. Yager moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted, and

The question recurring on the final passage of the bill,
The roll being called there ayes 24, nays none.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Appleton,	Helgeson,	Sandager,
Barlow,	Lawrence,	Smith,
Belyea,	Little,	Stevens,
Bell,	McBride,	Svensrud,
Cowan,	McCormack,	Swanston,
Fisher,	Randall,	Winship,
Harmon,	Robinson,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Haggart,	Slotten,
Dodds,	LaMoure,	Worst.
Fuller,		

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report that
Senate Bills Nos. 4, 12 and 17

Were delivered to the Governor at the hour of 3 o'clock p. m.,
January 21, 1890.

J. O. SMITH,
Chairman.

Senate Bill No. 71,

A bill for an act to require county commissioners to give and
file a bond.

Was read the third time.

Mr. Rowe moved

That that the report of the committee be adopted.

Mr. McCormack moved

To amend in Section 1, line 4, by striiking out after the words
"sum of" the figure "2" and inserting the figure "5."

Mr. Svensrud moved

To amend the amendment by adding the words "in counties
having an assesed valuation of two million dollars" after the
words "two thousand dollars" in Section 1, line 4.

Mr. Swanston moved

As a substitute motion to insert the words after the word "of,"
in line 4, "not less than,"

Which motion was lost, and

The question recurring on the amendment to the amendment,

It was lost, and

The question being on the original amendment,

It also was lost.

Mr. Yager moved

To amend by striking out Section 3,
Which motion was lost.

Mr. Svensrud moved

To amend Section 3 by striking out the word "thirty" in line 2
and inserting in lieu thereof the word "sixty,"

Which motion prevailed, and
The amendment was adopted.

Mr. McBride moved

To amend by striking out Section 1,
Which motion was lost, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 18, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Helgeson,	Sandager,
Belyea,	LaMoure,	Stevens,
Diesem,	Lawrence,	Swanston,
Fisher,	Little,	Winship,
Harmon,	McCormack,	Worst,
Hartman,	Rowe,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Cowan,	Smith,
Appleton,	McBride,	Svensrud.
Bell,	Randall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Haggart,	Slotten.
Fuller,	Robinson,	

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Senate Bill No. 86.

A bill for an act amending Chapter 13 of the acts of the Seven-
teenth Session of the Legislative Assembly,

Was read the third time.

Mr. McBride moved

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

The reported was adopted, and

The question being upon the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Appleton,	Helgeson,	Sandager,
Barlow,	LaMoure,	Smith,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Winship,
Fisher,	McCormack,	Worst,
Haggart,	Randall,	Yager.
Harmon,	Robinson,	

Absent and not voting:

Messrs—

Belyea,
Dodds,

Messrs—

Fuller,
Slotten,

Messrs—

Swanston.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 21,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The President announced his signature to
Senate Bill No. 21,

A bill for act providing for the extension of the time for the payment of taxes for the year 1889.

The President announced that the hour having arrived for the special consideration of Senate Bill No. 114, it would be taken up, and

Senate Bill No. 114,

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,

Was read the third time.

Mr. Rowe moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Worst moved

To amend Section 3, line 1, by inserting after "day" "where possible, and in every other case each week." Also, same section, add at close, "and all interest accruing thereon shall be credited to said county; *Provided, however,* That neither the county treasurer nor his bondsmen shall be held responsible for the loss of any moneys after the same have been duly registered at a post-office and addressed to the said depository, or while said moneys are on deposit, as provided for in this act."

Mr. Barlow moved

To amend the amendment by adding to the end of the same section "the accruing interest shall be credited by said treasurer from time to time to the several funds upon which it accrued,"

Which amendment was adopted, and

The question recurring on Mr. Worst's amendment as amended, It was adopted.

Mr. Diesem moved

To amend Section 3 by adding to the same: "If the same can be done without expense to the county,"

Which amendment was adopted.

Mr. Stevens moved

To amend Section 4, line 2, by striking out the word "weekly" and inserting the word "monthly,"

Which amendment was adopted.

Mr. Little moved

To amend Section 2, line 3, by striking out the words "in at least double" and inserting in lieu thereof the words "equal to,"

Which amendment was adopted.

Mr. LaMoure moved

To amend by striking out the enacting clause.

Mr. LaMoure withdrew his amendment, and moved

That the bill be recommitted to the Committee on Ways and Means with instructions that they report a substitute bill, which shall be more perfect for the purposes designed,

Which motion prevailed, and

The bill was recommitted.

Mr. Worst moved

That the rules be suspended, and the Senate take up House Bill No. 66,

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 third time.

Mr. Lawrence moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted, and

The question being upon the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs--

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Messrs--

Haggart,
Hartman,
Helgeson,
Lawrence,
McBride,
McCormack,
Randall,
Robinson.

Messrs--

Rowe,
Smith,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs--

Dodds,
Fuller,
Harmon,

Messrs--

LaMoure,
Little,
Sandager.

Messrs--

Slotten,
Winship.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills report that Senate Bill No. 21,

Was delivered to the Governor at the hour of 4:05 o'clock p. m., January 21, 1890.

J. O. SMITH,
Chairman.

Mr. Helgeson asked unanimous consent to bring in a report. Consent being given,

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking to whom was referred House Bill No. 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:

In Section 8 strike out the words "certificate required in the preceding section," and insert in lieu thereof the words "articles of incorporation."

And when so amended recommend that said bill do pass.

ANDREW HELGESON,
Chairman.

Senate Bill No. 129,

A bill for an act to allow organized townships to raise a tax for irrigation purposes,

Was read the third time, and

The question being upon the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Robinson,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Stevens,
Belyea,	LaMoure,	Svensrud,
Bell,	Lawrence,	Swanston,
Cowan,	McBride,	Winship,
Diesem,	McCormack,	Worst,
Fisher,	Randall,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Little,	Sandager,
Fuller,	Rowe,	Slotten.

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

Its title was agreed to.

Mr. Swanston moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD, Secretary.

SIXTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 22, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Dodds and Slotten who were excused on account of sickness.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 22, 1890.

MR. PRESIDENT:

I have the honor to return herewith the Senate Concurrent Resolution for a memorial to Congress asking for an appropriation of \$200,000 for irrigation purposes, Which the House has amended by inserting \$300,000 in place of \$200,000, and your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. LaMoure moved

That all bills considered by the Committee of the Whole come up under the head of unfinished business the following day.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 22, 1890.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has this day adopted a motion to appoint a committee of five to confer

with a like committee from the Senate upon the advisability of accepting the invitation of the citizens of the City of Grand Forks to the members of the State Legislature, and the Speaker has appointed as such committee on the part of the House, Messrs. Stevens, Walsh, Hankinson, Bye and Montgomery,

J. G. HAMILTON,
Chief Clerk.

The question recurring on the motion of Mr. LaMoure,
Roll call was demanded.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Randall,
Appleton,	LaMoure,	Smith,
Bell,	Lawrence,	Stevens,
Cowan,	McBride,	Winship.
Fisher,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Helgeson,	Svensrud,
Belyea,	Little,	Swanston,
Diesem,	Robinson,	Worst,
Harmon,	Rowe,	Yager.
Hartman,	Sandager.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Haggart,	Slotten.

Messrs. Dodds and Slotten being excused.

The vote being a tie Mr. President voted no,
So the motion was lost.

PETITIONS, COMMUNICATIONS, ETC.

Mr. President presented the following communication:

GRAND FORKS, N. DAK., January 23, 1890.

Hon. Alfred Dickey, President of the Senate:

The citizens of Grand Forks in meeting assembled unanimously extend an invitation to the Governor, State officers and members of the Legislative Assembly to visit the State University and City of Grand Forks. Will you kindly bring this matter to the attention of the Senate.

Very respectfully,

L. B. RICHARDSON,
Chairman.

A. C. LABRIE,
Secretary.

Mr. Rowe moved

That the Senate concur in the House resolution, and that the President appoint a Conference Committee of five to confer with the committee appointed from the House,

Which motion prevailed, and

Mr President appointed as such committee Messrs. Rowe, McCormack, Fuller, Appleton and Harmon.

REPORTS OF STANDING COMMITTEES.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections to whom was referred
Senate Bill No. 112,

A bill for an act to prescribe the manner of conducting, and to prevent fraud and deceptions at the elections in this State,

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

J. E. STEVENS,
Chairman.

The Committee on Woman Suffrage made the following report:

MR. PRESIDENT:

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 be amended as follows:

Amend the title to read "A bill for an act entitled an Act to submit the question of Woman Suffrage to the electors of the State."

And when so amended recommend that said bill do pass.

JOHN MCBRIDE,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations 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 be amended as follows:

In line 8, Section 5, after the words "credit of" insert the word "the."

And when so amended recommend that said bill do 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 offices, and making appropriations therefor,

Have had the same under consideration and recommend that said bill be amended as follows:

In the title after the word "Governor" insert the word "Treasurer."

In Section 1, first line after the word "Governor" insert the word "Treasurer."

In Section 2, line 6, strike out all after the word "Auditor."

And when so amended recommend that said bill do pass.

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,

Have had the same under consideration and recommend that said bill be amended as follows:

Change the title to read as follows:

An act to appropriate money for the relief of the destitute persons in North Dakota.

In Section 1, line 3, after the words "the sum of," insert the words "thirty-five hundred dollars."

In Section 1, line 3, after the words "necessary to," strike out the words "reimburse the Commissioner of Agriculture and Labor for expenses necessarily incurred in looking after the reception and distribution of supplies furnished."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 1, twelfth item, insert thirteenth: "The Clerk of the Supreme Court shall receive a salary of \$1,500 per annum."

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 135,

A bill for an act establishing an independent school district in the City of Grand Forks, State of North Dakota,

Have had the same under consideration and recommend that said bill be amended as follows:

That the title of the bill be stricken out and the following inserted:

"A bill for an act entitled 'An Act providing for the establishing of independent school districts within the incorporated limits of cities of the State of North Dakota.'"

That Section 1 be stricken out and the following be inserted in lieu thereof:

SECTION 1. Any city now existing in this State may become incorporated under the provisions of this act in the manner following:

Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall establish an independent school district under the act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question accordingly and

to appoint a time and place or places at which such vote may be taken, and to designate the persons who shall act as judges at such election, but such question shall not be submitted oftener than once in two years.

That Section 2 be stricken out and the following inserted in lieu thereof:

SEC. 2. The mayor of such city shall give at least twenty days' notice of such election by publishing a notice thereof in one or more newspapers within such city, but if no newspaper is published therein, then by posting at least five copies of such notice in each ward or voting precinct.

That Section 3 be stricken out and the following inserted in lieu thereof:

SEC. 3. The ballots to be used at such election shall be in the following form: "For Establishing an Independent School District under General Law," or "Against Establishing an Independent School District under General Law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for establishing an independent school district under general law, such independent school district shall thenceforth be deemed to be organized under this act, and the board of education then in office shall thereupon exercise the powers conferred upon like officers in this act until their successors shall be elected and qualified.

That all of Section 4 be stricken out and the following inserted in lieu thereof:

SEC. 4. BOUNDARIES OF INDEPENDENT DISTRICT.] That all that portion included within the corporate limits of any city within this State together with the additions that are now or may be hereafter added to said city limits, shall be and are hereby constituted and established as an independent school district; "independent school district, city of——;" and a board of education is hereby established for the same.

That Section 2 be numbered 5, and that each section thereafter shall be consecutively numbered.

That Section 5, line 4, of the printed bill be amended by striking out after the word "of" the name "Grand Forks," and inserting in lieu thereof "——."

That Section 8 be amended as follows: By inserting at the end of said section the following: "The annual report of the secretary shall contain such items as may be required by the educational department of the State."

That Section 16, lines 32 and 33 be amended by striking out the words "Grand Forks" and inserting in lieu thereof "——," that lines 39 and 40 be amended by striking out the words "Grand Forks" and inserting in lieu thereof "——."

That Section 20, line 4 be amended by striking out the words "Grand Forks" and inserting in lieu thereof "——."

That Section 21, line 4 be amended by striking out the words "Grand Forks" and inserting in lieu thereof "——."

That Section 25 be amended by striking out the word "one" in line 2 and inserting in lieu thereof "——;" and strike out the words "Grand Forks" in same line and insert "——."

That Section 26, line 2 be amended as follows: Insert after the word "act" in said line "so far as those districts organized under this act."

And when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bills Nos. 109, 59, and 64,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Swanston moved

That Senate Bill No. 5 be recalled from the hands of the Committee on Elections and placed in Committee of the Whole Senate,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—

Senate Bill No. 146,

A bill for an act for the publication of the Session Laws of the State of North Dakota,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 147,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota,

Which was read the first time.

Mr. Robinson introduced—

Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner,
Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Little moved

That the Senate concur in the House amendment to the Memorial to Congress for an appropriation for irrigation purposes,
Which motion prevailed.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Irrigation.

Mr. McBride moved

That Senate Bill No 142 be referred to the Committee on State Affairs.

Which motion prevailed, and

Senate Bill No. 142 was referred to the Committee on State Affairs.

Senate Bill No. 145,

A bill for an act providing for the maintenance of the Hospital for the Insane at Jamestown,

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

Mr. Little moved

That Senate Bill No. 79 be made a special order for Friday at 3 o'clock p. m.,

Which motion prevailed.

Mr. Rowe, as chairman of the Conference Committee, reported that the committee agreed to report in favor of the Legislature accepting the invitation to visit the city of Grand Forks, and that when the Legislature adjourns on Friday evening it be to meet on Monday following at 2 o'clock p. m.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

The hour having arrived for the consideration of Senate Bill No. 75,

Mr. LaMoure moved

That Senate Bill No. 133, the substitute for Senate Bill No. 75, be taken up,

Which motion prevailed.

Mr. LaMoure moved

That Senate Bill No. 75 be indefinitely postponed,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

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. McBride moved

That the report of the committee on Senate Bill No. 133 be adopted,

Which motion prevailed.

Mr. Rowe moved

To amend Section 1, line 13, by inserting the words, "that the Bill Clerk receive \$6 per day,"

Which amendment was lost.

Mr. Appleton moved

That lines 29, 30 and 31 of Section 1 of the printed bill be stricken out,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Diesem,

Messrs—

Hartman,
Helgeson,
LaMoure,
Lawrence,

Messrs—

Smith,
Stevens,
Svensrud,
Swanston,

Messrs—
Fisher,
Haggart,
Harmon,

Messrs—
Randall,
Robinson,
Sandager,

Messrs—
Worst,
Yager.

Those who voted in the negative were:

Messrs—
Appleton,
Bell,

Messrs—
Cowan,
Fuller,

Messrs—
McBride,
Rowe.

Absent and not voting :

Messrs—
Dodds,
Little,

Messrs—
McCormack,
Slotten,

Messrs—
Winship.

Messrs. Dodds, Slotten and Little being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Swanston moved

That further consideration of Senate Bill 97 be postponed, and
that it be made a special order for Friday at 2:30 oclock p. m.,
Which motion prevailed.

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 third time.

Mr. Yager moved

That the report of the committee on Senate Bill No. 83 be
adopted,
Which motion was lost, and the report of the committee was
not adopted.

Mr. LaMoure moved

To amend the bill by striking out the emergency clause,
Which motion prevailed, and
The question recurring on the final passage of the bill,
The roll being called there were ayes 17, nays 11.

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Belyea,
Bell,
Cowan,
Fisher,

Messrs—
Fuller,
Hartman,
LaMoure,
McBride,
McCormack,
Randall,

Messrs—
Robinson,
Stevens,
Swanston,
Winship,
Worst.

Those who voted in the negative were:

Messrs— Barlow, Diesem, Haggart, Harmon,	Messrs— Helgeson, Lawrence. Rowe, Sandager,	Messrs— Smith, Svensrud, Yager.
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Absent and not voting:

Messrs— Dodds,	Messrs— Little,	Messrs— Slotten.
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Messrs. Dodds, Slotten and Little being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 22, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution for the submission of a proposition to amend the Constitution of North Dakota,

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

J. G. HAMILTON,
Chief Clerk.

Senate Bill No. 80,

A Joint Resolution for the submission of a proposition to amend the Constitution of the State of North Dakota, (by striking out Article XX,)

Was read the third time.

Mr. Stevens moved

That further consideration of Senate Bill No. 80 be postponed until next Wednesday at 3 p. m.

Mr. Swanston moved

As an amendment that Senate Bill No. 80 be made a special order for to-morrow at 3 p. m.

Mr. Swanston withdrew his amendment.

Mr. Stevens withdrew his motion by consent of his second.

Mr. Rowe moved

That further consideration of Senate Bill No. 80 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 10, nays 17.

Those who voted in the affirmative were:

Messrs— Barlow, Diesem, Fisher, Helgeson,	Messrs— Randall, Rowe, Smith,	Messrs— Svensrud, Winship, Yager.
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Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Allin,	Haggart,	Robinson,
Appleton,	Hartman,	Sandager,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Swanston,
Cowan,	McBride,	Worst.
Fuller,	McCormack,	

Absent and not voting:

Messrs--	Messrs--	Messrs--
Dodds,	Little,	Slotten.
Harmon,		

Messrs. Dodds, Slotten and Little being excused.

So the motion to postponed was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 15, nays 12.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Appleton,	Haggart,	McCormack,
Belyea,	Hartman,	Sandager,
Bell,	LaMoure,	Stevens,
Cowan,	Lawrence,	Swanston,
Fuller,	McBride,	Worst.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Allin,	Helgeson,	Smith,
Barlow,	Randall,	Svensrud,
Diesem,	Robinson,	Winship,
Fisher,	Rowe,	Yager.

Absent and not voting:

Messrs--	Messrs--	Messrs--
Dodds, †	Little,	Slotten.
Harmon,		

Messrs. Dodds, Slotten and Little being excused.

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 the third time, and placed upon its final passage.

The roll being called there were ayes 19, nays 8.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Allin,	Fuller,	Robinson,
Appleton,	Hegleson,	Sandager,
Barlow,	LaMoure,	Stevens,
Belyea,	McBride,	Swanston,
Bell,	McCormack,	Winship,
Cowan,	Randall,	Yager.
Fisher,		

Those who voted in the negative were:

Messrs—

Diesem,
Haggart,
Hartman,

Messrs—

Lawrence.
Rowe,
Smith,

Messrs—

Svensrud,
Worst.

Absent and not voting:

Messrs—

Dodds,
Harmon,

Messrs—

Little,

Messrs—

Slotten.

Messrs. Dodds, Little and Slotten being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President announced that Senate Bill No. 80 had not passed, not having received the constitutional majority.

Mr. Swanston moved

That the vote on Senate Bill No. 80 be reconsidered.

Mr. President ruled that Mr. Swanston having voted with the minority he could not move to reconsider.

Senate Bill No. 98,

A bill for an act amending Section 7, Chapter 39 of the Political Code, and Section 1, Chapter 1, and Section 1, Chapter 76, Laws of 1881, entitled "Register of Deeds," abolishing the fees on entering satisfaction of mortgage or lien,

Was read the third time.

Mr. Fuller moved

That the report of the committee on Senate Bill No. 98 be adopted,

Which motion prevailed.

Mr. Diesem moved

As an amendment "that all conflicting acts or parts of acts are hereby repealed."

Mr. Barlow moved

That the bill be recommitted to the Committee on Counties,

Which motion prevailed, and

The bill was recommitted.

Mr. Randall asked unanimous consent to return to the seventh order of business,

There being an objection,

Mr. Randall moved

That the rules be suspended and that the Senate return to the seventh order of business.

Mr. Swanston moved

To amend by making it the eighth order of business,

Which motion prevailed, and

The Senate returned to the eighth order of business.

Mr. Randall moved

That the vote taken on Senate Bill No. 80 be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of

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),

Mr. Winship moved

That further action on Senate Bill No. 80 be postponed until Monday at 3 p. m.,

Which motion was lost, and

The question recurring on the final passage of Senate Bill No. 80,

The roll being called there were ayes 17, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Randall,
Belyea,	Hartman,	Sandager
Bell,	LaMoure,	Stevens,
Cowan,	Lawrence,	Swanston,
Fuller,	McBride,	Worst.
Haggart,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Svensrud,
Barlow,	Robinson,	Winship,
Diesem,	Rowe,	Yager.
Fisher,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Little,	Slotten.

Messrs. Dodds, Little and Slotten being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed 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,

Was read the third time.

Mr. Appleton moved

That the report of the committee on Senate Bill No. 125 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—
 Allin,
 Appleton,
 Barlow,
 Belyea,
 Cowan,
 Diesem,
 Fisher,
 Fuller,
 Haggart,

Messrs—
 Harmon,
 LaMoure,
 Lawrence,
 McBride,
 McCormack,
 Randall,
 Robinson,
 Rowe,

Messrs—
 Sandager,
 Smith,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Bell,
 Dodds,

Messrs—
 Hartman,
 Hegleson,

Messrs—
 Little,
 Slotten.

Messrs. Dodds, Little and Slotten being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 January 22, 1890. }

To the President of the Senate:

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

Senate Bill No. 12,

An act fixing the times 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,

Also,

Senate Bill No. 17,

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 acquired by the State,

Also,

Senate Bill No. 21,

An act providing for the extension of the time for the payment of taxes for the year 1889,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
 Governor.

Mr. Belyea moved that
 Senate Bill No. 106,

A bill for an act to amend Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14 and 15 of Chapter 121 of the General Laws of 1887, and to repeal Section 1 of Chapter 131 of the General Laws of 1887,

Be made a special order for to-morrow at 3 p. m.,
Which motion prevailed.

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 one hundred dollars,

Was read the third time.

Mr. Sandager moved

That the report of the committee on Senate Bill No. 118 be
adopted,

Which motion prevailed.

Mr. Diesem moved

That Senate Bill No. 118 be recommitted to the Committee on
Counties,

Which motion prevailed, and

Senate Bill No. 118 was recommitted.

Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and
operation of the North Dakota Agricultural College and Experi-
mental Station at Fargo,

Was read the third time.

Mr. Haggart moved

That the report of the committee on Senate Bill No. 140 be
adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Helgeson,	Smith,
Barlow,	Lawrence,	Stevens,
Belyea,	McBride,	Svensrud.
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Fisher,	Robinson,	Worst,
Fuller,	Rowe,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	LaMoire,	Slotten.
Hartman,	Little.	

Mr. Diesem voting in the negative.

Messrs. Dodds, Little and Slotten being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Hegleson moved

That the rules be suspended and that House Bill No. 15 be read the third time and placed upon its final passage,
Which motion prevailed.

Mr. President called Mr. LaMoure to the chair.

House Bill No. 15,

A bill for an act for the organization and government of State banks,

Was read the third time.

Mr. President announced his signature to

House Bill No. 66,

A bill for an act defining the powers and duties of the State Superintendent of Public Instruction.

Mr. Robinson moved

To amend House Bill No. 15 as follows:

Amend Section 5, line 1, printed bill, by inserting after the word "act," the words, "may have an authorized capital of \$200,000,"

Also amend Section 6, line 14, printed bill, to insert after the word "business," the words, "up to the amount it shall organize for."

Which amendment was adopted.

Mr. Robinson moved

To amend by inserting the word "and" after the figures "\$200,000,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Rowe,
Appleton,	Haggart,	Smith,
Barlow,	Helgeson,	Stevens,
Belyea,	Lawrence,	Svensrud,
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Worst,
Diesem,	Robinson,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	Harmon,	LaMoure.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	McBride,	Slotten,
Hartman,	Sandager.	Winship.
Little,		

Messrs. Dodds, Little and Slotten being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Rowe moved

That the Senate adjourn,

Roll call demanded,

The roll being called there were ayes 14, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Belyea,	Hartman,	Svensrud,
Diesem,	Helgeson,	Worst,
Fisher,	Lawrence,	Yager.
Haggart,	Randall,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	McBride,	Smith,
Barlow,	McCormack,	Stevens,
Cowan,	Robinson,	Swanston.
LaMoure,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Little,	Slotten,
Dodds,	Sandager,	Winship.
Fuller,		

Messrs. Dodds, Little and Slotten being excused.

So the motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SIXTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 23, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment. In the absence of the President and President *pro tem* Mr. Diesem presided.

Prayer by Mr. Allin.

Roll called.

All members present except Messrs. Dodds, McCormack and Slotten, who were excused.

Mr. LaMoure moved

That the Senate proceed to elect a temporary presiding officer, and he nominated Mr. Diesem for the position.

Roll call demanded.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Sandager,
Appleton,	LaMoure,	Smith,
Barlow,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Bell,	McBride,	Swanston,
Cowan,	Randall,	Winship,
Fisher,	Robinson,	Worst,
Harmon,	Rowe,	Yager.
Hartman,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Diesem,	Fuller,	McCormack,
Dodds,	Haggart,	Slotten.

Messrs. Dodds and Slotten being excused.

So Mr. Diesem was elected temporary Chairman.

The Journal of the preceding day was read and approved.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 January 23, 1890. }

To the President of the Senate:

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

Senate Bill No. 4,

An act to establish a Board of Inspectors for steam vessels and boilers, and for licensing engineers of steam engines,

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

Respectfully,

JOHN MILLER,
 Governor.

Mr. Barlow moved

That Mr. Little be excused from attendance at yesterday's session,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 137,

A bill for an act to amend Section 77 of the Civil Code of 1877, entitled "Husband and Wife,"

Have had the same under consideration and recommend that said bill do 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,"

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

Also,

Senate Bill No. 95,

A bill for an act to amend Section 5128 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend the title by striking out the figures and words "5128 of the Compiled Laws of 1887," and inserting in lieu thereof the figures and words "324 of the Code of Civil Procedure."

Amend Section 1 by striking out the figures and words "5128 of the Compiled Laws of 1887," and inserting in lieu thereof the figures and words "324 of the Code of Civil Procedure."

Strike out the words "five hundred," and insert in lieu thereof the words "one thousand."

And when so amended recommend that said bill do pass.

C. B. LITTLE,
 Chairman.

The Committee on Appropriations made the following report:
MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
 Senate Bill No. 131,

A bill for an act abolishing the office of Commissioner of Immigration and defining the duties of the Commissioner of Agriculture and Labor,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out Section 4, number Section 5, 4, and so on to last section, which becomes 10. In Section 8, line 6, strike out the figure "5" and insert the figure "3" in lieu thereof, and in Section 8, line 7, strike out the words "per annum."

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
 Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

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:

Add at the end of Sub-Section A, Section 1, the following: "Or to ministers of religion, Sisters of Charity, or to missionaries, or to students of any college, or university, or other institutions of learning of this State, or to children attending any of the educational or charitable institutions of this State, subject to the provisions of this act."

Strike out all after the word "applicants" in line 15 of Sub-Section B, of Section 7, and insert in lieu thereof the words "including elevators, warehouses, sidetrack buyers and farmers having regard to the amount of grain each can load within twenty-four hours."

Amend Section 8, Sub-Section B, by inserting after the word "section" in line 21 the words "without the order or by the permission of the Railroad Commissioners."

Amend Section 8 by striking out Sub-Section F, and inserting the following as said sub-section.

(f) In case such common carrier shall neglect or refuse for ten days after such notice to substitute such tariff of rates, fares and charges or classifications, or to adopt the same as recommended by the commission, it shall be the duty of said commission to immediately publish such tariff of rates, fares, charges or classifications as they have declared to be equal and reasonable, in one or more newspapers published in the county or counties through or into which the road or line may run, upon which the changes so recommended by the commission are to take effect. The newspapers in which such publication shall be made (subject to the above condition that they shall be published in the county or counties through or into which such road or line of road may run), and the duration of time which such notice shall be published shall be in the discretion of the commission; but the tariff of rates, fares, charges or classifications recommended by the commission shall be in full force and effect from and after the expiration of ten days from the service upon such common carrier of the notice in writing required by subdivision (e) of this section,

without regard to the publication authorized by this (f) subdivision; and after the expiration of ten days from the service of such notice in writing upon such common carrier, it shall be unlawful for such common carrier to charge a higher or lower rate, fare, charge or classification than that fixed by said commission.

Amend Sub-Section G, Section 8 by inserting after "file" in line 74 the following "with the Railroad Commissioners."

Amend Section 9, line 12, by striking out all after the word "authorized" to end of section and insert the following: "At the request of the Attorney General to employ such additional legal 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 of any law of this State."

Amend by striking out in line 33, Section 10 the words "clerk or secretary" and insert "when certified to by the Chairman of the Board of Railroad Commissioners."

Amend Section 15 by striking out all after the word "require" in line 79, to end of section, and insert the following in lieu thereof: "No appeal as aforesaid shall stay or supercede the order appealed from and pending the final decision of all appeals to the courts, the rates fixed, orders made or decisions rendered by the Commissioners shall remain in full force and effect.

SEC. 19. All acts and parts of acts conflicting with the provision of this act are hereby repealed.

SEC. 20. An emergency existing in the fact that there is no law in force which properly defines the duties and powers of the Board of Railroad Commissioners, this act is intended to remedy that defect, 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.

ROGER ALLIN,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. LaMoure moved

That Senate Bill No. 82 be made a special order for next Wednesday at 3 p. m.,

Which motion prevailed.

Mr. Allin moved

That the vote by which Senate Bill No. 133 was passed be reconsidered.

Mr. LaMoure moved

That the motion of Mr. Allin be laid upon the table.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 23, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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. 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. 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. 153,

A bill for an act to provide for the foreclosure of mortgages upon real property,

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,

All of which the House has passed, and your favorable consideration is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Belyea moved the previous question,

Which motion prevailed, and

The question recurring on the original motion of Mr. Allin to reconsider the vote by which Senate Bill No. 133 was passed, the motion prevailed, and

The question recurring on the final passage of

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,

Mr. Allin moved

To amend by striking out lines 29, 30 and 31 of Section 1 of the bill.

Mr. Allin withdrew his amendment by consent of his second.

Mr. Stevens moved

To amend Senate Bill No. 133 as follows:

Add to line 31, Section 1: *Provided*, The Journal of the Senate for 1889 and 1890 be completed by the Secretary of the Senate and that the time paid for shall not exceed thirty days at the regular *per diem* of that officer.

Which amendment was adopted.

Mr. Little moved

To amend Section 3, line 25, by adding:

Provided, That the Journal of the House for the session of 1889 and 1890 be completed by the Chief Clerk of the House, and that the time paid for shall not exceed thirty days at the regular *per diem* of that officer.

Which amendment was adopted, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 18, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Stevens,
Barlow,	Lawrence.	Svensrud,
Diesem,	Little,	Swanston,
Fisher,	Rowe,	Winship,
Haggart,	Sandager,	Worst.
Harmon,	Smith,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	McBride,
Bell,	LaMoure,	Randall.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	Robinson,
Dodds,	McCormack,	Slotten.
Fuller,		

Messrs. Dodds, McCormack and Slotten being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Lawrence introduced—
Senate Bill No. 149,

A bill for an act to regulate the fees of the clerks of the district courts,

Which was read the first time.

Mr. Yager introduced—
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 was read the first time.

Mr. Allin introduced—
Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines and separators for repairing the same,
Which was read the first time.

Mr. Haggart (by request) introduced—
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 was read the first time.

Mr. Robinson moved

That House Bill No. 15 be recalled from the House,

Which motion prevailed.

Mr. LaMoure moved

That Senate Bill No. 152 be read the second time, and referred to the proper committee,

Which motion prevailed, and

Senate Bill No. 152 was read the second time.

The President *pro tem.* announced that he would refer Senate Bill No. 152 to the Committee on Woman Suffrage.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bills Nos. 133, 90 and 140

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

Mr. Belyea moved

That the rules be suspended and that Senate Bill No. 149 be read the second time, and referred to the proper committee,

Which motion prevailed, and

Senate Bill No. 149,

A bill for an act to regulate the fees of the clerks of the district courts,

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

The hour having arrived for the consideration of

Senate Bill No. 106,

A bill for an act to amend Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14 and 15 of Chapter 121 of the General Laws of 1887, and to repeal Section 1 of Chapter 131 of the General Laws of 1887,

Mr. Swanston moved

That Senate Bill No. 106 be indefinitely postponed.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Public Printing.

Senate Bill No. 147,

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.

Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner,
Was read the second time, and referred to the Committee on
Counties.

Mr. Barlow moved

That the rules be suspended, and that the Senate take up the
fourteenth order of business, being first reading of House bills,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {
January, 23, 1890. }

MR. PRESIDENT:

I have the honor to return herewith in accordance with the re-
quest of the Senate,

House Bill No. 15,

A bill for an act for the organization of State banks.

J. G. HAMILTON,
Chief Clerk.

FIRST READING OF HOUSE BILLS.

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 of 1889, relating
to the publication of insurance statements,

Was read the first time.

Mr. Belyea moved

That the rules be suspended and that House Bill No. 48 be
read the second time and referred,

Which motion prevailed, and

House Bill No. 48 was read the second time, and referred to the
Committee on Insurance.

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 first time.

Mr. Swanston moved

That the rules be suspended and that all House bills be read
the first and second times and referred,

Which motion prevailed, and

House Bill No. 77 was read the second time, and referred to the
Committee on Judiciary.

House Bill No. 35,

A bill for an act to amend Section 1, General Laws 1885, sup-
plement, relating to noxious weeds,

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

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 first and second times, and referred to the Committee on Warehousing, Grain Grading and Dealing.

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 first and second times, and referred to the Committee on Seed Wheat.

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 Warehousing, Grain and Grain Grading.

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.

House Bill No. 108,

A bill for an act establishing a State Library,

Was read the first and second times, and referred to the Committee on Public Library.

Mr. Swanston moved

That the rules be suspended, and that the Senate take up the thirteenth order of business, and that Senate Bill No. 127 be read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 127,

A bill for an act to amend Chapter 139, Section 4, of the General Laws of the year 1887.

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

Mr. Rowe moved

That the report of the committee on Senate Bill No. 127 be adopted,

Which motion prevailed.

Mr. Smith moved

To amend Section 1, line 3 of the printed bill by striking out the words "the first line of,"

Which motion prevailed.

Mr. Swanston moved
That Senate Bill No. 127 be recommitted,
Which motion prevailed.

Mr. Allin moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SIXTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 24, 1890.

The Senate met pursuant to adjournment at 2 o'clock p. m.

Mr. Diesem presiding.

Prayer by Mr. Allin.

Roll called.

All members present except Messrs. Dodds, Fuller, Haggart, Harmon, LaMoure, Randall and Sandager, who were excused.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner,
Have had the same under consideration and recommend that
said bill be amended as follows:

In line 4 of Section 3, written bill, after the word "of" insert the word
"them."

Also,

House Bill No. 118,

A bill for an act authorizing counties to build all bridges with-
in 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:

In line 2 of Section 1, strike out the word "given" and insert in lieu thereof the word "civil," and in line 8 of Section 1, strike out the words "or locality" and insert in lieu thereof the words "when the cost of said bridge will exceed the sum of \$100"

And when so amended recommend that said bill do pass.

F. G. BARLOW,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Ways and Means introduced—
Senate Bill 153,

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

Which was read the first time.

Mr. Smith moved

That the rules be suspended and that Senate Bill No. 153 be read the second time and referred,

Which motion prevailed, and

Senate Bill No. 153 was read the second time, and referred to the Committee on Counties.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Agriculture.

The hour having arrived for the special consideration of

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12, of the Constitution of North Dakota,

Mr. McCormack moved

That Senate Bill No. 97 be made a special order for Thursday next at 3 o'clock p. m.,

Which motion prevailed, and

The bill was so referred.

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.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 130 be adopted,

Which motion prevailed.

The hour having arrived for the special consideration of Senate Bill No. 79,

Mr. Little moved

That Senate Bill No. 79 be read the third time, and placed upon its final passage,

Which motion prevailed, and
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 third time, and placed upon its final passage.

Mr. McBride moved

That the report of the committee on Senate Bill No. 79 be adopted,

Which motion prevailed, and

The roll being called there were ayes 19, nays 5.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Diesem,
Hartman,
Helgeson,
Lawrence,

Messrs—

Little,
McCormack,
Robinson,
Rowe,
Smith,
Slotten,

Messrs—

Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Bell,

Messrs—

Cowan,
Fisher,

Messrs—

McBride.

Absent and not voting:

Messrs—

Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
LaMoure,

Messrs—

Randall,
Sandager.

Messrs. Dodds, Fuller, Haggart, Harmon, LaMoure, Randall and San lager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The question recurring on the final passage of
Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,

Messrs—

Hartman,
Helgeson,

Messrs—

Smith,
Slotten,

Messrs—

Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Absent and not voting.

Messrs—

Lawrence,
Little,
McBride,
McCormack,
Robinson,
Rowe,

Messrs—

Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Messrs—

Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
LaMoure,

Messrs—

Randall,
Sandager.

Messrs. Dodds, Fuller, Haggart, Harmon, LaMoure, Randall
and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 24, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted a resolution recalling from the Senate Substitute for House Bill No. 35, the return of which is respectfully requested.

Also,

I have the honor to transmit herewith

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

Also,

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners,

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,

Also,

House Bill No. 102,

A bill for an act fixing the liability of railroad corporations for setting fires,

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. 154,

A bill for act to amend Section 739 of the Penal Code, being Section 6931 of the Compiled Laws,

All of which the House has passed and your favorable consideration thereof is requested.

Also,

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.

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,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Barlow moved

That Substitute for House Bill No. 35 be returned to the House as requested,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and that all House bills be given their first and second reading and reference,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

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 first and second times, and referred to the Committee on Warehousing, Grain and Grain Grading.

House Bill No. 153,

A bill for an act to provide for the foreclosure of mortgages upon real property,

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

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 first and second times, and referred to the Committee on Judiciary.

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,

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

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 State Affairs.

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,

Was read the first and second times, and referred to the Committee on Ways and Means.

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

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

House Bill No. 73,

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.

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 first and second times, and referred to the Committee on Judiciary.

House Bill No. 102,

A bill for act fixing the liability of railroad corporations for setting fires,

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

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

Was read the first and second times, and referred to the Committee on Public Health.

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,

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

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 first and second times, and referred to the Committee on State Affairs.

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 first and second times, and referred to the Committee on State Affairs.

COMMUNICATION FROM THE STATE AUDITOR.

The following communication was received from the State Auditor:

BISMARCK, January 23, 1890.

To the Honorable Members of the Senate of the First Legislative Assembly for the State of North Dakota:

GENTLEMEN: I have the honor to acknowledge receipt of a copy of a resolution passed by your honorable body requesting me to furnish you with a detailed account of the disbursements of the Hospital for the Insane at Jamestown.

I herewith transmit to you a statement of the disbursements from November 1, 1888, to November 4, 1889, as per your request.

I have the honor to remain, gentleman,

Your obedient servant,

JOHN P. BRAY,
State Auditor.

DISBURSEMENTS OF THE HOSPITAL FOR THE INSANE AT JAMESTOWN FROM NOVEMBER 1, 1888, TO NOVEMBER 4, 1889.

Premium on bonds.....	\$	795	60
Ward buildings.....		1,443	36
Wing to office.....		1,640	75
Storage, ice and refrigerator house.....		406	47
Kitchen and bakery.....		100	60
Maintenance of patients.....		23,332	98
Fire protection, water pipes, hydrants, etc.....		1,429	55
Fire escapes.....		417	66
Steam heating, including boilers.....		4,584	61
Electric lights.....		1,342	50
Grading and improvement of grounds.....		463	45
Additional stock, tools and utensils.....		25	81
Furniture for new buildings.....		2,239	57
Additional water supply.....		177	97
Wages of employes.....		14,767	84
Fuel and lights.....		20,233	96
Incidentals.....		856	73
Drugs and medicines.....		763	16
Repairs and improvements.....		406	75
Farm machinery.....		74	00
Returns of patients and burial of dead.....		548	85
Musical instruments and amusements of patients.....		185	20
Furnishing basement of female ward and heating the same.....		13	35
Elevators in wards.....		806	98

Laundry machinery.....	\$	408	73
Machinery and tools for shops.....		401	35
Resident officers.....		4,699	80
Covering pipes.....		142	70
Electric light supplies.....		915	69
Trustees.....		1,564	78
Plumbing in old building.....		423	00
Legislative investigation.....		406	31
Total.....		\$86,020	06.

Mr. McCormack moved

That the Senate do now adjourn until Monday, Jan. 27, 1890,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 27, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Rev. Mr. Meyer.

Roll called.

All members present except Messrs. Appleton, Bell, Dodds,
Robinson, Sandager, Winship and Yager, who were excused.

The Journal of the preceding day was read and approved.

Mr. Belyea asked consent to make a motion.

Consent was granted, and

Mr. Belyea moved

That Hon. J. L. Colton be invited within the bar of the Senate,
Which motion prevailed.

MOTIONS, RESOLUTIONS, ETC.

Mr. LaMoure moved

That the communication of the State Auditor in relation to the
Jamestown Hospital for the Insane be referred to the Committee
on Appropriations,

Which motion prevailed.

Mr. Stevens moved

The adoption of the following resolution:

Resolved, That the Senate tender a vote of thanks to the citizens of Grand
Forks and Jamestown for the kind treatment and generous hospitality shown
us on our recent visit to those cities. Also, to the committee of arrangements
for the many courtesies extended, and for the impartial manner in which the
members were treated during our stay in those cities.

Mr. Swanston moved

That the resolution of Mr. Stevens be laid upon the table,
Which motion prevailed.

Mr. La Moure moved

That all record of the matter be stricken from the Journal.
Which motion was lost.

Roll call was demanded on Mr. LaMoure's motion.

The roll being called there were ayes 10, nays 12.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Diesen,
Fisher,

Messrs—

Fuller,
Harmon,
LaMoure,

Messrs—

McBride,
McCormack,
Svensrud.

Those who voted in the negative were:

Messrs—

Allin,
Cowan,
Hartman,
Helgeson,

Messrs—

Lawrence.
Little,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Swanston,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Dodds,

Messrs—

Haggart,
Randall,
Robinson,

Messrs—

Sandager,
Winship,
Yager.

Messrs. Appleton, Bell, Dodds, Randall, Robinson, Sandager,
Winship and Yager being excused.

So the motion was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—

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,

Which was read the first time.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on
Judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure
seed wheat for poor and needy farmers,

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

Mr. Rowe moved

That the report of the committee on Senate Bill No. 115 be adopted,

Which motion prevailed.

Mr. McCormack moved

To amend Section*1, line 14, by striking out the work "February" and inserting the word "March."

Mr. McCormack withdrew his amendment by consent of his second.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 27, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution requesting authority from Congress for the State of North Dakota to select and use as a site for the Agricultural College a certain section of land,

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

J. G. HAMILTON,
Chief Clerk.

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.

Mr. Barlow moved

As an amendment to Senate Bill No. 115, that the word "any" in Section 1, line 4, and the words "in this State" be stricken out where they occur, and to insert before the word "county" the word "such,"

Which motion prevailed.

Mr. Barlow moved

That the word "freeholder" be stricken out of the ninth line in Section 1, and the word "voter" inserted in lieu thereof,

Which motion was lost.

Mr. Diesem moved

To amend Section 1, line 14, by striking out "15th" and inserting in lieu thereof "28th,"

Which amendment was adopted.

Mr. Barlow moved

To amend Section 6, line 13, by inserting the word "treasurer" after the word "county,"

Which amendment was lost.

Mr. LaMoure moved

To amend Section 1, line 9, by striking out the words "one hundred," and inserting in lieu thereof the word "fifty."

Which amendment was lost.

Mr. Barlow moved

To amend Section 8, line 3, by striking out the words "who are poor and unable to secure the same," and inserting in lieu thereof the words "who comply with the provisions of this act,"

Which amendment was lost, and

The question recurring on the final passage of Senate Bill No. 115,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Dodds,

Messrs—

Randall,
Robinson,
Sandager,

Messrs—

Winship,
Yager.

Mr. Smith voting in the negative.

Messrs. Appleton, Bell, Dodds, Randall, Robinson, Sandager, Winship and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Haggart asked consent to return to the tenth order of business—consideration of messages from the House,

Consent was granted.

Mr. Rowe moved

That the Senate do not concur in the House Concurrent Resolution requesting authority from Congress to use as a site for the Agricultural College a certain section of land.

Mr. Rowe withdrew his motion by consent.

Mr. Rowe moved

That the resolution be referred to the Committee on Public Lands,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

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.

Mr. Swanston moved

To amend the report of the committee by striking out "the first day of September" and inserting in lieu thereof the words "the fifteenth day of August,"

Which amendment was adopted.

Mr. Smith moved

That the report of the committee be amended by striking out the words "or goose or brant,"

Which amendment was adopted.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 78 as amended be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 16, nays 6.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Cowan,
Fuller,
Harmon,
Hartman,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Rowe,
Smith,
Svensrud,
Swanston.

Those who voted in the negative were:

Messrs—

Allin,
Diesem,

Messrs—

Fisher,
Slotten,

Messrs—

Stevens,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Dodds,

Messrs—

Haggart,
Randall,
Robinson,

Messrs—

Sandager,
Winship,
Yager.

Messrs. Appleton, Bell, Dodds, Randall, Robinson, Sandager, Winship and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,

Was read the third time.

Mr. Swanston moved

That Senate Bill No. 99 be made a special order for next Wednesday at 3 p. m.,

Which motion was lost.

Mr. Little moved

That Senate Bill No. 99 be made a special order for Tuesday, Jan. 28, 1890, at 3 o'clock p. m..

Which motion was lost.

Mr. McCormick moved

That the report of the Committee on Senate Bill No. 99 be adopted,

Which motion prevailed.

Mr. Belyea moved

To amend Section 1, line 2, by striking out the figures "1890" and inserting in lieu thereof the figures "1892,"

Which amendment was lost.

Mr. Swanston moved

That Senate Bill No. 99 be recommitted to the Committee of the Whole Senate,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 14, nays 9.

Those who voted in the affirmative were:

Messrs—

Allin,
Cowan,
Fisher,
Fuller,
Harmon,

Messrs—

Helgeson,
LaMoure,
McBride,
McCormack,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud.

Those who voted in the negative were:

Messrs—

Barlow,
Belvea,
Diesem,

Messrs—

Haggart,
Hartman,
Lawrence,

Messrs—

Little,
Swanston,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Dodds,

Messrs.—

Randall,
Robinson,
Sandager,

Messrs—

Winship,
Yager.

Messrs. Appleton, Bell, Dodds, Randall, Robinson, Sandager, Winship and Yager being excused.

So the bill was lost, not having received the constitutional vote.

Mr. Diesem gave notice that he would move to reconsider the bill to-morrow.

Mr. Swanston moved

That the vote just taken be reconsidered.

Mr. Belyea moved

That the motion of Mr. Swanston be laid upon the table.

Roll call was demanded.

The roll being called there were ayes 7, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Hartman,	Swanston,
Belyea,	Lawrence.	Worst.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hegleson,	Rowe,
Cowan,	LaMoure,	Smith,
Diesem,	Little,	Slotten.
Fisher,	McBride,	Stevens,
Fuller,	McCormack,	Svensrud,
Harmon,		

Absent and not voting:.

Messrs—	Messrs—	Messrs—
Appleton,	Randall,	Winship,
Bell,	Robinson,	Yager.
Dodds,	Sandager,	

Messrs. Appleton, Bell, Dodds, Randall, Robinson, Sandager, Winship and Yager being excused.

So the motion to lay upon the table was lost, and

The question recurring on the motion to reconsider, the motion was lost.

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 third time.

Mr. Swanston moved

That Senate Bill No. 132 be recommitted to the Committee on Appropriations for correction,

Which motion prevailed, and

Senate Bill No. 132 was recommitted.

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 third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 108 be adopted,

Which motion prevailed.

Mr. Little moved
To amend the title by inserting the word "auditor" after the word "treasurer,"

Which amendment was lost.

Mr. Harmon moved

To strike out the word "postage" in Section 1, line 3.

Roll call demanded.

The roll being called there were ayes 6, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Lawrence,	Stevens,
Harmon,	McBride,	Swanston.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Rowe,
Barlow,	Hartman,	Smith,
Cowan,	Helgeson,	Slotten,
Diesem,	LaMoure,	Svensrud,
Fisher,	Little,	Worst.
Fuller,	McCormack,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Randall,	Winship,
Bell,	Robinson,	Yager.
Dodds,	Sandager.	

Messrs. Appleton, Bell, Dodds, Randall, Robinson, Sandager, Winship and Yager being excused.

So the amendment was lost, and

The question recurring on the final passage of Senate Bill No. 108,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Cowan,	LaMoure,	Stevens,
Diesem,	Lawrence,	Svensrud,
Fisher,	Little,	Swanston,
Haggart,	McBride,	Worst.
Harmon,	Rowe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Sandager,
Belyea,	McCormack,	Winship,
Bell,	Randall,	Yager.
Dodds,	Robinson,	

Messrs. Appleton, Bell, Dodds, McCormack, Randall, Robinson, Sandager, Winship and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 124,

A bill for an act establishing a State library,

Was read the third time.

Mr. LaMoure moved

That Senate Bill No. 124 be recommitted to the Committee on
Judiciary, and that the committee consider it in connection with
the House bill on the same subject,

Which motion prevailed, and

Senate Bill No. 124 was recommitted.

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licens-
ing of persons to carry on such practice and the sale of poisons
in the State of North Dakota,

Was ordered to a third reading.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1890.

The Senate met pursuant to adjournment, at 2 o'clock p. m.
Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Dodds,
Robinson and Sandager.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 28, 1890. }

MR. PRESIDENT:

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,

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.

Both of which have passed the House, and your favorable con-
sideration thereof is requested.

J. G. HAMILTON,
Chief Clerk.

Mr. LaMoure moved

That the Committee on Enrollment and Engrossment be author-
ized to correct the numbering of the sections in Senate Bill No.
115.

Which motion prevailed.

UNFINISHED BUSINESS.

The Secretary continued reading

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.

Mr. Cowan moved

That the report of the committee on Senate Bill No. 123 be adopted.

Roll call demanded.

The roll being called there were ayes 11, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Haggart,	McCormack,	Swanston.
Hartman,	Rowe,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Smith,
Barlow,	Helgeson,	Slotten,
Diesem,	LaMoure,	Winship,
Fisher,	McBride,	Worst.
Fuller,	Randall,	

Absent and not voting :

Messrs—	Messrs—	Messrs—
Appleton,	Dodds,	Sandager,
Bell,	Robinson,	Yager.

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused.

So the report of the committee was not adopted.

Mr. LaMoure moved

That further consideration of this bill be indefinitely postponed.

Mr. LaMoure withdrew his motion by consent.

Mr. Belyea moved

That Senate Bill No. 123 be committed to the Committee of the Whole, and be made a special order for next Saturday at 3 p. m., Which motion prevailed,

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 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 be referred to General Orders.

JUDSON LAMOURE,
Chairman.

Mr. Smith moved

The adoption of the report of the Committee on State Affairs,
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred

Senate Bill No. 128,

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 not pass.

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,

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

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,

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

Also,

Senate Bill No. 147,

And report the same back without recommendation.

JUDSON LAMOURE,

Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bills Nos. 78 and 45,

And find the same correctly engrossed and enrolled.

J. O. SMITH,

Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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 juries except by order of the district court judges,

Have had the same under consideration and recommend that said bill do pass,

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,

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

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,

Have had the same under consideration and recommend that said bill be 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 qualify in a sum equal to double the amount of the bill."

Change Section 2 and number it Section 3.

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

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 do pass.

Also,
Senate Bill No. 153,

A bill for 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 that said bill be amended as follows:

That wherever in the bill the word "weekly" occurs said word shall be erased and the word "monthly" inserted.

And when so amended recommend that said bill do pass.

F. A. BARLOW,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines and separators for repairing the same,

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

S. A. FISHER,
Chairman.

Mr. Smith moved

That Senate Bill No. 147 be referred to the Committee of the Whole Senate,

Which motion prevailed.

MOTIONS, RESOLUTIONS, ETC.

Mr. Diesem moved

That the Senate reconsider the vote taken on Senate Bill No. 99,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 99,

A bill for an act granting the right of suffrage to women,

The roll being called there were ayes 18, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Cowan,
Diesem,
Fisher,
Fuller,
Harmon,

Messrs—

Helgeson,
LaMoure,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship.

Those who voted in the negative were:

Messrs—

Barlow,
Belyea,

Messrs—

Hartman,
Lawrence,

Messrs—

Little,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Dodds,

Messrs—

Haggart,
Robinson,

Messrs—

Sandager
Yager.

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. LaMoure moved

That the vote just taken be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. President called Mr. Swanston to the Chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Harmon introduced—

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,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for cemetery purposes,

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 158,

A bill for an act to enable certain school corporations to levy and collect taxes and to provide a manner in which the indebtedness of such school corporations may be liquidated,

Which was read the first time.

Mr. Diesem introduced—

Senate Bill No. 159,

A bill for an act 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,

Which was read the first time.

Mr. Belyea moved

A call of the Senate.

Mr. LaMoure moved

That further proceeding under the call of the Senate be dispensed with,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Judiciary.

Mr. Diesem moved

That Senate Bill No. 154 be referred to the Committee on Agriculture.

Motion withdrawn by consent.

THIRD READING OF SENATE BILLS.

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 third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 94 be adopted.

Mr. Barlow moved

As a substitute that further consideration of the bill be postponed for three days,

Which motion prevailed, and

Senate Bill No. 94 was postponed for three days.

Senate Bill No. 95,

A bill for an act to amend Section 5128 of the Compiled Laws of 1887,

Was read the third time.

Mr. Swanston moved

That the report of the committee be adopted, except as to that part which changes the bill from "\$500" to "\$1,000."

Mr. Barlow moved

That the rules be suspended and that Mr. LaMoure be permitted to present a petition and communication in relation to Senate Bill No. 95,

Which motion prevailed, and

Mr. LaMoure presented the following petition:

PEMBINA COUNTY, N. D., JANUARY 17, 1890.

To the Hon. Judson LaMoure, Member of the Senate, and 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., and that the penalties 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 rates.

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 shall 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 that 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 obliged to leave our country in order to obtain another home.

GEORGE ROODHOUSE,
And 101 Others.

Mr. Diesem moved

That the petition be referred to the Committee on Ways and Means,

Which motion prevailed, and

The question recurring on the motion to adopt the report of the committee with the proposed amendment,

Mr. LaMoure moved

As an amendment that "\$1,500" be inserted instead of "\$500."

Mr. Diesem moved as a substitute to all the amendments, that the report of the committee be amended by inserting "\$800" instead of "\$1,000," and

The question recurring on the substitute of Mr. Diesem,

Roll call was demanded.

The roll being called there were ayes 5, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Winship.
Diesem,	McBride,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Helgeson,	Rowe,
Belyea,	LaMoure,	Smith,
Cowan,	Lawrence,	Slotten,
Fuller,	Little,	Stevens,
Haggart,	McCormack,	Svensrud,
Harmon,	Randall,	Worst.
Hartman,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Robinson,	Swanston,
Bell,	Sandager,	Yager.
Dodds,		

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused.

So the substitute was lost, and

The question recurring on the amendment to the amendment,
Roll call was demanded.

The roll being called there were ayes 3, nays 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Svensrud.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Barlow,	Helgeson,	Smith,
Belyea,	Lawrence,	Slotten,
Cowan,	Little,	Stevens,
Diesem,	McBride,	Swanston,
Fisher,	McCormack,	Winship,
Haggart,	Randall,	Worst.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Dodds,	Sandager,
Bell,	Robinson,	Yager.

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager
being excused.

So the amendment to the amendment was lost, and
The question recurring on the amendment of Mr. Swanston,
Roll call was demanded.

The roll being called there were ayes 18, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Belyea,	Hegleson,	Smith,
Cowan,	Lawrence,	Slotten,
Fisher,	Little,	Stevens,
Haggart,	McCormack,	Swanston,
Harmon,	Randall,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	LaMoure,	Svensrud,
Diesem,	McBride,	Winship.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Dodds,	Sandager,
Bell,	Robinson,	Yager.

Messrs: Appleton, Bell, Dodds, Robinson, Sandager and Yager
being excused,

So the amendment was adopted.

Mr. Swanston moved

That the report of the committee as amended be adopted.

Roll call demanded.

The roll being called there were ayes 18, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Belyea,	Helgeson,	Smith,
Cowan,	Lawrence,	Slotten,
Fisher,	Little,	Stevens,
Haggart,	McCormack,	Swanston,
Harmon,	Randall,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	LaMoure,	Svensrud,
Diesem,	McBride,	Winship.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Dodds,	Sandager,
Bell,	Robinson,	Yager.

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused.

So the report of the committee as amended was adopted, and

The question recurring on the final passage of Senate Bill No. 95,

The roll being called there were ayes 17, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Belyea,	Lawrence,	Slotten,
Cowan,	Little,	Stevens,
Fisher,	McCormack,	Swanston,
Haggart,	Randall,	Worst.
Harmon,	Rowe.	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	LaMoure,	Svensrud,
Diesem,	McBride,	Winship.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Sandager,
Bell,	Robinson,	Yager.
Dodds,		

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McCormack moved

That the Hon. Wm. Budge, a member of the late Constitutional Convention, be invited within the bar of the Senate,

Which motion prevailed.

Mr. Belyea asked unanimous consent to return to the ninth order of business.

Consent was granted, and

Mr. Belyea introduced--

Senate Bill No. 160,

A bill for an act fixing the maximum rate for which railroad companies may charge for the transportation within North Dakota of coal mined therein, and regulating the putting in of Y's and sidings, and the transferring of cars from one road to another.

Which was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 148,

A bill for an act relating to the duties of Public Examiner,
Was read the third time.

Mr. Allin moved

That the report of the committee be adopted on Senate Bill No. 148,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs--

Allin,
Barlow,
Cowan,
Diesem,
Fisher,
Harmon,
Helgeson,

Messrs--

LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Rowe,
Smith,

Messrs--

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs--

Appleton,
Belyea,
Bell,
Dodds,

Messrs--

Fuller,
Haggart,
Hartman,
McBride,

Messrs--

Robinson,
Sandager,
Yager.

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused,

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston moved that

Senate Bill No. 112,

A bill for an act to prescribe the manner of conducting, and to prevent fraud and deceptions at the elections in this State,

Be referred to the Committee of the Whole, and that it together with Senate Bill No. 5 be made a special order for next Friday at 2:30 o'clock p. m,

Which motion prevailed.

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 third time.

Mr. Swanston moved

That further consideration of the bill be postponed, and that the bill be ordered printed,

Which motion prevailed.

Senate Bill No. 137,

A bill for an act to amend Section 7 of the Civil Code of 1877, entitled "Husband and Wife,"

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 137 be adopted, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Fisher,
Haggart,
Harmon,
Hartman,

Messrs—

Helgeson,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Dodds,
Fuller,
Lawrence,

Messrs—

Robinson,
Sandager,
Yager.

Messrs. Appleton, Bell, Dodds, Robinson, Sandager and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Cowan moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 29, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bell, Dodds, Randall and Robinson, who were excused.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 29, 1890. }

MR. PRESIDENT:

I have the honor to return herewith
Senate Bill No. 80,

A joint resolution for the submission of a proposition to amend
the Constitution of the State of North Dakota,

The further consideration of which the House has indefinitely
postponed.

Also,

Substitute for House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885,
supplement relating to noxious weeds,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved

That the rules be suspended and that the Senate now take up
the House bills now ready for third reading.

Mr. LaMoure moved

As a substitute, that from this time on that the Senate hold morning and afternoon sessions until the Secretary's desk is cleared of business, to take effect from Friday morning,

Which substitute motion was adopted.

UNFINISHED BUSINESS.

The Secretary continued reading

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,

The third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 144 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Dodds,

Messrs—

Randall,

Messrs—

Robinson.

Messrs. Bell, Dodds and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Rules made the following report:

MR. PRESIDENT:

Your Committee on Rules recommend the adoption of the following rule:

No member shall be allowed to speak more than once on the question before the Senate, except the member who introduced the bill and the chairman of the committee to which the bill was referred, without unanimous consent.

F. G. BARLOW,
Chairman.

Mr. Worst moved

The adoption of the report of the Committee on Rules.

Mr. Appleton moved

That the motion to adopt the report be laid upon the table.

Roll call demanded.

The roll being called there were ayes 11, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Svensrud,
Belyea,	LaMoire,	Swanston,
Diesem,	Rowe,	Worst.
Fuller,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Barlow,	Helgeson,	Smith,
Cowan,	Little,	Slotten,
Fisher,	McBride,	Winship,
Haggart,	McCormack,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Lawrence,	Robinson.
Dodds,	Randall,	

Messrs. Bell, Dodds and Robinson being excused.

So the motion to lay upon the table was lost, and

The question recurring on the motion to adopt the report of the committee,

Roll call was demanded.

The roll being called there were ayes 15, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Barlow,	Helgeson,	Smith,
Cowan,	Little,	Slotten,
Fisher,	McBride,	Winship,
Haggart,	McCormack,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Svensrud,
Belyea,	LaMoire,	Swanston,
Diesem,	Rowe,	Yager.
Fuller,	Stevens,	

Absent and not voting :

Messrs—	Messrs—	Messrs—
Bell,	Lawrence,	Robinson.
Dodds,	Randall,	

Messrs. Bell, Dodds and Robinson being excused.

Failing to receive the necessary two-thirds majority, the rule was not adopted.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bills Nos. 99, 108 and 115,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
Senate Bill No. 132,

A bill for an act 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 Section 1 and insert the following:

"SECTION 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of \$3,000, or so much thereof as may be necessary to be expended by the Commissioner of Agriculture and Labor for the relief of the needy sufferers in the destitute districts, and an additional sum of \$500 is hereby appropriated, or so much thereof as may be necessary to reimburse the Commissioner of Agriculture and Labor for necessary expenses incurred in the distribution of relief."

In Section 2, line 4, after the word "Governor" insert the words "Secretary of State and Treasurer."

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads 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 said bill be amended as follows:

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."

And when so amended recommend that said bill do pass.

ROGER ALLIN,
Chairman.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading, 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 do pass.

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,

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

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,

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

ANDREW SLOTTEN,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Smith introduced—

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,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Smith moved

That the Senate concur in the action of the House on Senate Bill No. 80.

Mr. Swanston raised

The point of order that the motion was out of order.

Mr. President ruled the point of order well taken.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Appropriations.

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

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

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for cemetery purposes,

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

Senate Bill No. 158,

A bill for an act to enable certain school corporations to levy and collect taxes and to provide a manner in which the indebtedness of such school corporations may be liquidated,

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

Senate Bill No. 159,

A bill for an act 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 second time, and referred to the Committee on Judiciary.

Senate Bill No. 160,

A bill for an act fixing a maximum rate for which railroad companies may charge for the transportation within North Dakota of coal mined therein, and regulating the putting in of Y's and sidings, and the transferring of cars from one road to another,

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 118,

A bill for an act authorizing counties to build all bridges, the cost of which exceed one hundred dollars,

Was read the third time.

Mr. Worst moved

That the report of the committee on Senate Bill No. 118 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 118 as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Helgeson,	Smith,
Barlow,	LaMoure,	Slotten,
Belyea,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Fisher,	McCormack,	Winship,
Fuller,	Randall,	Worst,
Haggart,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Hartman,	Robinson.
Dodds,		

Messrs. Bell, Dodds and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

The hour for the consideration of Senate Bill No. 82 having ar
rived,

Senate Bill No. 82,

A bill for an act to provide for annual exhibits of the agricul-
tural, stock breeding, horticultural, mining, mechanical, indus-
trial and other products of the State of North Dakota, and to
provide for a State Board of Agriculture,

Was read the third time.

Mr. LaMoure moved

To amend Section 2, line 6, by striking out the word "forever,"
Which motion prevailed.

Mr. Worst moved

To amend Section 1, lines 13 and 14, by striking out the word
"Legislature" and inserting the words "Legislative Assembly,"
Which motion was withdrawn by consent.

Mr. Barlow moved

To amend by striking out Section 6,
Which amendment was lost.

Mr. Rowe moved

To amend Section 6, line 4, by inserting after the figures "\$5,000"
the words, "Provided, however, That no appropriation shall be
made for the year 1890,"

Which motion was lost.

COMMUNICATIOM 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

Senate 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. LaMoure moved

That the invitation of His Excellency, the Governor, be accepted.

Which motion prevailed.

Mr. Swanston moved

To amend Section 18 of Senate Bill No. 82 by striking out the emergency clause,

Which motion prevailed.

Mr. Stevens moved

To amend line 9 of the preamble and the body of the bill, by striking out the words "one hundred and sixty acres" and inserting in lieu thereof the words "eighty acres,"

Which amendment was adopted.

Mr. Worst moved

To amend Section 1, line 9, by striking out the word "Legislature" and inserting after the word "session" the words, "of the Legislative Assembly"; also, lines 13 and 14, by striking out the word "Legislature" and inserting in lieu thereof the words "Legislative Assembly"; also, Section 10, line 11, strike out the word "his" and insert the word "their,"

Which amendment was adopted.

Mr. Rowe moved

To amend the preamble, line 11, by striking out the word "used" and inserting in lieu thereof the words "located for a term of five years,"

Which amendment was lost.

Mr. Rowe moved

That the following amendment be adopted:

In the preamble of the bill, line 7, strike out "Grand Forks" and insert "Casselton."

In line 9 strike out "Grand Forks" and insert "Casselton."

In line 10 strike out "Grand Forks" and insert "Cass."

In Section 2, line 2, strike out "Grands Forks" wherever it occurs as a city and insert "Casselton," and strike out "Grand Forks" where it occurs as a county and insert "Cass."

Roll call demanded.

The roll being called there were ayes 7, nays 20.

Those who voted in the affirmative were:

Messrs—

Fisher,
Fuller,
Hartman,

Messrs—

Rowe,
Sandager,

Messrs—

Smith,
Slotten.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,

Messrs—

Harmon,
Helgeson,

Messrs—

Stevens,
Svensrud,

Messrs—
Barlow,
Belyea,
Cowan,
Diesem,
Haggart,

Messrs—
LaMoure,
Lawrence,
McBride,
McCormack,
Randall,

Messrs—
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—
Bell,
Dodds,

Messrs.—
Little,

Messrs—
Robinson.

Messrs. Bell, Dodds and Robinson being excused.

So the amendment was lost, and

The question recurring on the final passage of Senate Bill No. 82,

The roll being called there were ayes 22, nays 5.

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Belyea,
Cowan,
Diesem,
Fisher,
Haggart,
Harmon,

Messrs—
Helgeson,
LaMoure,
McBride,
McCormack,
Randall,
Sandager,
Smith,

Messrs—
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—
Barlow,
Fuller,

Messrs—
Hartman,
Lawrence,

Messrs—
Rowe.

Absent and not voting:

Messrs—
Bell,
Dodds,

Messrs—
Little,

Messrs—
Robinson.

Messrs. Bell, Dodds and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Was read the third time.

Mr. Swanston moved

To amend by striking out the amendment in relation to the Attorney General, viz.: By striking out all after the word "per annum" in line 18,

Which amendment was adopted.

Mr. Swanston moved

To amend by striking out in Section 13, the figures and words "\$1,500 per annum" and insert the figures and words "\$1,000 per annum."

Mr. LaMoure raised the point of order that any motion that repealed a law was out of order.

The President ruled the point of order not well taken, and
The question recurring on the amendment of Mr. Swanston,
The amendment was lost.

Mr. LaMoure moved

That the bill be recommitted to the Committee on Appropriations, with instructions that they report the bill with the salary of the district judges as fixed by this Senate,

Which motion was lost.

Mr. Stevens moved

To amend as follows:

SEC. 4. There is hereby annually appropriated out of any funds in the State Treasury not otherwise appropriated, a sum sufficient to pay the salaries herein provided for.

Number Section 4 Section 5.

Which amendment was adopted.

Mr. Barlow moved

To amend Section 5 by inserting after the word "passage" the words "and approval,"

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 45,

The roll being called there were ayes 17, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Slotten,
Barlow,	Hegleson,	Stevens,
Djesem,	McBride,	Svensrud,
Fisher,	Randall,	Winship,
Fuller,	Sandager,	Yager.
Haggart,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Rowe,
Belyea,	Lawrence,	Swanston.
Cowan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Little,	Robinson,
Dodds,	McCormack,	Worst.
LaMoure,		

Messrs. Bell, Dodds, McCormack and Robinson being excused

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 131,

A bill for an act abolishing the office of Commissioner of Im-

migration and defining the duties of the Commissioner of Agriculture and Labor,

Was read the third time.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 131 be adopted,

Which motion prevailed.

Mr. LaMoure moved

To amend by striking out the figures "\$3,000" in line 6, Section 8,

Which amendment was lost.

Mr. Appleton moved

To amend Section 8, line 6, by striking out the figures "\$3,000" and inserting in lieu thereof the figures "\$2,000."

Mr. Barlow moved

As an amendment to the amendment by striking out the figures "\$2,000" and inserting in lieu thereof the figures "\$1,000,"

Which amendment was lost, and

The question recurring on the amendment of Mr. Appleton,

Roll call was demanded.

The roll being called there were ayes 12, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	McCormack,
Belyea,	Harmon,	Randall,
Cowan,	Hartman,	Rowe,
Fisher,	LaMoure,	Swanston.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Stevens,
Barlow,	Sandager,	Svensrud,
Diesem,	Smith,	Winship,
Haggart,	Slotten,	Yager.
Helgeson,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Bell,	Lawrence,	Robinson,
Dodds,	Little,	Worst.

Messrs. Bell, Dodds and Robinson being excused.

So the amendment was lost.

Mr. Swanston moved

To amend line 6, Section 9, by striking out "\$3,000," and inserting in lieu thereof "\$1,500."

Mr. Swanston moved

A call of the Senate.

The Secretary reported Messrs. Lawrence and Little absent.

The Sergeant-at-Arms brought the missing members before the bar of the Senate.

Mr. Swanston moved
 That the absent members be excused,
 Which motion prevailed, and
 The question recurring on the amendment of Mr. Swanston,
 The amendment was lost, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 12, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Slotten,
Diesem,	McBride,	Svensrud,
Haggart,	Sandager,	Winship,
Helgeson,	Smith,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	McCormack,
Barlow,	Harmon,	Randall,
Belyea,	Hartman,	Rowe,
Cowan,	LaMoure,	Swanston,
Fisher,	Lawrence,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Robinson,	Stevens.
Dodds,		

Messrs. Bell, Dodds and Robinson being excused.
 So the bill was lost.

Mr. President administered the oath of office to Messrs. Jacob Lindel and T. E. Warner as clerks on the engrossing force.

Mr. Haggart asked consent consent to return to the eighth order of business,

Consent was granted, and

Mr. Haggart moved

That the vote by which Senate Bill No. 45 was passed be reconsidered,

Which motion prevailed, and

The question before the Senate being the final passage of Senate Bill No. 45,

Mr. Belyea moved

To amend Senate Bill No. 45, Section 1, line 17, by striking out "\$2,000" and inserting in lieu thereof "\$1,000,"

Which amendment was adopted.

Mr. Belyea moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
 Secretary.

SEVENTY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 30, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bell and Dodds, who were excused.

The Journal of the preceding day was read and approved.

Mr. Robinson moved

That the Hon. E. M. Paulson, a member of the late Constitutional Convention, be invited within the bar of the Senate,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 30, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 42,

A bill for an act to create the office and define the duties of fire warden,

Also,

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,

Also,

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain,

Also,

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,

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,

Also,

House Bill No. 192,

A bill for an act relating to electors of President and Vice President,

Also,

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,

All of which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

UNFINISHED BUSINESS.

The question being on the final passage of

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Mr. Diesem moved

That further action on Senate Bill No. 45 be deferred, and that it be made a special order for next Tuesday at 3 o'clock p. m.,

Which motion prevailed, and

Senate Bill No. 45 was made a special order for Tuesday next at 3 p. m.

REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:
MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred

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,

Have had the same under consideration and recommend that said bill be referred to the Committee of the Whole.

W. H. ROBINSON,
Chairman.

Mr. Little moved

That the report of the committee on House Bill No. 14 be adopted,

Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 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
said bill do pass.

JUDSON LAMOURE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 144,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance 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:

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 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 editions only."

Amend Section 2 by substituting the words "Commissioner of Insurance"
for the words "State Auditor."

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fuller introduced—

Senate Bill No. 162,

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 warehouse commission in relation thereto, modifying the requirements as to bonds and providing for a license fee upon every public warehouse,"

Which was read the first time.

Mr. Stevens introduced—

Senate Bill No. 163,

A bill for an act defining school holidays,

Which was read the first time.

Mr. Barlow introduced—

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

Which was read the first time.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Corporations Other than Municipal.

THIRD READING OF SENATE BILLS.

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.

Mr. Sandager moved

That the further consideration of Senate Bill No. 117 be postponed until Monday next at 3 p. m.,

Which motion prevailed.

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.

Mr. LaMoure moved

That Senate Bill No. 105 be recommitted to the Committee of the Whole,

Which motion prevailed.

Senate Bill No. 147.

A Joint Resolution for the the submission of a proposition to amend the Constitution of the State of North Dakota,

Was read the third time.

Mr. Little moved

That Senate Bill No. 147 be recommitted to the Committee of the Whole.

Mr. Swanston moved

As a substitute that the further consideration of Senate Bill No. 147 be indefinitely postponed,
Which motion prevailed.

Senate Bill No. 128,

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.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 128 be amended to read "That the bill do pass."

Roll call demanded.

The roll being called there were ayes 14, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Robinson,
Belyea,	Hartman,	Svensrud,
Cowan,	Helgeson,	Swanston,
Diesem,	Lawrence,	Worst.
Haggart,	Little,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Randall,	Slotten,
Barlow,	Rowe,	Stevens,
Fisher,	Sandager,	Wirtship,
Fuller,	Smith,	Yager.
McBride,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	LaMoure,	McCormack.
Dodds,		

Messrs. Bell and Dodds being excused.

So the amendment was adopted.

Mr. Stevens moved

That Mr. LaMoure be not excused from voting.

Mr. Sandager moved

As a substitute that Mr. LaMoure be excused from voting,
Which substitute motion was lost, and
The question recurring on the motion of Mr. Stevens,
The motion prevailed.

Mr. Worst moved

That the report of the Committee as amended be adopted on Senate Bill No. 128,
Which motion prevailed.

Mr. Swanston moved

That further consideration of Senate Bill No. 128 be indefinitely postponed,

Which motion prevailed.

The hour having arrived for the Special Order the Senate considered

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of North Dakota,

Which was read the third time.

Mr. Stevens moved

That the report of the committee on Senate Bill No. 97 be adopted,

Which motion prevailed.

Mr. McCormack moved

That Senate Bill No. 97 be made a special order for next Monday at 3 p. m.,

Which motion prevailed.

Mr. Svensrud asked that the Senate return to the eighth order of business.

Consent was granted, and

Mr. Svensrud moved

That the Senate reconsider the vote taken on Mr. Stevens' motion "that Mr. LaMoure be not excused from voting,"

Which motion prevailed, and

The question recurring on the motion of Mr. Stevens,

The motion was lost.

* THIRD READING OF SENATE BILLS.

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 third time.

Mr. Allin moved

That the report of the committee on Senate Bill No. 132 be adopted,

Which motion prevailed.

Mr. Barlow moved

To amend by striking out the figures "\$3,000" wherever they occur, and inserting the figures "\$5,000" in lieu thereof,

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 132 as amended,

The roll being called there were ayes 21, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Diesem,

Messrs—

Lawrence,
Little,
McBride,

Messrs—

Smith,
Slotten,
Stevens,

Messrs—
Haggart,
Harmon,
Helgeson,
LaMoure,

Messrs—
Randall,
Robinson,
Rowe,
Sandager,

Messrs—
Svensrud,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—
Appleton,

Messrs—
Cowan,

Messrs—
Fisher.

Absent and not voting:

Messrs—
Belyea,
Bell,
Dodds,

Messrs—
Fuller,
Hartman,

Messrs—
McCormack,
Worst.

Messrs. Bell and Dodds being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 30, 1890.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of
1885.

Also,
House Bill No. 138,

A bill for an act to provide for summoning jurors as talesmen in
the district courts in this State.

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.

Also,
House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein
named.

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.

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. 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,

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Appleton moved
That the Senate take a recess for 10 minutes,
Which motion prevailed, and
The Senate took a recess for 10 minutes.

The Senate reassembled.

Mr. Rowe moved a call of the Senate.

The Secretary reported Messrs. Appleton, Belyea, LaMoure, Little, Robinson, Sandager, Smith, Svensrud and Yager absent.

Mr. Rowe moved
That further proceedings under the call of the Senate be dispensed with,

Which motion was lost.

The Sergeant-at-Arms brought Messrs. Appleton, Belyea, Little, Robinson, Sandager, Smith, Svensrud and Yager before the bar of the Senate.

Mr. Swanston moved
That the above named members be excused,
Which motion prevailed.

Mr. LaMoure was also excused.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 30, 1890.

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 186,
A bill for an act to promote medical science,
Which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

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 third time.
Mr. Little moved

That the report of the committee on Senate Bill No. 151 be adopted,

Which motion prevailed.

Mr. Worst moved

That Section 7 be stricken out of Senate Bill No. 151,

Which amendment was adopted.

Mr. Allin moved

To amend line 4, Section 2, by adding after the word "labor" the words "was performed," and by striking out the words "so made and," also, to amend line 5 of Section 2 by striking out the words "were completed,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Fuller,
Harmon.

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
Randall,
Robinson,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Dodds,

Messrs—

Haggart,
Hartman,

Messrs—

McCormack.

Messrs. Bell and Dodds being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 153,

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

Was read the third time.

Mr. Sandager moved

That the report of the committee on Senate Bill No. 153 be adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 5, line 6, by inserting the word "act" after the word "this,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Haggart,

Messrs—

Harmon,
Helgeson,
Lawrence,
Little,
McBride,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Fuller,

Messrs—

LaMoure,

Messrs—

Worst.

Absent and not voting:

Messrs—

Bell,
Dodds,

Messrs—

Hartman,

Messrs—

McCormack.

Messrs. Bell and Dodds being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston moved

That the rules be suspended, and that all House bills be read the first and second times and referred,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 30, 1890.

MR. PRESIDENT:

I have the honor to transmit herewith
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 the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS.

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 first and second times, and referred to the Committee on Insurance.

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 Public Health.

House Bill No. 42,

A bill for an act to create the office and define the duties of fire wardens,

Was read the first time.

Mr. Stevens moved

That further consideration of House Bill No. 42 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 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 State Affairs.

House Bill No. 192,

A bill for an act relating to electors of President and Vice President,

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

House Bill No. 172,

A bill for 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. 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 first and second times, and referred to the Committee on Ways and Means.

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 first and second times, and referred to the Committee on Judiciary.

House Bill No. 155,

A bill for an act amending Section 2 of Chapter 88 of the Session Laws of 1889,

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

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 Agriculture.

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,

Was read the first and second times, and referred to the Committee on Cities and Municipal Corporations.

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota,

Was read the first and second times, and referred to the Committee on Ways and Means.

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 first and second times, and referred to the Committee on Judiciary.

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named,

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

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 first and second times, and referred to the Committee on Cities and Municipal Corporations.

House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885,

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

Mr. Worst moved

That the vote by which Senate Bill No. 151 was passed be reconsidered,

Which motion prevailed.

Mr. Worst moved

To amend the title and Section 2, line 2, between the words "engine and separator" by substituting the word "or" for "and,"

Which amendment prevailed, and

The question recurring on the final passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs--

Allin,
Appleton,
Barlow,
Cowan,
Diesen,
Fisher,
Haggart,
Harmon,

Messrs--

Helgeson,
LaMoure,
Little,
Randall,
Robinson,
Rowe,
Sandager,
Smith,

Messrs--

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs--

Belyea,
Bell,
Dodds,

Messrs--

Fuller,
Hartman,
Lawrence,

Messrs--

McBride,
McCormack.

Messrs. Bell, Dodds and McCormack being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved

That the Senate do now adjourn until to-morrow at 10 o'clock

a. m.,

Which motion prevailed, and
The Senate adjourned until 10 a. m. to-morrow.

C. C. BOWSFIELD,
Secretary.

SEVENTY-THIRD DAY—MORNING SESSION.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 30, 1890.

MORNING SESSION.

The Senate met at 10 o'clock a. m., pursuant to adjournment.

Mr. Diesem presiding.

Roll called.

All members present except Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager.

Mr. Sandager moved

That all absent members be excused,

Which motion prevailed.

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.

Mr. Little moved

That the report of the committee on House Bill No. 92 be adopted,

Which motion prevailed.

Mr. Allin moved

To amend Section 1, line 25 by striking out the word "quantity" and inserting in lieu thereof the word "quality."

Mr. Allin withdrew his motion by consent.

Mr. Little moved

That the bill be recommitted to the committee,

Which motion prevailed, and

House Bill No. 92 was recommitted.

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,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 77 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Fuller,

Messrs—

Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McBride,
Randall,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Bell,
Dodds,
Haggart,

Messrs—

Helgeson,
McCormack,

Messrs—

Robinson,
Yager.

Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Stevens asked unanimous consent to return to the eighth order of business.

Consent was granted.

Mr. Stevens moved that House Bill No. 92 be recalled from the Warehousing, Grain and Grain Grading Committee and referred to the Committee on Judiciary,

Which motion prevailed, and

House Bill No. 92 was referred to the Committee on Judiciary.

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.

Mr. Worst moved

That the report of the committee on House Bill No. 10 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Belyea,
 Cowan,
 Diesem,
 Fisher,
 Harmon.

Messrs—

Hartman,
 LaMoure,
 Lawrence,
 Little,
 McBride,
 Randall,
 Robinson,
 Rowe,

Messrs—

Sandager,
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst.

Absent and not voting:

Messrs—

Bell,
 Dodds,
 Fuller,

Messrs—

Haggart,
 Helgeson,

Messrs—

McCormack,
 Yager.

Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Rowe moved

That the report of the committee on House Bill No. 47 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Cowan,
 Diesem,
 Fisher,
 Harmon,

Messrs—

Hartman,
 LaMoure,
 Lawrence,
 Little,
 McBride,
 Randall,
 Robinson.

Messrs—

Rowe,
 Sandager,
 Smith,
 Slotten,
 Svensrud,
 Swanston,
 Winship.

Absent and not voting:

Messrs—

Belyea,
 Bell,
 Dodds,

Messrs—

Fuller,
 Haggart,
 Helgeson,

Messrs—

McCormack,
 Worst,
 Yager.

Mr. Stevens voting in the negative.

Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Fisher moved

That the Senate return to the eighth order of business,
Which motion prevailed.

Mr. Fisher moved

That the rules be suspended, and that the vote taken on Senate
Bill No. 131 be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of
Senate Bill No. 131,

A bill for an act abolishing the office of Commissioner of Im-
migration and defining the duties of the Commissioner of Agri-
culture and Labor,

Mr. Appleton moved

That the further consideration of the bill be indefinitely post-
poned.

Mr. Little moved

As a substitute that Senate Bill No. 131 be recommitted.

Mr. Belyea moved

That the substitute be laid upon the table,

Which motion prevailed.

The Chair ruled that the question before the Senate was on the
motion to postpone.

Mr. Barlow appealed from the decision of the Chair,

And the question being shall the decision of the Chair be sus-
tained,

The decision of the Chair was sustained, and

The question recurring on the motion to indefinitely postpone
Senate Bill No. 131,

The motion to postpone was lost.

Mr. Little moved

That Senate Bill No. 131 be recommitted.

Mr. Stevens raised the point of order that the motion to recom-
mit was laid upon the table, and that it could not be acted upon
again until it was taken from the table.

Mr. President ruled the point not well taken.

Mr. McBride moved the previous question.

The question being shall the main question be put,

The main question was put, and

The question recurring on the motion to recommit Senate Bill
No. 131,

The motion was lost, and

The question recurring on the final passage of the bill,

Mr. Allen moved

To amend by striking out Sections 1 and 2, and renumbering
the succeeding sections,

Which amendment was adopted.

Mr. McBride moved

To amend the title by striking out the words "abolishing the office of Immigration and,"

Which amendmont was adopted.

Mr. LaMoure moved

To amend by striking out Section 4, as originally numbered,
Which amendment was adopted.

Mr. Worst moved

To amend by renumbering the sections of the bill to correspond,

Which amendment was adopted.

Mr. Swanston moved

To amend Section 9, line 6, by striking out "\$5,000" where it occurs and inserting "\$1,500."

Mr. Stevens moved

To amend the amendment by inserting "\$3,000" instead of "\$1,500."

Roll call demanded on the amendment to the amendment.

Mr. Appleton raised the point of order that Mr. Swanston's amendment was out of order for the reason that the amount in the bill as amended was "\$3,000" and not "\$5,000."

Mr. President ruled that the point of order was well taken.

Mr. Stevens moved

To amend Sections 1 and 2 by striking out the word "said" and inserting the word "the,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 13, nays 12.

Those who voted in the affirmative were:

Messrs—

Allin,
Diesem,
Fisher,
LaMoure,
Little,

Messrs—

McBride,
Randall,
Rowe,
Sandager,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship.

Those who voted in the negative were:

Messrs—

Appleton,
Barlow,
Belyea,
Cowan,

Messrs—

Fuller,
Harmon,
Hartman,
Lawrence,

Messrs—

Robinson,
Smith,
Swanston,
Worst.

Absent and not voting.

Messrs—

Bell,
Dodds,

Messrs—

Haggart,
Helgeson,

Messrs—

McCormack,
Yager.

Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager being excused.

So the bill was lost.

THIRD READING OF HOUSE BILLS.

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.

Mr. Harmon moved

That the report of the committee on House Bill No. 94 be adopted,

Which motion prevailed.

Mr. Worst moved

To amend line 5, Section 2, by striking out the word "dereliction" and inserting in lieu thereof the word "neglect,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bellevue,
Cowan,
Diesem,
Fisher,
Harmon,

Messrs—

Hartman,
LaMoure,
Lawrence,
Little,
McBride,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Bell,
Dodds,
Fuller,

Messrs.—

Haggart,
Helgeson,

Messrs—

McCormack,
Yager.

Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. LaMoure moved

That the Senate adjourn,

Which motion was lost.

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,

Was read the third time.

Mr. Little moved

That the report of the committee on House Bill No. 79 be adopted,

Which motion prevailed.

Mr. Swanston moved
To amend Section 1, line 6, by striking out the words "police reports,"

Which amendment was lost.

Mr. Worst moved
To amend Section 1, line 3, by striking out the word "to" where it occurs between the words "or" and "show,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Cowan,
Diesem,
Fisher,
Harmon,

Messrs—

Hartman,
Lawrence,
Little,
McBride,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Svensrud,
Winship,
Worst.

Absent and not voting:

Messrs—

Belyea,
Bell,
Dodds,

Messrs—

Fuller,
Haggart,
Helgeson,

Messrs—

LaMoure,
McCormack,
Yager.

Messrs. Stevens and Swanston voting in the negative.

Messrs. Bell, Dodds, Haggart, Helgeson, McCormack and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 31, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Dodds, Helgeson, McCormack and Yager who were excused.

Mr. LaMoure moved

That the reading of the Journal be despensed with until the whole Journal of the Legislative day is printed,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 118,

A bill for an act authorizing counties to build all bridges, the cost of which exceed one hundred dollars.

Also,

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers.

Also,

Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines and separators for repairing the same,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139, of the General Laws of 1887,

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

ANDREW SANDAGER,
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

House Bill No. 186,

A bill for an act to promote medical science,

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

Also,

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 do pass.

Also,

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, deaths and marriages in his township,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend the title by inserting the words "and city auditors" after the word "clerks," and after the word "city," between the words "township and to"; and add to the title the following: "And prescribing the duties of parents, guardians or heads of families in furnishing notices of the same to each township clerk or city auditor."

Add to Section 1 the following after the word "ceremony":

"It is hereby made the duty of each parent, guardian or head of family, to furnish, within ten days after the birth, death or marriage, a notice of such to each township clerk or city auditor of the township or city in which they reside; anyone failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$10, or by imprisonment in the county jail for a period not ex-

ceeding thirty days, or by both fine and imprisonment, at the discretion of the court."

And when so amended recommend that said bill do pass.

E. H. BELYEA,
Chairman.

The Committee on Woman Suffrage made the following report:

MR. PRESIDENT:

Your Committee on Woman Suffrage to whom was referred
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,

Have had the same under consideration and recommend that said bill be referred to the Committee of the Whole.

JOHN M. McBRIDE,
Chairman.

Mr. Belyea moved

That the report of the committee on Senate Bill No. 152 be adopted,

Which motion prevailed.

MOTIONS, RESOLUTIONS, ETC.

Mr. LaMoure moved

That Senate Bill No. 142, referred to the Committee of the Whole, be recalled and referred to a special committee composed of the following Senators: Messrs. Appleton, Sandager, Helgeson, Barlow, Belyea, Lawrence and Bell,

Which motion prevailed, and

The bill was recalled from the Committee of the Whole and referred.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Robinson introduced--

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,

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 31, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

Which the House has passed with the following amendments:

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 cost of all lands necessarily condemned or bought in the construction of the same, 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.

Also,

Senate Bill No. 47,

A bill for an act to promote forest tree culture,

Which the House has passed with the following amendments:

Strike out the words "two dollars" where they occur in Section 1 and insert in lieu thereof the words "three dollars."

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."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. LaMoure moved

That the report of the committee on Senate Bill No. 43 be referred to the Railroad Committee,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 162,

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 warehouse commission in relation thereto, modifying the requirements as to bonds and providing for a license fee upon every public warehouse,"

Was read the second time, and referred to the Committee on Warehousing, Grain and Grain Grading.

Senate Bill No. 163,

A bill for an act defining school holidays,

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

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

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

COMMITTEE OF THE WHOLE.

The hour having arrived for the consideration of General Orders, Mr. President called Mr. Winship to the Chair, and the Senate resolved itself into Committee of the Whole.

When the committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration

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. 42.

A bill for an act providing for holding primary elections to elect nominees for county offices and delegates to State and district conventions, and a county central committee for each political party or association and regulating the same, and providing penalties.

Also,

Senate Bill No. 101,

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

And

Senate Bill No. 112,

A bill for an act to prescribe the manner of conducting, and to prevent fraud and deceptions at the elections in this State,

And recommend that they be referred to a special committee of seven, whose duty it shall be to draft and report a bill on the subject of elections. The committee to consist of Messrs. Little, Worst, Stevens, Smith, Diesem, Barlow and Harmon.

Also,

Senate Bill No. 110,

A bill for an act proposing an amendment to the Constitution of the State of North Dakota by striking out Section 56 of Article 2.

Also,

Senate Bill No. 111,

A bill for an act proposing an amendment to Section 45 of Article 2 of the Constitution of the State of North Dakota,

Also,

Senate Bill No. 136,

A Joint Resolution amending Section 45 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 119,

A bill for an act proposing an amendment to Section 216 of Article 19 of the Constitution of the State of North Dakota,

And recommend the indefinite postponement of said bills.

Also,

Senate Bill No. 72,

A bill for an act to prevent the burial of the dead within the corporate limits of any town, city or village in this State, Which the committee recommend do pass.

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,

And recommend that said bill be amended as follows:

After the word "company" in Section 1, line 4, insert the words "association for the manufacture of dairy products."

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
Chairman.

Mr. Little moved

That the report of the committee be adopted.

Mr. Rowe moved

As an amendment that the report of the committee be adopted except as to Senate Bill No. 72,

Which amendment was lost, and

The question recurring on the motion to adopt the report,

The motion prevailed.

Mr. Barlow moved
That the Senate adjourn.

Mr. Little moved
As an amendment that when the Senate do adjourn it be to meet at 2 o'clock p. m., to-morrow,
Which amendment prevailed.

Mr. Rowe moved
That the Senate do now adjourn,
Which motion was lost.

Mr. Barlow moved
That the rules be suspended and the third reading of House bills taken up,
Which motion prevailed.

THIRD READING OF HOUSE BILLS.

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.

Mr. Appleton moved
That the report of the committee on House Bill No. 175 be adopted,
Which motion prevailed.

Mr. Smith moved
That House Bill No. 175 be recommitted,
Which motion prevailed, and
The bill was recommitted.

Mr. Little gave notice that he would move to reconsider the vote by which House Bill No. 47 passed.

Mr. Lawrence moved
That the Senate do now adjourn,
Which motion was lost.

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 third time.

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

Mr. Worst moved
To amend Section 2, line 7, by striking out the word "six" and inserting in lieu thereof the word "three,"
Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Rowe,
Appleton,	Harmon,	Sandager,
Barlow,	Hartman,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Fisher,	Randall,	Winship,
Fuller,	Robinson,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	McCormack,	Yager.
Helgeson,		

Messrs. Dodds, Helgeson, McCormack and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Haggart moved
That the Senate do now adjourn,
Roll call demanded.

The roll being called there were ayes 17, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Lawrence,
Appleton,	Fuller,	Little,
Barlow,	Haggart,	Randall,
Belyea,	Harmon,	Sandager,
Bell,	Hartman,	Winship.
Diesem,	LaMoure,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cowan,	Smith,	Svensrud,
McBride,	Slotten,	Swanston,
Robinson,	Stevens,	Worst.
Rowe,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	McCormack,	Yager.
Helgeson,		

Messrs. Dodds, Helgeson, McCormack and Yager being excused.

So the motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 1, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Dodds, Helgeson and McCormack, who were excused.

Mr. McBride moved

That the Journal of the preceding day be referred to a committee for revision,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Allin and McBride.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

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,

Have had the same under consideration and recommend that said amendments be concurred in.

ROGER ALLIN,
Chairman.

Mr. Randall moved

That the Senate concur in the House amendments to Senate Bill No. 43,

Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture 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 report the same back without recommendation.

S. A. FISHER,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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.

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 132,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota,

And find the same correctly engrossed.

J. O. SMITH,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Little moved

That the vote by which House Bill No. 47 was passed be reconsidered,

Which motion prevailed, and

The question being on the final passage of House Bill No. 47,

Mr. Little moved

That House Bill No. 47 be recommitted to be considered by the committee in connection with House Bill No. 206,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Diesem moved

That the Senate do now concur in the House amendment to Senate Bill No. 47.

The motion was withdrawn.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 1, 1890. }

MR. PRESIDENT:

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.

The further consideration of which the House has indefinitely postponed.

Also,

I have the honor to inform the Senate that the House has this day adopted a resolution recalling Senate Bill No. 47 for correction,

The return of which is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Rowe moved

That the request of the House be complied with,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

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,

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

Mr. LaMoure 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 Chapter 3, Article 1, Section 3053, of the Civil Code, and Chapter 69, Section 10, Laws of 1889, relating to publication of insurance statements,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 48 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Belyea,
 Bell,
 Cowan,
 Diesem,
 Fisher,

Absent and not voting:

Messrs—

Fuller,
 Haggart,
 LaMoure,
 Lawrence,
 Little,
 Randall,
 Robinson,
 Rowe,

Messrs—

Sandager,
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Winship,
 Worst,
 Yager.

Messrs—

Dodds,
 Harmon,
 Hartman,

Messrs—

Helgeson,
 McBride,

Messrs—

McCormack,
 Swanston.

Messrs. Dodds, Helgeson and McCormack being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 February 1, 1890. }

MR. PRESIDENT:

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,

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

Also,

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,

Which the House has amended 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.

Also, strike out all of Section 12.

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,

Which the House has amended as follows:

In Section 1, line 17, after the word "shall" strike out the word "forthwith," and insert in lieu thereof the words "within thirty days."

Also, amend by striking out Section 3.

Also,

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden,

Which the House has amended as follows:

Amend Section 1 by striking out the word "shall" in line 9 of the original bill and inserting the word "may" in lieu thereof.

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."

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 House has amended as follows:

In Section 5 strike out the words "one thousand" and insert in lieu thereof the words "eight hundred."

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 your concurrence is respectfully requested.

Also,

Senate Bill No. 47,

A bill for an act to promote forest tree culture,

Which the House has amended as follows:

Strike out the words "of trees" 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 four dollars 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 of same section, after the word "grove" insert the words "row or rows." And in line 9 of 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.

Add 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."

Strike out the words "two dollars" where they occur in Section 1, and insert in lieu thereof the words "three dollars."

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."

Also,

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

Which the House has passed.

Also,

I have the honor to inform the Senate that the House has refused to concur in the Senate amendments to

House Bill No. 15,

A bill for an act to provide for the organization and government of State banks,

And that the House has adopted a motion that the Speaker of the House appoint a committee to confer with a like committee from the Senate upon said amendments.

And the Speaker has appointed as such committee on the part of the House Messrs. Selby, Tyler and Haugen.

J. G. HAMILTON,
Chief Clerk.

Mr. President appointed as a Conference Committee on House Bill No. 15, Messrs. Winship, Little and Robinson.

COMMITTEE OF THE WHOLE.

Mr. Barlow moved

That the Senate resolve itself into Committee of the Whole to consider Senate Bill No. 41,

Which motion prevailed, and

Mr. President called Mr. Bell to the Chair, and the Senate resolved itself into Committee of the Whole.

The committee arose without reporting.

After a recess of ten minutes,

Mr. Little moved

That the Senate again resolve itself into Committee of the Whole for the further consideration of Senate Bill No. 41,

Which motion prevailed, and

The Senate resolved itself into Committee of the Whole.

Mr. Bell in the Chair.

When the committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole having 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,

Beg leave to recommend the passage of Sections 1 to 18 inclusive, and that the amendments offered to the bill be printed in the Journal in connection with this report.

PROPOSED AMENDMENTS.

The Committee on Railroads offered the following amendments:

Add at the end of subsection "a," Section 1, the following: "Or to ministers of religion, sisters of charity, or to missionaries, or to students of any college or university, or other institutions of learning of this State, or to children attending any of the educational or charitable institutions of this State, subject to the provisions of this act."

Strike out all after the word "applicants" in line 15 of subsection "b" of Section 7, and insert the words, "including elevators, warehouses, side track buyers and farmers, having regard to the amount of grain each can load within twenty-four hours."

Amend Section 8, subsection "f," by inserting after the word "section" in line 21, the words, "without the order or by the permission of the Railroad Commissioners."

Amend Section 8 by striking out subsection "b" and inserting the following as said subsection:

(f) In case such common carrier shall neglect or refuse for ten days after such notice to substitute such tariff of rates, fares and charges or classifications, or to adopt the same as recommended by the Commission, it shall be the duty of said Commission to immediately publish such tariff of rates, fares, charges or classifications as they have declared to be equal and reasonable, in one or more newspapers published in the county or counties through or into which the road or line may run, upon which the changes so recommended by the Commission are to take effect. The newspapers in which such publication shall be made (subject to the above condition that they shall be published in the county or counties through or into which such road or line of road may run), and the duration of time which such notice shall be published shall be in the discretion of the Commission; but the tariff of rates, fares, charges or classifications recommended by the Commission shall be in full force and effect from and after the expiration of ten days from the service upon such common carrier of the notice in writing required by Subdivision "e" of this section, without regard to the publication authorized by this "f" Subdivision; and after the expiration of ten days from the service of such notice in writing upon such common carrier, it shall be unlawful for such common carrier to charge a higher or lower rate, fare, charge or classification than that fixed by said Commission.

Amend subsection "g," Section 8, by inserting after the word "file" in line 74, the following, "with the Railroad Commissioners."

Amend Section 9, line 12, by striking out all after the word "authorized" to the end of section, and inserting the following: "at the request of the Attorney General to employ such additional legal 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 of any law of this State."

Amend by striking out of line 33, Section 10, the words "Clerk or Secretary," and insert "when certified by the chairman of the Board of Railroad Commissioners."

Amend Section 15 by striking out all after the word "require" in line 79 to end of section, and insert the following in lieu thereof: "No appeal as afore-

said shall stay or supersede the order appealed from, and pending the final decision of all appeals to the courts, the rates fixed, orders made or decisions rendered by the Commissioners shall remain in full force and effect."

SEC. 19. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 20. An emergency existing in the fact that there is no law in force which properly defines the duties and powers of the Board of Railroad Commissioners; this act is intended to remedy that defect; this act shall take effect and be in force from and after its passage and approval.

Mr. Allin offered the following amendment:

Add to Section 2 the following:

It shall be unlawful for any common carrier or carriers subject to the provisions of this act to charge, demand or receive for the transportation of property from one place to another in this State a greater sum than the difference between the smallest sum charged at the time by the same carrier or carriers for transporting the same quantity of property belonging to the same freight class from any place outside of this State to the place at which such property is offered for transportation, and the smallest sum charged at the time by the same carrier or carriers for transporting the same quantity of property belonging to the same freight class from the same place outside of this State to the place of destination of the property so offered for transportation; *Provided, however,* That the distance between the places in this State shall be included in the distance between the place outside of this State and one of the places within this State.

Mr. Barlow offered the following amendment:

Amend Section 7 by striking out subsection "f" and inserting the following in lieu thereof:

"The Railroad Commissioners shall on or before August 1st of each year adopt a system of uniform rules, which they may change from time to time as found necessary, governing the distribution of cars, to be loaded, among applicants at stations and side tracks on all railroads in this State, and they shall serve a copy of such rules upon all railroad superintendents in this State, which shall be sufficient notice to such railroad company, and said rules shall have all the force and effect of an order under the provisions of this act, and the disregard of the requirements or refusal to obey the requirements of such rules shall subject, and make liable, said common carrier to the pains and penalties made and provided in that case. The Railroad Commissioners 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, and shall also cause a copy of said rules to be posted in some public place at each station and side track for the information of shippers."

If any railroad company shall refuse or neglect to furnish cars as provided in the rules aforesaid at any station or side track, complaint having been made to the Railroad Commissioners, or any one of them, it shall be their duty to immediately inquire into the cause of such delay in furnishing the cars demanded, and if they find just cause for complaint they are empowered and required to make such orders and rules as they may deem to be right and just to all parties concerned, the same to be enforced as other orders and rules are enforced under the provisions of this act; *Provided,* All railroad corporations, in case of a shortage of cars, shall be required to furnish at all times each branch or division of its road its just proportion of cars required for the transportation of freight according to the amount offered for shipment on each branch or division.

Mr. Diesem (by request) offered the following amendment:

After the word "freight" in line 14, subsection "b," Section 7, insert the following:

"At every railroad station or siding where grain or freight is offered or received for shipment by any railroad in the State of North Dakota, such railroads shall keep at every station or siding a car register book that shall be

open during business hours to inspection of all persons. And it shall be the duty of the railroad company to register in the order of the application for cars the name and residence, and the exact time and date of every person or persons ordering cars for the shipment of any kind of freight, and amount of grain or any other kind of freight such person has for shipment. Each person so registered shall receive, in order of registering, one car until all persons so registered shall have received one car. Then the first person who requires a car is to receive the next car, in order of registering, and so on in rotation until all registered again shall have received one car each, and the same distribution of cars shall continue in the same manner as above described. The number and initial of and exact time of every car so furnished shall be kept opposite the name of person furnished, and if grain of any kind is shipped, the weights, bushels and pounds, grade and dockage, the amount of freight on same shall also be registered in the book as soon as weights, grades and dockages can be obtained from point of destination of such shipment. Only one person shall be allowed to order cars for any person, firm or corporation doing business at any station.

"All persons living within one mile of any railroad station or siding shall be allowed twenty-four hours to load and unload any car, and all other persons shall be allowed forty-eight hours for loading or unloading any car, and any person who fails to unload or load any car in above specified time shall pay to said railroad company \$2 for every twenty-four hours or part thereof, and the same shall become a lien upon the freight so shipped or received and be collected by the railroad company as freight."

"Every railroad corporation doing business in the State of North Dakota shall furnish, free of charge, at each station or siding, ample side track facilities that shall be made easy of approach by wagon or sleigh; also, depot for passengers, elevators, warehouses, platforms, stock yards and scales that will be good and sufficient for the speedy handling of every kind of freight offered them for shipment or received by them at any station or siding. And when required to do so by any person or persons shall issue to them their certificate of weights of any or all kind of freight received or shipped by them."

Any grain that is held by them by the order of the owner for storage after fifteen days, said railroad company shall be allowed to charge one-fourth cent per bushel for each fifteen days or part thereof for storage of same.

Mr. Worst offered the following amendment:

Amend Section 8 by inserting after Subsection "g" the following:

"(h). Any common carrier, subject to the provisions of this act, may appeal to any district court of this State from any order made by said Commissioners regulating or fixing its tariffs of rates, fares, charges or classifications, or from any other order made by said Commissioners under the provisions of this act, by serving a notice in writing upon the secretary of said Commissioners, or any one of said commissioners, within _____ days after such common carrier shall have received written notice from said Commissioners of the making of such order. If the order appealed from does not regulate or fix the common carrier's tariffs of rates, fares or charges, the district court to which the appeal is taken may, in its discretion, suspend the operation and effect of the order appealed from pending such appeal. The district courts of this State shall be deemed to be always in session for the purpose of hearing and determining all appeals taken under the provisions of this act. The common carrier taking such appeal may bring the same on for hearing and determination at any time after taking such appeal, upon serving a notice to that effect upon any one of the Commissioners, or upon their secretary, at least six days prior to the day set for such hearing. The district court shall, upon the hearing of such appeal, receive and consider such evidence as may be adduced by either party, and shall rescind, modify or alter said order appealed from in such manner as may be equitable and just. Either party may appeal from the decision of the district court to the Supreme Court of the State, by serving a notice of such appeal upon the opposite party. For the purpose of hearing

such appeals, the Supreme Court shall be always in session, and appeals to it may be heard summarily, by either party's serving upon the other a notice of hearing at least ——— days before the day fixed for such hearing. When evidence has been taken before the district court, such evidence may be signed by the judge of said district court, the party presenting such evidence to said judge for signature, giving the other party five days' notice of the time and place of such presentation. The evidence, signed as aforesaid, shall become part of the record in the case, and upon an appeal to the Supreme Court being taken as hereinbefore mentioned, shall be transmitted by the clerk of the district court to the Supreme Court, together with all the records and files in the case. The Supreme Court may reverse, affirm or modify the decision of the district court as may seem equitable and just.

Mr. Allin moved

As an amendment to add the following to Section 18:

The decision of a majority of the Commission shall be considered the decision of the board on all questions arising for its consideration.

Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the district court of the State.

All expenses of the commission in making any investigation or examinations in any other place than the City of Bismarck shall be allowed and paid out of the State Treasury on the presentation of itemized vouchers therefor, approved by the Chairman of the Commission and the State Auditor.

Mr. Worst moved

To amend Subsection "c," line 24, by inserting the word "be" between "to" and "returned."

JAMES H. BELL,
Chairman.

Mr. Swanston moved

That the report of the Committee of the Whole be adopted,
Which motion prevailed.

Mr. Belyea moved

That the rules be suspended and that Senate Bill No. 123 be made a special order for Monday next at 3:30 p. m.,

Which motion prevailed.

Mr. Diesem moved

That Hon. E. W. Camp, a member of the late Constitutional Convention, be invited within the bar of the Senate,

Which motion prevailed.

The special committee appointed to revise the Journal reported as follows:

MR. PRESIDENT:

Your special committee on Journal revision beg leave to report that they have examined the Journal of the two preceding days and find the same correct.

ROGER ALLIN,
Chairman.

Which report was adopted.

Mr. Appleton moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 3, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Dodds, Helgeson and Swanston, who were excused.

The Journal of the preceding day was read and approved.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Stevens presented the following petition:

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, North Dakota, 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.

O. A. WILCOX, Attorney
And 75 others.

Mr. President referred the petition to the Committee on Railroads.

REPORTS OF STANDING COMMITTEES.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading, to whom was recommended for amendment

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,

Find that the desired amendments have been provided for in another measure, and recommend that said bill do pass.

ANDREW SLOTTEN,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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 find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads 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:

Strike out Section 9 and insert in lieu thereof the following:

"SEC. 9. An emergency exists by reason of the fact that there is now no law requiring railway sleeping car companies doing business in this State to pay their just proportion of the State revenue, and it is necessary for said reason that this act be in force and effect long prior to July 1, 1890, and as soon as practicable; therefore, this act shall be in force and effect from and after its passage and approval."

And when so amended recommend that said bill do pass.

Also,

House Bill No. 172,

A bill for act relating to the shipment of live stock and grain,

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

ROGER ALLIN,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

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,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out Section 2.

And when so amended recommend 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,

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

Also,

Senate Bill No. 88,

A bill for an act amending Chapter sixteen of the Acts of the Seventeenth Session of the Legislative Assembly,

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

ANDREW SANDAGER,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs 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.

JUDSON LAMOURE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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,

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

C. B. LITTLE,
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred

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,

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

JUDSON LAMOURE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

Mr. LaMoure moved

The adoption of the following resolution:

Resolved, That all bills introduced from and after to-day have their first and second reading on the day of their introduction.

Mr. Winship moved

That the resolution of Mr. LaMoure be laid upon the table.

Mr. LaMoure moved a call of the house.

Messrs. Hartman and Robinson were absent without excuse.

The Sergeant-at-Arms brought Messrs. Hartman and Robinson before the bar of the Senate.

Mr. McCormack moved

That Messrs. Hartman and Robinson be excused.

Mr. LaMoure moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed, and

The question recurring on the motion to lay the resolution of Mr. LaMoure on the table,

The motion was lost.

Mr. LaMoure then withdrew his motion by consent.

Mr. Barlow moved

That Hon. O. G. Meachem, a member of the late Constitutional Convention, be invited within the bar of the Senate,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Lawrence introduced—

Senate Bill No. 166,

A bill for an act relating to the use of brands and ear-marks on domestic animals, and repealing Chapter 61 of the Session Laws of 1881,

Which was read the first time.

Mr. Sandager introduced—

Senate Bill No. 167,

A bill for an act authorizing the incorporation of lottery com-

panies and regulating the same, so as to raise revenues to defray the expenses of the State,

Which was read the first time.

Mr. Winship introduced—

Senate Bill No. 168,

A bill for an act making an appropriation for the State University,

Which was read the first time.

Mr. Robinson introduced—

Senate Bill No. 169,

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

Which was read the first time.

COMMITTEE OF THE WHOLE.

The hour having arrived for the consideration of Special Orders, Mr. Belyea moved

That the Senate resolve itself into Committee of the Whole to consider

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,

Which motion prevailed.

Mr. President called Mr. McBride to the Chair, and

The Senate resolved itself into Committee of the Whole.

When the Committee arose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole having had under consideration 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,

Beg leave to recommend the adoption of the following amendments:

Amend Section 2, line 2 by inserting "or" between the words "pharmacy" and "shall."

Amend Section 12, line 31 by striking out all after the word "dealers."

Amend Section 17 by striking out all of Section 17 and insert the following in lieu thereof:

"WHEREAS, The existing laws do not provide any punishment for the violation of the provisions of the law now governing the practice of pharmacy, nor is there any schedule of poisons specified therein, thereby not only exposing the public to the danger arising from the acts of incompetent persons, but there is an existing confusion as to what drug, chemical or preparation is termed a poison and dangerous to life, hence an emergency exists, therefore, this act shall take effect and be in force from and after its passage and approval."

In Section 5, line 17 after the word "notice" insert "in three of the Pharmaceutical Journals of general circulation of the State."

And when so amended recommend that said bill do pass.

JOHN McBRIDE,
Chairman.

Mr. Rowe moved

That the report of the Committee of the Whole be adopted,
Which motion prevailed.

The hour having arrived for the special consideration of Senate
Bills Nos. 97 and 117,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Ar-
ticle 12 of the Constitution of North Dakota,

Was read the third time.

Mr. Barlow moved

That the report of the committee on Senate Bill No. 97 be
adopted.

Mr. McCormack moved

As an amendment that the report of the committee be amended
so as to include the following:

Strike out all of lines 6, 7, 8, 9 and 10 and insert the following:

The Constitution of the State of North Dakota is hereby amended by
striking out the word "two" in line 3, after the word "of" and the words "hun-
dred thousand dollars" in line 4, of Section 182, of Article 12 of the Constitu-
tion, and inserting in lieu thereof the following: "Five mills on the dollar of
the assessed valuation of all taxable property in the State to be ascertained by
the last assessment made for State and county purposes."

Which amendment was adopted, and

The question recurring on the report of the committee as
amended,

The report was adopted, and

The question recurring on the final passage of the bill as
amended,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Randall,
Barlow,	Harmon,	Sandager,
Belyea,	LaMoure,	Stevens,
Diesem,	Lawrence,	Worst.
Fuller,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Winship,
Bell,	McBride,	Yager.
Cowan,	Rowe,	

Absent and not voting.

Messrs—	Messrs—	Messrs—
Dodds,	Little,	Slotten,
Hartman,	Robinson,	Svensrud,
Helgeson,	Smith,	Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill was lost, not having received the constitutional majority.

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.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 117 be adopted,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Belyea,
 Bell,
 Diesem,
 Fuller,

Messrs—

Haggart,
 Harmon,
 LaMoure,
 Lawrence,
 McBride,
 McCormack,

Messrs—

Randall,
 Robinson,
 Sandager,
 Stevens,
 Svensrud,

Those who voted in the negative were:

Messrs—

Barlow,
 Cowan,
 Fisher,

Messrs—

Little,
 Rowe,

Messrs—

Worst,
 Yager.

Absent and not voting:

Messrs—

Dodds,
 Hartman,
 Helgeson,

Messrs—

Smith,
 Slotten,

Messrs—

Swanston,
 Winship.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Stevens moved

That the Senate concur in the House amendments to Section 9 of Senate Bill No. 9.

Mr. Belyea moved

As an amendment that the Senate concur in the House amendments to Senate Bill No. 7,

Which amendment was adopted, and

The question recurring on the motion to concur as amended,

The motion prevailed.

Mr. LaMoure moved

That the Senate concur in the House amendments to Senate Bill No. 30,

Which motion prevailed.

Mr. Belyea moved

That the Senate concur in the House amendments to Senate Bill No. 34.

Mr. Barlow moved

As a substitute that the Senate do not concur in the House amendments, and that Mr. President appoint a conference committee to correct Senate Bill No. 34,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Barlow, Harmon and Worst.

Mr. Smith moved

That the rules be suspended and that the Senate return to the eighth order of business,

Which motion prevailed, and

Mr. Smith moved

That the vote by which the Senate concurred in the House amendments to Senate Bill No. 43 be reconsidered,

Which motion prevailed.

Mr. Smith moved

That the Senate do not concur in the House amendments to Senate Bill No. 43, and that the President appoint a conference committee.

Mr. Rowe moved

That the Senate recall the message of concurrence regarding the House amendments to Senate Bill No. 43,

Which motion prevailed.

Mr. McBride moved

That the vote by which Senate Bill No. 97 was lost be reconsidered, and

The question recurring on the final passage of Senate Bill No. 97,

The roll being called there were ayes 19, nays 8.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Belyea,
Bell,
Diesem,
Fuller,
Haggart.

Messrs—

Harmon,
LaMoure,
Lawrence,
Little,
McCormack,
Randall,

Messrs—

Robinson,
Sandager,
Smith,
Stevens,
Svensrud,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Cowan,
Fisher,

Messrs—

McBride,
Rowe,
Slotten,

Messrs—

Winship,
Yager.

Absent and not voting:

Messrs—

Dodds,
Hartman,

Messrs—

Helgeson,

Messrs—

Swanston.

Messrs. Dodds, Hartman and Swanston being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 3, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

Which the House has 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 and defining its duties and powers."

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 affected long prior to July 1, 1890; therefore, this act shall take effect and be in force from and after its passage and approval.

The said amendments being attached to the original bill, and

transmitted herewith, and your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Barlow moved

That the Senate concur in the House amendments to Senate Bill No. 53.

Mr. Little moved

As a substitute that the Senate do not concur in the House amendments to Senate Bill No. 53, and that a conference committee be appointed,

Which motion prevailed, and

The President appointed as such committee Messrs. Worst, Rowe and Barlow.

Mr. Diesem moved

That the Senate do now concur in the House amendments to Senate Bill No. 47,

Which motion prevailed.

Mr. President 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,

Mr. LaMoure moved

That the rules be suspended, and that Senate Bills Nos. 166, 167, 168 and 169 be read the second time, and referred,

Which motion prevailed, and

Senate Bill No. 166,

A bill for an act relating to the use of brands and ear-marks on domestic animals, and repealing Chapter 61 of the Session Laws of 1881,

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

Senate Bill No. 167,

A bill for an act authorizing the incorporation of lottery companies, and regulating the same, and to raise revenues to defray the expenses of the State,

Was read the second time.

Mr. Winship moved

That Senate Bill No. 167 be referred to the Committee on Appropriations.

Mr. Stevens moved

As an amendment that Senate Bill No. 167 be referred to the Committee on Corporations Other than Municipal.

Mr. McCormack moved

As a substitute that Senate Bill No. 167 be referred to the Committee on State Affairs.

Roll call demanded.

The roll being called there were ayes 18, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Bell,	Hartman,	Robinson,
Cowan,	LaMoure,	Sandager,
Diesem,	Lawrence,	Smith,
Fuller,	Little,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Rowe,	Svensrud,
Barlow,	Slotten,	Winship,
Fisher,	Stevens,	Yager.
McBride,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Helgeson,	Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the substitute motion prevailed, and

Senate Bill No. 167,

Was referred to the Committee on State Affairs.

Senate Bill No. 168,

A bill for an act making an appropriation for the State University,

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

Mr. Barlow moved

That Senate Bill No. 41 be made a special order for 3 o'clock p. m. to-morrow,

Which motion prevailed.

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 16, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Barlow,	Lawrence,	Stevens,

Messrs—
Belyea,
Bell,
Fisher,
Haggart,

Messrs—
Little,
Randall,
Sandager,

Messrs—
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—
Appleton,
Cowan,
LaMoure,

Messrs—
McBride,
Robinson,

Messrs—
Rowe,
Worst.

Absent and not voting:

Messrs—
Diesem,
Dodds,
Fuller,

Messrs—
Hartman,
Helgeson,
McCormack,

Messrs—
Smith,
Swanston.

Messrs Dodds, Helgeson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 72,

A bill for an act to prevent the burial of the dead within the corporate limits of any town, city or village in this State,

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

The roll being called there were ayes 8, nays 15.

Those who voted in the affirmative were:

Messrs—
Belyea,
Diesem,
Haggart,

Messrs—
LaMoure,
Little,
Sandager,

Messrs—
Stevens,
Yager.

Those who voted in the negative were:

Messrs—
Allin,
Appleton,
Barlow,
Bell,
Cowan,

Messrs—
Fisher,
Fuller,
Harmon,
McBride,
Robinson.

Messrs—
Rowe,
Smith,
Slotten,
Svensrud,
Worst.

Absent and not voting :

Messrs—
Dodds,
Hartman,
Helgeson,

Messrs—
Lawrence,
McCormack,
Randall,

Messrs—
Swanston,
Winship.

Messrs. Dodds, Helgeson and Swanston being excused,

So the bill was lost.

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 third time.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 135 be adopted,

Which motion prevailed, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Hartman,	Sandager,
Barlow,	LaMoure,	Smith,
Belyea,	Little,	Stevens,
Bell,	McBride,	Svensrud,
Cowan,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Fuller,	Robinson,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Helgeson,	Slotten,
Dodds,	Lawrence,	Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Smith moved

That the rules be suspended and that the Senate return to the eighth order of business,

Which motion prevailed.

Mr. Smith moved

That the Senate do not concur in the House amendments to Senate Bill No. 43, and that a conference committee be appointed,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Smith, Robinson and McBride.

Mr. Rowe moved

That the Senate adjourn,
 Which motion prevailed, and
 The Senate adjourned.

C. C. BOWSFIELD,
 Secretary.

SEVENTY-SEVENTH DAY--MORNING SESSION.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 4, 1890.

The Senate met at 10 o'clock a. m., pursuant to adjournment.
The Lieutenant-Governor presiding.

THIRD READING OF SENATE BILLS.

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, deaths and marriages in his township,

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 93 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Appleton,	LaMoure,	Sandager,
Barlow,	Lawrence,	Smith,
Belyea,	Little,	Slotten,
Bell,	McBride,	Stevens,
Cowan,	McCormack,	Svensrud,
Fisher,	Randall,	Winship.
Fuller,	Robinson,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Harmon,	Swanston,
Dodds,	Helgeson,	Yager.
Haggart,		

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to as amended.

Senate Bill No. 127,

A bill for an act to amend Section 4, Chapter 139, of the General Laws of 1887,

Was read the third time.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 127 be adopted,

Which motion prevailed.

Mr. Smith moved

To amend as follows:

Amend the bill by adding to the end thereof the following: "Entitled An Act to authorize cities, towns and villages to levy and collect taxes for municipal purposes."

Substitute for Section 2 the following: "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."

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Fuller,
Haggart,

Messrs—

Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst.

Absent and not voting:

Messrs—

Diesem,
Dodds,

Messrs—

Harmon,
Helgeson,

Messrs—

Swanston,
Yager.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to as amended.

Mr. Little moved

That the rules be suspended, and that all House bills be read the first and second times and have their reference,

Which motion prevailed.

FIRST AND SECOND 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 the manufactured products of grain for grain,

Was read the first and second times, and referred to the Committee on Warehousing, Grain and Grain Grading.

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 first and second times, and referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

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.

Mr. Sandager moved

That report of the committee on House Bill No. 165 be adopted, Which motion prevailed, and The question recurring on the final passage of the bill, The roll being called there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Smith,
Appleton,	Little,	Slotten,
Barlow,	McCormack,	Stevens,
Cowan,	Randall,	Svensrud,
Fisher,	Robinson,	Winship,
Fuller,	Rowe,	Worst,
Haggart,	Sandager,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Harmon,	Lawrence,
Bell,	Helgeson,	McBride,
Diesem,	LaMoire,	Swanston.
Dodds,		

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and

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

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.

Mr. Cowan moved

That the report of the committee on House Bill No. 109 be adopted,

Which motion prevailed.

Mr. Rowe moved

To strike out all of Section 3,

Which motion prevailed.

Mr. Worst moved

To amend Section 1, line 3, by inserting after the word "form" the words "except on the written order of a parent or guardian,"

Which amendment was adopted, and

The question recurring on the final passage of House Bill No. 109 as amended,

The roll being called there were ayes 23, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Fuller,

Messrs—

Haggart,
Hartman,
LaMoire,
Little,
McBride,
McCormack,
Robinson,
Rowe.

Messrs—

Sandager,
Smith,
Slotten,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Dodds,

Messrs—

Harmon,
Hegleson,

Messrs—

Lawrence,
Swanston.

Messrs. Randall and Stevens voting in the negative.

Messrs. Dodds, Hegleson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Haggart moved

That the report of the committee on House Bill No. 180 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 15, nays 10.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Haggart,
LaMoire,

Messrs—

Lawrence,
Little,
Robinson,
Sandager,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Belyea,
Bell,
Fisher,

Messrs—

Fuller,
McBride,
McCormack,

Messrs—

Randall,
Rowe,
Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Harmon,	Helgeson,
Dodds,	Hartman,	Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill was lost, not receiving the constitutional majority.

Mr. Belyea moved

That the vote just taken on House Bill No. 180 be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 16, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	Robinson,	Svensrud,
Cowan,	Sandager,	Winship,
Haggart,	Smith,	Yager.
LaMoure,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Randall,
Bell,	McBride,	Rowe,
Fisher,	McCormack,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Harmon,	Helgeson,
Dodds,	Hartman,	Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed 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,

Was read the third time.

Mr. McCormack moved

That the report of the committee on House Bill No. 136 be adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 1, line 8, by striking out the word "grade" and insert in lieu thereof the word "grades,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Fuller,

Messrs—
Haggart,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—
Diesem,
Dodds,
Harmon,

Messrs—
Hartman,
Helgeson,

Messrs—
Lawrence,
Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

House Bill No. 154,

A bill for act to amend Section 739 of the Penal Code, being
Section 6931 of the Compiled Laws,
Was read the third time.

Mr. Worst moved

That the report of the committee on House Bill No. 154 be
adopted,

Which motion prevailed.

The question recurring on the final passage of the bill,
The roll being called there were ayes 12, nays 12.

Those who voted in the affirmative were:

Messrs—
Bell,
Fisher,
Haggart,
LaMoure,

Messrs—
McBride,
McCormack,
Robinson,
Sandager,

Messrs—
Smith,
Slotten,
Svensrud,
Winship.

Those who voted in the negative were:

Messrs—
Allin,
Appleton,
Barlow,
Belyea,

Messrs—
Cowan,
Fuller,
Little,
Randall,

Messrs—
Rowe,
Stevens,
Worst,
Yager.

Absent and not voting:

Messrs—
Diesem,
Dodds,
Harmon,

Messrs—
Hartman,
Helgeson,

Messrs—
Lawrence,
Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill was lost.

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other
products,

Was read the third time.

Mr. Sandager moved

That the report of the committee on House Bill No 54 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Fuller,

Messrs—

LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Dodds,
Haggart,

Messrs.—

Harmon,
Hartman,

Messrs—

Helgeson,
Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners.

Was read the third time.

Mr. McCormack moved

That further consideration of House Bill No. 73 be indefinitely postponed,

Which motion was lost.

Mr. Rowe moved

That the report of the committee on House Bill No. 73 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 15, nays 10.

Those who voted in the affirmative were:

Messrs—

Barlow,
Fuller,
Haggart,
LaMoure,
Lawrence,

Messrs—

Little,
Randall,
Robinson,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,

Messrs—

Cowan,
Fisher,
McBride,

Messrs—

McCormack,
Stevens,
Svensrud.

Absent and not voting.

Messrs—

Diesem,
Dodds,

Messrs—

Harmon,
Hartman,

Messrs—

Helgeson,
Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill was lost, not having received the constitutional majority.

Mr. Belyea moved

That the vote just taken on Senate Bill No. 73 be reconsidered,
Which motion prevailed, and

The question recurring on the final passage of the bill,

Mr. Appleton moved

To amend Section 1, line 8, by striking out the word "special" and insert in lieu thereof the word "general,"

Which amendment was adopted.

Mr. Winship moved

As an amendment to Section 1, line 7, after the word "to" to insert the words "call a special election and," and after the word "vote," in eighth line, insert in lieu thereof the words "at the first general election,"

Which amendment was adopted.

Mr. McBride moved

To amend Section 1, line 10, and all of line 11,

Which amendment was adopted.

Mr. Rowe moved

To amend by striking out the word "special" in line 13, Section 2,

Which amendment was adopted.

Mr. Little moved

That House Bill No. 73 be recommitted to the Committee on Counties,

Which motion prevailed.

House Bill No. 186,

A bill for an act to promote medical science,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 186 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 5.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Bell,
Cowan,
Fisher

Messrs—

Fuller,
LaMoure,
Little,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Svensrud,
Winship.

Those who voted in the negative were:

Messrs—

Appleton,
McBride,

Messrs—

Stevens,
Worst,

Messrs—

Yager.

Absent and not voting:

Messrs—

Diesem,
Dodds,
Haggart,

Messrs—

Harmon,
Hartman,
Hegleson,

Messrs—

Lawrence,
McCormack,
Swanston.

Messrs. Dodds, Helgeson and Swanston being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved
That the Senate do now adjourn,
Which motion was lost.

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.

Mr. Little moved
That the further consideration of House Bill No. 189 be in-
definitely postponed,
Which motion prevailed.

Mr. Svensrud moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 4, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Dodds.

Mr. Rowe moved

That the reading of the Journal be dispensed with and that a committee be appointed to revise the Journal and report,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Slotten and Robinson.

PETITIONS, COMMUNICATIONS, ETC.

The following communication was received from the Attorney General:

OFFICE OF THE ATTORNEY GENERAL,
BISMARCK, N. D., February 3, 1890.

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

GENTLEMEN: I have the honor to submit herewith my opinion upon the following question submitted to me by resolution of your honorable body of recent date. "Is that portion of the main line of the Northern Pacific Railroad in this State taxable as other property is taxed?" I regret that the limited time at my disposal and the pressure of other important business that imperatively demands my immediate attention, has made it impossible for me to give this subject the investigation that its importance to the State demands. I am not aware that this precise question has ever been passed upon by any of the courts of last resort in the United States; but keeping in view some well established principles that have been laid down by the Supreme Court of the United States, we may arrive at a reasonably safe conclusion. The main line of the Northern Pacific Railroad mentioned in your resolution is made up of several component parts; it embraces its franchises, right of way, roadway, roadbed, rails, ties, spikes, culverts, bridges, trestles, water tanks, section houses, round houses, depot buildings, shops, and all other improvements that have been placed upon said right of way by said company. The charter of the Northern Pacific Railroad was granted by the Federal Congress at a time when the

present State of North Dakota was a part of the Territory of Dakota, and Section 2 of said charter provides as follows: "That the right of way through the public lands be and the same is hereby granted to the 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 railway to the extent of 200 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 way stations, and the right of way shall be exempt from taxation within the territories of the United States."

The right of taxation is an exercise of the sovereign power of the State, and is never to be deemed lost or waived, unless such loss or waiver is expressed in plain and unmistakable terms; and one who asserts that his property is exempt from taxation must show it by the clear letter of the law. No intendment will be allowed in his favor, and if there be any exemption it must be strictly construed against the party claiming it.

Union Pacific Railroad Co. vs. Penniston, 18th Wall 5.

Williams vs. Supervisors of Albany, 122 U. S. 154.

Railroad Co. vs. Dennis, 116 U. S. 665.

Cottle vs. Spitzer, 65 Cal. 459.

C. B. & K. C. Railroad vs Guffey, 120 U. S. 569.

The Constitution of this State, Section 176, provides that "laws shall be passed taxing by uniform rule all property according to its true value in money," and Section 179 provides that "the franchise, road-way, road-bed, rails and rolling stock of all railroads operated in this State shall be assessed by the State Board of Equalization at their actual value," etc. The Constitution of the United States, which we recognize as the paramount law of the land, in Section 8, Article 1, reserves to the Federal Congress the right to regulate commerce with foreign nations and among the several states and with the Indian tribes. The Supreme Court of the United States in considering that provision of the Constitution of the United States have declared that a State cannot tax a federal agency created by act of Congress, nor by taxation interfere with interstate commerce. "Congress alone can deal with such transportation; its non-action being equivalent to a declaration that it shall remain free from burdens imposed by State Legislatures."

Steamship Co. vs. Penna., 122 U. S., 326.

Cal. vs. Railroad Co., 127 U. S., 1.

The franchises of a railroad corporation are rights and privileges which are essential to the operations of the corporation, and without which its road and works would be of little value. They are the positive rights or privileges without the possession of which the railroad of the company could not be successfully worked.

Morgan vs. Louisiana, 93 U. S., 217.

Chesapeake & Ohio Railroad Co. vs. Miller, 114 U. S., 176.

The franchises of the Northern Pacific Railroad Company were granted to it by the Federal Congress; it is not only a grant of certain franchises to the company, but it is also in the nature of a contract between it and the national government. Section 11 of the charter incorporating the company provides as follows: "That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, and subject to the use of the United States for postal, military, naval, and all government services, and also subject to such regulations as Congress may impose, restricting the charges for such government transportation." The Northern Pacific Railroad Company is then clearly an instrumentality or agency of the national government, and if it were within the power of the states through which it passes to impose the burdens of taxation upon its franchises granted by the federal government, they might cripple and effectually destroy such agency, and carried to its legitimate conclusion would allow the states to overthrow and destroy the national government itself. As Chief Justice Marshall said in *McCulloch vs. Maryland*, 4 Wheat., 316: "The power to tax involves the power to destroy." This would be an exercise of that dangerous doctrine of State

rights which, in all its forms and ramifications, the national government has strenuously resisted. I am, therefore, of the opinion that this State has no power or authority to tax the franchises of the Northern Pacific Railroad Company. We come, next, to the question of the right of this State to tax the right of way of said railroad. Such right of way was clearly and specifically exempted from taxation by Section 2 of the charter, so long as Dakota remained a territory. Is that exemption continued in force as to the State of North Dakota? The language used in granting the exemption is capable of a double construction; but I think that construction should be adopted which limits the exemption to the period, while the fee of such right of way remained in the national government, and that Congress did not intend by such grant to deprive the future State of its sovereign right of taxation. There is no provision in the Omnibus Bill requiring a contract with the United States specifically exempting this right of way from taxation, such as was required with reference to lands granted by Congress to the Indians, and which grant contained an exemption from taxation, nor as was required with reference to lands belonging to the United States. Section 4 Omnibus Bill. The Supreme Court of the United States has held that immunity from taxation conferred on a corporation by legislation is not a franchise, and were it not for Section 1 of the Schedule of our Constitution I think there could be no question but that such right of way would be taxable by the State of North Dakota. That section provides that "All * * * * claims and rights of individuals and bodies corporated shall continue as if no change of government had taken place," etc. While there is some doubt in my mind as to the proper application of the word "rights" as used in that section, I have reached the conclusion that it was not intended to apply to a mere privilege granted by the national government. I am therefore of the opinion that such right of way is taxable by this State. This brings us to the consideration of the last question; i. e. the right of this State to tax the improvements that have been placed upon said right of way by said railroad company. If I am right in my conclusion that the right of way is not exempt from taxation by the State it necessarily follows that the permanent improvements placed thereon would also be taxable; but I think all the improvements are subject to taxation even though the right of way should be held exempt. In speaking upon this question in the case of Cal. vs. Railroad Co. the court says: "It (the State) may undoubtedly tax outside visible property of the company situated within the State." And in National Bank vs. Com. 9th Wall, 353, Justice Miller referring to the doctrine that a state could not interfere with the franchise of a federal agency by taxation, states: "But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the government proposes to effect its lawful purposes in the State. * * * * The principle we are discussing has its limitations * * * a limitation growing out of the necessity upon which the principle itself is founded. That limitation is, that the agencies of the federal government are only exempted from state legislation so far as that legislation may interfere with or impair their efficiency in performing the functions by which they were designed to serve the government. Any other rule would convert a principal founded alone in the necessity of securing to the government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States. *

* * It is only when the State law incapacitates (these agencies) from discharging their duties to the government that it becomes unconstitutional." Congress granted to the Northern Pacific Railroad the right-of-way through the Territory of Dakota and exempted such right-of-way from taxation, so long as the territorial government continued. It did not grant the improvements that are now upon such right-of-way; these improvements have been placed there by the railroad company. Recalling the principle of law hereinbefore referred to we have a right to stand upon the thus saith the law, and it is unreasonable to believe that by exempting "the right-of-way" Congress ever intended to allow the railroad company to place these valuable improvements amounting to millions of dollars upon this right-of-way, where they would be entitled to

demand and receive the equal protection of our laws and not allow the State to compel them to share in the equal burdens of taxation. I therefore hold that the main line of the Northern Pacific Railroad in this State, excepting its franchises, is taxable as other property is taxed. The right-of-way, roadway, road-bed, rails and rolling stock to be assessed by the State Board of Equalization, and all other of such improvements by the assessors of the proper county, city, township, town, village, or district in which it is situated, as provided in Section 179 of the Constitution.

Respectfully submitted,
 GEORGE F. GOODWIN,
 Attorney General.

Mr. Swanston moved

That the communication be ordered printed in the Journal,
 Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
 Senate Bill No. 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1, line 1, by striking out the word "unexpired" and insert in lieu thereof the word "unexpended."

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
 Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 49,

A bill for an act to promote forest tree culture.

Also,

Senate Bill No. 7,

A bill for an act to revise and amend an act to insure the better reduction of practitioners of dental surgery, and to regulate the practice of dental surgery in the Territory of Dakota.

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 author-

ized to transact business, to satisfy any execution on any judgment against it.

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.

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
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,

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 3, line 22, strike out the word "forty" and insert the word "twenty."

In Section 6, line 6, strike out the word "forty" and insert the word "twenty."

In Section 10, line 6, strike out the word "fifty" and insert the word "twenty"; also, in line 13, same section, strike out the words "above five"; also, in line 18, same section, strike out the words "twenty-five" and insert the word "fifteen"; also, in line 21, same section, strike out the word "fifty" and insert the word "thirty"; also, in line 32, same section, strike out the word "forever."

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 not pass.

C. B. LITTLE,
Chairman.

Mr. President 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.

Also,

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.

Mr. President called Mr. Barlow to the Chair.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Slotten introduced—

Senate Bill No. 170,

A bill for an act to license peddling and prescribing penalties for the violation thereof,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. McCormack moved

That the Senate concur in the House amendments to Senate Bill No. 52,

Which motion prevailed, and

The Senate concurred in the House amendments.

THIRD 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 third time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 4, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the Speaker of the House has appointed as a conference committee on the part of the House, to consider

Senate Bill No. 34,

A bill for an act to create the office and define the duties of fire warden,

Messrs. Reed, Thomas and Hoyt.

Also, as a committee to consider

Senate Bill No. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter,

Messrs. Selby, Thompson and Stevens.

Also,

I have the honor to transmit herewith

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

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. 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. 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,

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

Also,

Senate Bill No. 129,

A Substitute for Senate Bill No. 107,

A bill for an act to allow organized townships to raise a tax for irrigation purposes,

Which the House has amended as follows: Amend by striking out the words "thirty days" wherever they occur and insert in lieu thereof the words "fifteen days."

Also, the following

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.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

And the question recurring on the final passage of Senate Bill No. 123,

Mr. Belyea moved

That the report of the committee on Senate Bill No. 123 be adopted,

Which motion prevailed.

Mr. Belyea moved

The following amendment:

Amend Section 14, line 29, by striking out the word "quality" and inserting the word "quantity" in lieu thereof,"

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Robinson.
Rowe,
Sandager,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship.
Yager.

Absent and not voting:

Messrs—

Dodds,

Messrs—

Helgeson,

Messrs—

Smith.

Mr. Worst voting in the negative.

Mr. Dodds being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Allen moved

That the consideration 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,

Be postponed and that it be made a special order for 2:30 p. m., to-morrow,

Which motion prevailed.

Senate Bill No. 89,

A bill for an act providing for the taxation of express companies,

Was read the third time.

Mr. LaMoure moved

That further action on Senate Bill No. 41 be deferred until a week from Friday,

Which motion prevailed.

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 third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 88 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Messrs—

Fuller,
Harmon,
Hartman,
Lawrence,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Dodds,
Haggart,
Helgeson,

Messrs—

LaMoure,
Little,
Sandager,

Messrs—

Svensrud,
Winship.

Mr. Dodds being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President called Mr. Little to the Chair.

The hour having arrived for the special consideration of Senate Bill No. 45,

Senate Bill No. 45,

A bill for an act fixing the salaries of certain State officers,
Was read the third time.

Mr. Belyea moved

To reconsider the vote by which Senate Bill No. 45 was amended in Section 1, line 17.

Mr. Swanston raised the point of order, that the motion was out of order.

Mr. President ruled the point of order well taken.

Mr. LaMoure moved

To amend by making the salary of the Attorney General \$2,000 per annum instead of \$1,000,

Which amendment was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 4, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the report of the Conference Committee amending Senate Bill No. 43, and has passed the bill as amended.

J. G. HAMILTON,
Chief Clerk.

And the question recurring on the passage of Senate Bill No. 45,

Mr. Stevens moved

To amend the title of the bill by adding after the word "officers" the words "and making an appropriation for the payment of the same,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs--
Allin,	Harmon,	Sandager,
Appleton,	Helgeson,	Smith,
Barlow,	LaMoure,	Slotten,
Belyea,	Lawrence,	Stevens,
Bell,	Little,	Svensrud,
Cowan,	McBride,	Swanston,
Diesem,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Fuller,	Robinson,	Yager.
Haggart,	Rowe,	

Absent and not voting: Messrs. Dodds and Hartman.

Mr. Dodds being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Senate Bill No. 156,

A bill for an act providing for the payment of a license on rail-
way sleeping cars,

Was read the third time.

Mr. Rowe moved

To adopt the report of the committee on Senate Bill No. 156,
Which motion prevailed.

Mr. LaMoure moved

To amend Section 4, line 10, by striking out all after the word
"the" up to and including the word "law," and inserting in lieu
thereof the words "Railroad Commissioners." Also, in line 13,
strike out the words "the Governor or other authorized persons,"
and insert in lieu thereof the words "Railroad Commissioners,"

Which amendment was adopted.

Mr. Stevens moved

To amend Section 8 by striking out all after line 2 of the
printed bill,

Which amendment was adopted.

Mr. LaMoure moved

To amend Section 8 by striking all after the word "act" in
line 5,

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Helgeson,	Smith,
Barlow,	LaMoure,	Slotten,
Belyea,	Little,	Stevens,
Bell,	McBride,	Svensrud,
Cowan,	McCormack,	Swanston,
Diesem,	Randall,	Winship,
Fisher,	Robinson,	Worst,
Fuller,	Rowe,	Yager.
Haggart,		

Absent and not voting :

Messrs—	Messrs—	Messrs—
Dodds,	Hartman,	Lawrence.

Mr. Dodds being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

FIRST READING OF HOUSE BILLS.

Mr. Swanston moved

That the rules be suspended and that all House bills receive their first and second readings and reference,

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 first and second times, 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 first and second times, and referred to the Committee on Railroads.

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,

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays,

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

Mr. Rowe moved

That the Senate adjourn to meet at 2 o'clock p. m., to-morrow,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

SEVENTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 5, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Dodds.

Mr. Allin moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct and revise the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Smith and Bell.

PETITIONS, COMMUNICATIONS, ETC.

The following petitions were received.

To the Hon. Alfred Dickey, President of the Senate of North Dakota:

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, so called, to our State:

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.

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 behalf of an outraged constituency and a scandalized public sentiment, in behalf of public honor, in the name of religion and morality and in the name of the Christian Churches of North Dakota, we hereby enter our protest against this infamous proposition, and we do call upon all good citizens to add their protest to ours against the sale of North Dakota to a fraternity of gamblers.

Resolved, That in our best judgment this scheme, if successful, would tend to endanger business interests and to drive away from us the very elements of

population the most desirable, and in the end seriously cripple the growth of the State.

J. W. DAVIES, Pastor Baptist Church,
 F. B. NASH, Jr., Rector Episcopal Church,
 H. C. SIMMONS, Supt. A. H. M. S.,
 G. H. CERBERDING, Pastor English Lutheran Church,
 D. W. KNIGHT, Pastor First M. E. Church,
 G. S. BASCOM, Pastor Plymouth Congregational Ch.,
 WM. EWING, Supt. Con. S. S. and Pub. Society,
 V. N. YERGIN, Pastor First Congregational Church,
 E. H. STICKNEY, Con. S. S. and Pub. Society,
 F. M. WOOD, Supt. Presb. Mis. Society,
 G. W. HUNTLEY, Supt. Baptist Mis. Society,
 CHAS. U. CABLE, Pastor Second M. E. Church,
 J. A. H. JOHNSON, Pastor Scandinavian Bap. Church,
 J. A. CHAMBERLIN, Pastor Cong. Ch., Grand Forks,
 G. R. PIKE, Pastor Presbyterian Church.
 D. C. PLANNETT, Presiding Elder M. E. Church.

VALLEY CITY, N. D., February 5, 1890.

To the Senate of North Dakota:

The Lottery bill is endorsed by a large majority of our citizens, including city and county officers and business men. A petition signed by them having been forwarded to the Senate and House members of Barnes County.

H. GRAY, Mayor.

J. W. SCOTT, City Attorney.

C. H. BASSETT, Editor of Alliance.

JEFF DOBBINS, Judge of Probate.

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.

F. M. WOOD,
 And 50 Others.

To Senators M. L. McCormack and Geo. B. Winship and Assemblyman Geo. H. Walsh, Bismarck, N. D.:

We, the undersigned citizens and taxpayers of the City of Grand Forks, N. D., 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.

Signed, JAMES R. SWAN,
 And 44 Others.

Which Mr. President referred to the Committee on State Affairs.

ST. THOMAS, N. D., February 3, 1890.

To Senator A. F. Appleton, Bismarck, N. D.:

DEAR SIR: At a meeting of the farmers of southern Pembina county, held in the opera house in St. Thomas last Saturday, the following resolutions were adopted, and I was instructed to forward to you a copy of the same:

We, the citizens of Pembina county in mass meeting assembled, formulate these resolutions as a reflection of our views on legislation which we consider of vital importance to the prosperity and growth of our State:

First. We are unalterably opposed to that portion of Senate Bill No. 143 which provides for the establishment in every county of the State the so-called township system of organization, and earnestly request our members in the State Legislature to support the present system styled the "District System."

Second. We are in hearty sympathy with the provisions of the bill providing public depositories and compelling county treasurers to deposit public money in the same, and earnestly request our Legislative Representatives to support the bill.

Third. We desire to call the attention of our Legislators to Section 170 of Article 10, of the State Constitution, which provides for the passage of a law making possible county government by the supervisor system, and urge upon them the necessity of introducing and supporting a bill to enforce the same.

Fourth. That we consider the Exemption Laws as they now exist a snare and a delusion calculated only for the protection of rogues and dishonest men. That we charge to the existence of these laws the present wide-spread chattel mortgage system, which robs the farmer of his credit and burdens the people with increased taxation and costs to maintain the same. That we favor the modification of said laws to such an extent as will exempt to a house holder his homestead not to exceed in area 160 acres and valued at not more than \$3 500. That the personal property exemptions be fixed at \$500 with the absolute exemptions which now are allowed by statute.

GRANT S. HAGER,
ANTHONY GARNETT,
H. P. O'HERN,
JOHN CHILDERHOSE,
DUNCAN MANSSEL,
Committee.

The meeting was very enthusiastic and was attended by over seventy representative farmers of Crystal, Park, Elora, Lodema, St. Thomas, Midland and Lincoln townships. Show the resolutions to the other Pembina county members and secure their support of these measures if possible.

Yours truly,

GRANT S. HAGER.

Which was referred to the Committee on Judiciary.

To the Legislative Assembly of the State of North Dakota:

We do most earnestly petition your honorable body legalizing and authorizing and enacting a law providing for a State Lottery, to be known as the North Dakota State Lottery, to be run on the same plan as the Louisiana State Lottery, and that the Governor of the State of North Dakota to be the president of said lottery, the Secretary of State to be the secretary of said lottery, and the State Treasurer to be the treasurer of said lottery; the Governor to have the power to employ all necessary clerks to transact the business of said lottery, and that all the net proceeds arising from said lottery to go into the State treasury and to be applied to the payment of debts against the State of North Dakota, and at any such time after all the debts of said State is fully paid, and thereon the 1st day of December in each year, the Governor of said State shall be required to strike a dividend and pay to each voter in the State of North Dakota, each an equal amount of said moneys, believing this to be a more just and equal plan of running a State Lottery.

Which was referred to the Committee on State Affairs.

SANBORN, N. D., February 4, 1890.

To the Hons. 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.

Which Mr. President referred to the Committee on State Affairs.

To the Hons. 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 co-operation and support.

A. H. GRAY, Mayor,
And 76 Others.

To the Members of the Legislature of the Thirtieth District, North Dakota:

We, the undersigned have made inquiry among you 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.

Which were referred to the Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 73,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties,

Was delivered to his Excellency, the Governor, for his approval at the hour of 5:05 o'clock p. m., February 3, 1890.

Also,

Senate Bill No. 7,

A bill for an act to revise and amend an act to insure the better education of practitioners of dental surgery, and to regulate the practice of dental surgery in the Territory of Dakota.

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,

Were delivered to his Excellency, the Governor, for his approval as the hour of 3 o'clock p. m., February 4, 1890.

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 the reports of the decisions of the Supreme Court for library purposes,

Was delivered to his Excellency, the Governor, for his approval at the hour of 3:25 o'clock p. m., February 5, 1890.

J. O. SMITH,
Chairman.

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

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

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. 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.

Also,

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, deaths and marriages in his township.

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. 127,

A bill for an act to amend Section 4, Chapter 139 of the General Laws of 1887.

Also,

Senate Bill No 45,

A bill for an act to fix the salaries of certain State officers,
And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary 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.

Also,

House Bill No. 55,

A bill for an act to repeal an act to prohibit the destruction of beaver in the Territory of Dakota,

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

Also,

Amendment to Senate Bill No. 41, proposed by Senator Allen:

Add to Section 2 the following: "It shall be unlawful for any common carrier or carriers subject to the provisions of this act to charge, demand or receive for the transportation of property from one place to another in this State a greater sum than the difference between the smallest sum charged at the time by the same carrier or carriers for transporting the same quantity of property belonging to the same freight class from any place outside of this State to the place at which such property is offered for transportation, and the smallest sum charged at the time by the same carrier or carriers for transporting the same quantity of property belonging to the same freight class from the same place outside of this State to the place of destination of the property so offered for transportation; *Provided, however,* That the distance between the places in this State shall be included in the distance between the place outside of this State and one of the places within this State."

Have had the same under consideration and herewith return the same without recommendation.

C. B. LITTLE,
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred
Senate Bill No. 113,

A bill for an act to provide for the incorporating and regulating of life endowment and casualty insurance companies, corporations or societies other than co-operative or assessment life endowment or casualty associations or societies,

Have had the same under consideration and recommend that said bill be referred to the Committee of the Whole.

JUDSON LAMOURE,
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred
House Bill No. 55,

A bill for an act providing for the purchase and distribution of the remaining reports of the Supreme Court of Dakota Territory,

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

W. H. ROBINSON,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
Senate Bill No. 143,

A bill for 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 5, Section 5, after the word "keep" in line 1 strike out the words "a true and fair" and insert instead the words "an accurate."

In Section 9, 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 fines collected."

In Section 5 insert the words "not less than fifteen nor more than "forty."

In Section 9 amend line 1 by striking out the word "fair" and inserting the word "complete."

In Section 15, line 5, after the word "State" insert the words "one copy to the president of each school district."

In Section 16, line 3, strike out the word "ten" and insert the word "five."

In Article 2, Section 1, line 5, after the word "qualified" strike out the balance of line 5 and all of lines 6, 7 and 8 to the word "such."

In line 5 strike out the words "Provided, That" and insert the word "except," and in line 7 after the figures "1888" insert the words "in which case."

In Article 1 amend Section 1 by adding at the end the following: "And who shall give a bond in the penal sum of \$5,000, with not less than two sureties to be approved by the Governor and Attorney General."

In Article 6, Section 11, line 20, insert the words "a vote of three-fifths of all voters of the district," before the words "to order the removal of a school house."

In Article 7, Section 9, line 4, strike out the words "annual July."

And when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

Mr. Belyea moved

That the report of the Committee on Insurance be adopted,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
February 5, 1890. }

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the penitentiary in certain cases,

And your favorable consideration thereof is respectfully requested.

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,

Which the House has passed with the following amendments:

In Section 1, line 3, of printed bill, strike out the word "first" and insert the word "fourth."

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 words "second Tuesday of October" and insert instead the words "first Wednesday after the first Monday in November."

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 insert 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.

Strike out the word "that" in line 1 of Section 11 and insert the word "the."

And your concurrence therein is respectfully requested.

Also,

I have the honor to inform the Senate that the House has concurred in the Senate amendment 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,

I have the honor to transmit herewith

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,

Which the House has amended as follows:

Amend Section 2, in lines 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 Legisla-

ture" 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 inserting 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 your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Revision of the Journal made the following report:

MR. PRESIDENT:

Your committee which was appointed to examine and correct the Journal of the Senate for February 3rd, have compared the same and find the same correct.

ANDREW SLOTTEN,
Chairman.

The Committee on Conference on Senate Bill No. 34 made the following report:

MR. PRESIDENT:

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 inserted the word "may" in lieu thereof, 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.

On the part of the House.
JAS. E. REED,
D. P. THOMAS,
A. W. HOYT.

On the part of the Senate.
F. G. BARLOW,
GEO. W. HARMON,
J. H. WORST.

Mr. Sandager moved

That the report of the committee on Senate Bill No. 34 be adopted,

Which motion prevailed.

The hour having arrived for the special consideration of Senate Bill No. 41,

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 third time.

Mr. Haggart moved

That the courtesies of the floor of the Senate be extended to Hon. H. F. Miller, a member of the late Constitutional Convention,

Which motion prevailed.

Mr. Barlow moved

That the amendment recommended by the Committee of the Whole to Subsection "a," Section 1, Senate Bill No. 41, be adopted,

Which motion prevailed.

Mr. Allin moved

That the amendment referred by the Committee of the Whole to the Committee on Judiciary be adopted,

Which amendment was lost.

Mr. Swanston asked unanimous consent to make the Governor's veto message on Senate Bill No. 31 a special order for February 18, 1890, at 3 o'clock p. m.

Consent was granted.

Mr. Barlow moved

To strike out Subsection "b", of Section 7, and substitute therefor the following amendment offered by Mr. Barlow in Committee of the Whole:

Amend Section 7 by striking out Subsection "b" and inserting the following in lieu thereof:

"The Railroad Commissioners shall on or before August 1st of each year adopt a system of uniform rules, which they may change from time to time as found necessary, governing the distribution of cars, to be loaded, among applicants at stations and side tracks on all railroads in this State, and they shall serve a copy of such rules upon all railroad superintendents in this State, which shall be sufficient notice to such railroad company, and said rules shall have all the force and effect of an order under the provisions of this act, and the disregard of the requirements or refusal to obey the requirements of such rules shall subject, and make liable, said common carrier to the pains and penalties made and provided in such case. The Railroad Commissioners 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, and shall also cause a copy of said rules to be posted in some public place at each station and side track for the information of shippers."

If any railroad company shall refuse or neglect to furnish cars as provided in the rules aforesaid at any station or side track, complaint having been made to the Railroad Commissioners, or any one of them, it shall be their duty to immediately inquire into the cause of such delay in furnishing the cars demanded, and if they find just cause for complaint they are empowered and required to make such orders and rules as they may deem to be right and just to all parties concerned, the same to be enforced as other orders and rules are enforced under the provisions of this act; *Provided*, All railroad corporations, in case of a shortage of cars, shall be required to furnish at all times each branch or division of its road its just proportion of cars required for the transportation of freight according to the amount offered for shipment on each branch or division.

Which amendment was adopted.

Mr. President announced his signature to 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.

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.

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 the reports of the decisions of the Supreme Court for library purposes.

The question recurring on the final passage of Senate Bill No. 41,

Mr. Barlow moved

To amend Section 8 Subsection "b" by inserting after the word section" in line 21 the words "without the order or by the authority of the Railroad Commissioners,"

Which amendment was adopted.

Mr. Barlow moved

To amend Section 8 by striking out Subsection "f" and insert in lieu thereof the following amendment offered in the Committee of the Whole by the Railroad Committee:

(f) In case such common carrier shall neglect or refuse for ten days after such notice to substitute such tariff of rates, fares and charges or classifications, or to adopt the same as recommended by the Commission, it shall be the duty of said Commission to immediately publish such tariff of rates, fares, charges or classifications as they have declared to be equal and reasonable, in one or more newspapers published in the county or counties through or into which the road or line may run, upon which the changes so recommended by the Commission are to take effect. The newspapers in which such publication shall be made (subject to the above condition that they shall be published in the county or counties through or into which such road or line of road may run), and the duration of time which such notice shall be published shall be in the discretion of the Commission; but the tariff of rates, fares, charges or classifications recommended by the Commission shall be in full force and effect from and after the expiration of ten days from the service upon such common carrier of the notice in writing required by Subdivision "e" of this section, without regard to the publication authorized by this "f" Subdivision; and after the expiration of ten days from the service of such notice in writing upon such common carrier, it shall be unlawful for such common carrier to charge a higher or lower rate, fare, charge or classification than that fixed by said Commission.

Which amendment was adopted.

Mr. Swanston moved

To amend the amendment of Mr. Worst by inserting the word "sixty" in the blank on page 9, and in the blank on page 10 by inserting the word "fifteen", and that the amendment of Mr. Worst as amended be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Barlow moved

To adopt the following amendment to Section 9:

Amend Section 9, line 12, by striking out all after the word "authorized" to the end of section, and inserting the following: "At the request of the Attorney General to employ such additional legal 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 of any law of this State."

Which amendment was adopted.

Mr. Barlow moved

To adopt the following amendment to Section 10:

Amend by striking out of line 33, Section 10, the words "clerk or secretary" and insert the words "when certified by the chairman of the Board of Railroad Commissioners,"

Which amendment was adopted.

Mr. Worst moved

To amend Section 10 by striking out all after the word "corporations" in line 32 up to the word "and" in line 33, and insert in lieu thereof the words "certified by the clerk or secretary of the Railroad Commissioners."

Which amendment was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 5, 1890. }

To the President of the Senate:

I herewith respectfully return Senate Bill No. 73 without my approval for the following reasons:

It is defective in providing the manner of assessment in that it provides only for assessment by county assessor. Section 704 of the Compiled Laws of Dakota makes provision for organization of townships. This bill makes no provision for assessment by township assessor in county to which the unorganized county may be attached for the purposes of this bill, and therefore is not in conformity with Section 715 of Compiled Laws.

The bill fails to provide for the equalization of assessment or the levying of tax.

Respectfully,

JOHN MILLER,
Governor.

Mr. Stevens moved

That the veto message be made a special order for 4 o'clock p. m., tommorw,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 5, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,
Which the House has passed without amendment.

J. G. HAMILTON,
Chief Clerk.

Mr. President called Mr. Robinson to the Chair.

And the question recurring on the final passage of Senate Bill
No. 41,

Mr. Worst moved

That the following amendment proposed to Section 15 by the
committee be not adopted:

Amend Section 15 by striking out all after the word "require" in line 79 to
end of section, and insert the following in lieu thereof: "No appeal as afore-
said shall stay or supersede the order appealed from, and pending the final de-
cision of all appeals to the courts, the rates fixed, orders made or decisions ren-
dered by the Commissioners shall remain in full force and effect."

Mr. Barlow moved

As a substitute motion to strike out the words "after rate fixed"
"orders made or decisions rendered by the Commissioners,"

Which substitute was adopted.

Mr. Barlow moved

To amend line 69, Section 15, by striking out the words "or the
Secretary,"

Which motion prevailed.

Mr. Worst moved

To amend by striking out all after the word "modify," line 81,
Section 15,

Which amendment was adopted.

Mr. Swanston moved

That further action on Special Orders be dispensed with.

Roll call demanded.

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Fuller,
Haggart,
Harmon,

Messrs—

LaMoure,
Little,
McCormack,
Randall,

Messrs—

Robinson,
Sandager,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Bell,
Cowan,
Diesem,
Fisher

Messrs—

Hartman,
Hegleson,
McBride,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Messrs. Dodds and Lawrence being absent and not voting.

Mr. Dodds being excused.

So the motion was lost, and

Consideration of Senate Bill No. 41 was continued.

Mr. Worst moved

To amend Section 16, line 16, by inserting after the words "court" the words "and Supreme Court."

Which motion prevailed.

Mr. Swanston moved

To amend Section 16, line 16, by striking out the words "in session" and inserting the word "open."

Which amendment was lost.

Mr. LaMoure moved

To amend by striking out Subdivision "b" of Section 17,

Which amendment was adopted.

Mr. Swanston moved

To amend line 16, Section 16, by inserting the word "open" between the words "in" and "session."

Which amendment was adopted.

Mr. Allin moved

The adoption of the following amendment, to be added to the end of Section 18:

The decision of a majority of the Commission shall be considered the decision of the board on all questions arising for its consideration.

Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the district court of the State.

All expenses of the Commission in making any investigation or examinations in any other place than the City of Bismarck shall be allowed and paid out of the State Treasury on the presentation of itemized vouchers therefor, approved by the chairman of the Commission and the State Auditor.

Which amendment was adopted.

Mr. Rowe moved

To add Section 19 as follows:

Sec. 19. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Which amendment was adopted.

Mr. Little moved

The adoption of Section 20 as follows:

Sec. 20. An emergency existing in the fact that there is no law in force which properly defines the duties and powers of the Board of Railroad Commissioners, this act is intended to remedy that defect; this act shall take effect and be in force from and after its passage and approval.

Which motion prevailed.

Mr. Diesem moved

To amend Mr. Barlow's amendment in line 10 by striking out the word "that" and inserting in lieu thereof the word "such,"

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 41,

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belvea,
Bell,
Cowan,
Diesem,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Mr. Dodds being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
February 5, 1890. }

To the President of the Senate:

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

Senate Bill No. 47,

An act to promote forest tree culture,

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

Respectfully,

JOHN MILLER,
Governor.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Appleton moved

That the Senate concur in the House amendments to Senate Bill No. 129,

Which motion prevailed.

Mr. Rowe moved

That the Senate concur in the House Concurrent Resolution in relation to the Commissioner of Agriculture,

Which motion prevailed.

Mr. McCormack asked unanimous consent to return to the eight order of business,

Which consent was granted.

Mr. McCormack moved

That the vote by which House Bill No. 154 was lost be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of the bill,

Mr. McCormack moved

That the bill be recommitted,

Which motion prevailed.

Mr. Winship asked unanimous consent to return to the fifth order of business, which consent was granted, and

The following petitions were presented:

JAMESTOWN, Feb. 5, 1890.

To Senators Fuller and Lutz, Bismarck:

We have three petitions going; will have nine-tenths of the citizens and tax payers on it by this evening favoring licensing lottery.

A. KLAUS.

GRAND FORKS, N. D., February 5, 1890.

To Messrs. Stevens and Tandberg:

The opinion here to-day is nearly unanimous in favor of Mr. Sandager's bill. Let us have the revenue; pay our debts, and reduce taxation.

WM. O. MULCAHY.

GRAND FORKS, N. D., February 5, 1890.

To Hon. Geo. B. Winship:

The undersigned, citizens and voters of Grand Forks, most earnestly protest against legalizing Louisiana or other lottery by the State of North Dakota.

L. B. RICHARDSON,
And 50 Others.

WASHINGTON, D. C., February 5, 1890.

To the Hon. Alfred Dickey:

Universal astonishment and depreciation among prominent Republicans here at the proposed lottery legislation.

L. R. CASEY.

Mr. LaMoure moved

That the petitions in reference to the Louisiana Lottery be laid on the table,

Roll call demanded.

The roll being called there were ayes 21, nays 8.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Diesem,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Randall,
Robinson,
Sandager,
Smith,
Stevens,
Swanston.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Fisher,

Messrs—

Rowe,
Slotten,
Svensrud,

Messrs—

Winship,
Yager.

Absent and not voting: Messrs. Dodds and Worst.

Mr. Dodds being excused.

So the motion to lay on the table prevailed.

Mr. Allen moved

That the Senate adjourn.

Mr. Stevens moved

As an amendment that when the Senate adjourn it be to meet again at 10 o'clock a. m.,

Which amendment was lost, and

The question recurring on the motion to adjourn,

The motion was lost.

Mr. Smith moved

That the Senate concur in House amendments to Senate Bill No. 64,

Which motion prevailed.

Mr. Little moved

That the Senate concur in House amendments to Senate Bill No. 56,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 170,

A bill for an act to license peddling and prescribing penalties for the violation thereof,

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

THIRD READING OF SENATE BILLS.

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 third time.

Mr. Winship moved

That Senate Bill No. 167 be made a special order for Wednesday next at 3 p. m.

Which motion was lost.

Mr. LaMoure moved

To amend the report of the committee on Senate Bill No. 167 by striking out the figure "20" where it appears and inserting the word "thirty,"

Which amendment was adopted.

Mr. Swanston moved

That the report of the committee as amended be adopted.

Motion withdrawn by consent.

Mr. Barlow moved

That the Senate adjourn until to-morrow at 2 p. m.

Roll call demanded.

The roll being called there were ayes 9, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Slotten,
Barlow,	Helgeson,	Svensrud,
Diesem,	Rowe,	Winship.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Robinson,
Belyea,	LaMoure,	Sandager,
Bell,	Lawrence,	Smith,
Cowan,	Little,	Stevens,
Fuller,	McBride,	Swanston,
Haggart,	McCormack,	Worst,
Harmon,	Randall,	Yager.

Mr. Dodds being excused.

So the motion was lost.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 167 as amended be adopted.

Mr. Barlow asked for a division of the question.

Mr. LaMoure raised the point of order that a report of a committee was not divisible, so that the part to be divided was not stated.

Mr. President ruled the point of order well taken.

Mr. Barlow moved

That the report of the committee be divided, and that the Senate vote on each amendment separately.

Which motion was lost, and

The question recurring on the adoption of the report of the committee,

The report was adopted.

Mr. Allin moved

That the bill be made a special order for to-morrow at 3 p. m.,
Which motion was lost.

Mr. Allin moved

That the Senate adjourn,

Which motion was lost.

Mr. Swanston moved the previous question, and

The question being shall the main question be now put,

The motion prevailed, and

The question being shall the bill pass,

The roll being called there were ayes 22, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Robinson,
Belyea,	LaMoure,	Sandager,
Bell,	Lawrence,	Smith,
Cowan,	Little,	Stevens,

Diesem,
Fuller,
Haggart,
Harmon,

McBride,
McCormack,
Randall,

Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Fisher,

Messrs—

Helgeson,
Rowe,
Slotten,

Messrs—

Svensrud,
Winship.

Mr. Dodds being absent and excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Swanston moved

That the vote just taken be reconsidered, and that the motion to
reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

That the Senate adjourn, until 2 p. m., tomorrow.

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 6, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Dodds and Harmon.

The Journal of the preceding day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 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,

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

Also,

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation and arbitration,

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

C. B. LITTLE,
Chairman.

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

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 167,

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,

Have examined the same and find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your committee appointed to revise and correct the Journal of the seventy-seventh day—February 4th—beg leave to report the following corrections:

On page 6, morning session, insert title of bill.

On page 8, strike out the word "Senate" (bill No. 73) and insert the word "House."

On page 8, Mr. McBride moved, add the words "amendment which was." Strike out after the word "days" in line 10, Section 1, the word "such" and all of line 11.

On page 18, change Senate Bill No. 41 to Senate Bill No. 89.

J. O. SMITH,
Chairman.

Mr. Harmon presented the following 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.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Yager introduced—

Senate Bill No. 171,

A bill for an act to provide seed for the needy farmers of North Dakota, and making an appropriation therefor,
Which was read the first time.

Mr. Rowe moved

The adoption of the resolution of Mr. Harmon,
Which motion prevailed.

Mr. Svensrud asked unanimous consent to return to the seventh order of business, and consent being given, the Special Committee on Seed Wheat made the following report:

MR. PRESIDENT:

Your Committee on Seed Wheat 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 said bill do pass.

A. SVENSRUD,
Chairman.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Rowe moved

That the Senate do now concur in the House amendments to
Senate Bill No. 64.

Mr. Robinson stated that these amendments were approved yesterday on motion of Mr. Smith but it did not appear in the Journal.

Mr. McBride moved

That the Senate do now concur in the House amendments to
Senate Bill No. 64, so that it would appear on the Journal,
Which motion prevailed, and
The Senate concurred in the House amendments.

THIRD READING OF SENATE BILLS.

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,
Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 141 be adopted,
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 6, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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 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. 142,

A bill for an act authorizing county commissioners to purchase for the use of their respective counties an artesian well drilling outfit,

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

J. G. HAMILTON,
Chief Clerk.

The question recurring on the final passage of Senate Bill No. 141,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	McBride,	Svensrud,
Cowan,	McCormack,	Swanston,
Diesem,	Randall,	Winship,
Fisher,	Robinson,	Worst,
Helgeson,	Rowe,	Yager.
LaMoure,	Sandager,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Hartman,
Bell,	Haggart,	Smith,
Dodds,	Harmon,	

Messrs. Appleton, Dodds, Fuller, Haggart and Harmon being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little asked unanimous consent to return to the eighth order of business,

Which consent was granted, and

Mr. Little moved

That the courtesies of the floor of the Senate be extended to the Hon. W. H. Francis, late judge of the district court,

Which motion prevailed.

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 third time.

Mr. Barlow moved

That the further consideration of Senate Bill No. 152 be indefinitely postponed,

Which motion was withdrawn for the reason that the bill was in Committee of the Whole.

Senate Bill No. 143,

A bill for act to provide for an uniform system of free public schools throughout the State,

Was read the third time.

Mr. Worst moved the adoption of the following amendment:

In Article 1 amend Section 1 by adding at the end the following: "And who shall give a bond in the penal sum of \$5,000, with not less than two sureties to be approved by the Governor and Attorney General."

Which amendment was adopted.

Mr. Rowe moved

The adoption of the following amendment: "In Section 9 amend line 1 by striking out the word "fair" and inserting the word "complete,"

Which amendment was adopted.

Mr. Rowe moved

The adoption of the following amendments:

In Section 15, line 5, after the word "State" insert the words "one copy to the president of each school district."

In Section 15, line 3, strike out the word "ten" and insert the word "five."

Which amendment was adopted.

Mr. Barlow moved

The adoption of the following amendment:

In Article 2, Section 1, line 5, after the word "qualified" strike out the balance of line 5 and all of lines 6, 7 and 8 to the word "such."

In line 5 strike out the words "Provided, That" and insert the word "except," and in line 7 after the figures "1888" insert the words "in which case."

Which amendment was adopted.

Mr. President called Mr. Yager to the Chair.

Mr. Worst moved

To amend Section 17, line 8, by striking out the word "five" and insert the word "six" in lieu thereof, and in line 29 strike out the word "five" and insert the word "six" in lieu thereof,

Which amendments were lost.

Mr. Swanston moved

To amend Section 17, line 2, by striking out the figures "\$300" and inserting the figures "\$150" in lieu thereof,

Which motion was withdrawn by consent.

Mr. Barlow moved

That a select committee of five be appointed to consider the matter of compensation of county superintendent of schools,
Which motion prevailed.

Mr. LaMoure moved

That Section 1, Article 3, be referred to the Select Committee on Compensation.

Mr. McBride moved

As a substitute that Senate Bill No. 143 be laid over until tomorrow,

Which motion prevailed.

Mr. Swanston moved

That further action on Senate Bill No. 143 be deferred until tomorrow.

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
February 6, 1890. }

To the President of the Senate:

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

Senate Bill No. 7,

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,

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. 33,

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,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

The hour having arrived for the consideration of the Governor's veto message on Senate Bill No. 73,

Mr. Swanston moved

That the veto of the Governor on Senate Bill No. 73 be sustained.

Mr. La Moure raised the point of order that the motion was out of order for the reason that the chair should state the question without a motion.

Mr. Swanston withdrew his motion.

The question being shall the bill pass the objections of the Governor to the contrary notwithstanding,

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

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,
Helgeson,

Messrs—

LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Dodds,
Fuller,

Messrs—

Haggart,
Harmon,

Messrs—

Hartman,
Smith.

Messrs. Appleton, Dodds, Fuller, Haggart and Harmon being excused.

So the bill did not pass.

Mr. President appointed as the committee to consider compensation of superintendent of schools in connection with Senate Bill No. 143, Messrs. Barlow, Winship, Swanston, Worst and Stevens.

Mr. Smith asked unanimous consent to return to the eighth order of business, which consent was granted, and

Mr. Smith moved

That the Senate concur in the House amendments to Senate Bill No. 43.

Motion withdrawn by consent.

Mr. Stevens moved

That all House bills receive their first and second readings, and be referred to the proper committees,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

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 first and second times, and referred to the Committee on Irrigation.

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. 126,

A bill for an act regulating appeals from the District Courts to the Supreme Court and to repeal Chapter 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,

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

THIRD READING OF HOUSE BILLS.

The Secretary read the report of the committee on

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.

Mr. McCormack moved

To adopt the report of the committee on House Bill No. 14,

Motion withdrawn by consent.

Mr. Stevens moved

To recall House Bill No. 14 from the Committee of the Whole, Which motion prevailed.

Mr. Belyea moved

That the report of the Committee on House Bill No. 14 be not adopted,

Which motion prevailed.

Mr. Swanston moved,

That the rules be suspended and that House Bill No. 14 be made a special order for Monday next at 3:30 p. m.,

Which motion prevailed.

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.

Mr. Little moved

That the report of the Committee on House Bill No. 187 be adopted,

Which motion prevailed, and
The question recurring on the final passage of House Bill No. 187,

The roll being called there were ayes 16, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Bell,
Cowan,
Diesem,
Fisher,

Messrs—

Helgeson,
LaMoure,
Little,
Robinson,
Rowe,

Messrs—

Sandager,
Slotten,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Belyea,
McBride,
McCormack,

Messrs—

Randall,
Stevens,

Messrs—

Swanston.
Worst.

Absent and not voting:

Messrs—

Appleton,
Dodds,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,

Messrs—

Lawrence.
Smith.

Messrs. Appleton, Dodds, Fuller, Haggart and Harmon being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Smith asked unanimous consent to return to the fifth order of business which consent was granted, and

Mr. Smith presented the following report and moved its adoption:

Mr. PRESIDENT:

Your 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 words "ten miles."

For the Senate:

J. O. SMITH,
W. H. ROBINSON,
JOHN McBRIDE.

For the House:

E. W. BOWEN,
A. P. HAUGEN,
W. L. BELDEN.

Which report was adopted.

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.

Mr. Barlow moved

That the report of the committee on House Bill No. 78 be adopted,

Which motion was lost.

Mr. Barlow moved

That further action on the bill be postponed, and that it come up in regular order,

Which motion prevailed.

House Bill No. 172,

A bill for an act relating to the shipment of live stock and grain,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 172 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,
Helgeson,

Messrs—

McBride,
McCormack,
Randall,
Robinson,
Rowe,
Sandager,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Dodds,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,

Messrs—

LaMoure,
Lawrence,
Little.

Messrs. Appleton, Dodds, Fuller, Haggart and Harmon being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Stevens moved

That the Senate adjourn to meet at 2 o'clock p. m., to-morrow,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 7, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Dodds, Haggart, Harmon, Hartman and Sandager, who were excused.

The Journal of the preceding day was read and approved.

UNFINISHED BUSINESS.

The third reading and consideration of
Senate Bill No. 143,

A bill for act to provide for an uniform system of free public schools throughout the State,

Was continued.

Mr. Worst moved

To adopt Section 1, Article 3, of Senate Bill No. 143,

Mr. President announced his signature to
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 of 1889, relating to publication of insurance statements.

Also,

House Bill No. 186,

A bill for an act to promote medical science.

Mr. President called Mr. McCormack to the Chair,

And the question recurring on the motion to adopt Section 1 of Article 3 of Senate Bill No. 143,

Mr. Appleton moved

That all Senators be allowed to speak the third time on Senate Bill No. 143,

Which motion prevailed.

A recess of ten minutes was taken.

Mr. Swanston moved a call of the Senate,

Which motion prevailed.

The following members were reported absent without being excused: Messrs. Little, McCormack and Svensrud.

The Sergeant-at-Arms brought Messrs. Little, McCormack and Svensrud before the bar of the Senate.

Mr. Belyea moved

That the members before the bar of the Senate be excused and that further proceedings under the call of the Senate be dispensed with,

Which motion prevailed, and

The question recurring on the motion to adopt Section 1 of Article 3 of Senate Bill No. 143,

Roll call was demanded.

The roll being called there were ayes 12, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Helgeson,	Slotten,
Cowan,	Robinson,	Svensrud,
Diesem,	Rowe,	Worst,
Fuller,	Smith,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Randall,
Appleton,	Lawrence,	Stevens,
Belyea,	McBride,	Swanston.
Bell,	McCormack,	Winship.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Harmon,	Little,
Haggart,	Hartman,	Sandager.

Mr. Little paired with Mr. Harmon.

Messrs. Dodds, Haggart, Harmon, Hartman and Sandager being excused.

So the motion was lost.

Mr. Appleton moved

That Senate Bill No. 143 be recommitted for amendment.

Mr. LaMoure moved

To amend by instructing the committee to report a bill in conformity with the sense of the Senate as expressed on the vote just taken,

Which amendment was adopted, and

The question recurring on the motion to recommit as amended,

The motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Senate Bill No. 138,

A bill for an act to amend Chapter 32 of the Session Laws of
1887,

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

Also,

House Bill No. 35,

A bill for an act to amend Section 1, Session Laws of 1885,
supplement, relation to noxious weeds,

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

S. A. FISHER,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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.

Also,

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the licens-
ing 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 on rail-
way sleeping cars.

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. 64,

A bill for an act to provide for the erection and operation of a
State Normal School at Mayville, Traill county, North Dakota,

And find the same correctly engrossed.

J. O. SMITH,
Chairman.

Mr. Smith moved

That the Senate concur in the House amendments to Senate Bill No. 43,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Lawrence introduced—

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situated in unorganized counties,

Which was read the first time.

Mr. McCormack introduced—

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 institution, and to appropriate miscellaneous receipts for the use of the said institutions,

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 171,

A bill for an act to provide seed grain for the needy farmers of North Dakota, and making an appropriation therefor,

Was read the second time, and referred to the Special Committee on Seed Wheat.

THIRD READING OF SENATE BILLS.

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 third time.

Mr. Barlow moved

That the report of the committee on Senate Bill No. 165 be adopted.

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Fisher,
Helgeson,

Messrs—

Lawrence,
Little,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Absent and not voting:

Messrs—
 Appleton,
 Bell,
 Diesem,
 Dodds,
 Fuller,

Messrs—
 Haggart,
 Harmon,
 Hartman,
 LaMoure,

Messrs—
 McBride,
 Sandager,
 Swanston,
 Worst.

Messrs. Dodds, Haggart, Marmon, Hartman and Sandager being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation and arbitration,

Was read the third time.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 164 be adopted,

Which motion prevailed.

Mr. Stevens moved

To amend Section 9, lines 3 and 4, by striking out the words "or that" in line 3, and the words "such arbitrators misbehave" in line 4,

Which amendment was adopted.

Mr. Rowe moved

That Hon. R. L. Pollock, a member of the late Constitution a Convention, be invited within the bar of the Senate,

Which motion prevailed.

The question recurring on the final passage of Senate Bill No. 164,

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

Those who voted in the affirmative were:

Messrs—
 Allin,
 Appleton,
 Barlow,
 Belyea,
 Diesem,
 Fisher,
 Helgeson,

Messrs—
 LaMoure,
 Lawrence,
 Little,
 McBride,
 Randall,
 Robinson,
 Rowe,

Messrs—
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Bell,
 Cowan,
 Dodds,
 Fuller,

Messrs—
 Haggart,
 Harmon,
 Hartman,

Messrs—
 McCormack,
 Sandager,
 Smith.

Messrs. Dodds, Fuller, Haggart, Harmon, Hartman and Sandager being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

THIRD READING OF HOUSE BILLS.

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.

Mr. Barlow moved

That the report of the committee on House Bill No. 163 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Stevens,
Barlow,	McCormack,	Svensrud,
Bell,	Randall,	Swanston,
Cowan,	Robinson,	Winship,
Diesem,	Rowe,	Worst,
Fisher,	Slotten,	Yager.
Little,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	LaMoure,
Belyea,	Harmon,	Lawrence,
Dodds,	Hartman,	Sandager,
Fuller,	Helgeson,	Smith.

Messrs. Appleton, Dodds, Fuller, Haggart, Harmon, Hartman, LaMoure and Sandager being excused.

There being an emergency clause in the bill and there not being the necessary two-thirds majority,

Mr. Diesem moved

That the Senate reconsider the vote just taken on Senate Bill No. 163,

Which motion prevailed, and

And the question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	McBride,	Svensrud,
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Robinson,	Worst,
Fisher,	Rowe,	Yager.
Helgeson,	Smith,	

Absent and not voting.

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	LaMoure,
Dodds,	Harmon,	Sandager.
Fuller,	Hartman,	

Messrs. Appleton, Dodds, Fuller, Haggart, Harmon, Hartman, LaMoure and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President 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,
Senate Bill No. 129,
Substitute for Senate Bill No. 107,

A bill for an act to allow organized townships to raise 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,

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.

Mr. Rowe moved

That the report of the Committee on House Bill No. 78 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 4, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Fisher,	Randall,	Robinson.
McCormack,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Bell,	McBride,	Swanston,
Cowan,	Rowe,	Worst,
Diesem,	Smith,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	LaMoure,
Dodds,	Harmon,	Sandager,
Fuller,	Hartman,	Winship.

Messrs. Appleton, Dodds, Fuller, Haggart, Harmon, Hartman, LaMoure, Sandager and Winship being excused.

So the bill was lost.

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 third time.

Mr. McCormack moved

That the report of the committee on House Bill No. 93 be not adopted.

Mr. Diesem moved

As a substitute that House Bill No. 93 be recommitted to the Committee on Insurance,

Which motion was lost, and

The question recurring on the motion of Mr. McCormack,

The motion was lost.

Mr. Diesem moved

That House Bill No. 93 be recommitted to the Committee on Insurance.

Mr. Swanston moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned until 2 p. m., to-morrow.

C. C. BOWSFIELD,
Secretary.

EIGHTY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 8, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Dodds, Haggart, Hartman, Harmon, Sandager and Yager.

The Journal of the preceding day was read and approved.

Mr. President 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.

UNFINISHED BUSINESS.

The consideration of 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 continued.

Mr. Diesem withdrew his motion to recommit House Bill No. 93, by consent, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Messrs—

Fuller,
Helgeson,
LaMoure,
Lawrence,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting :

Messrs—

Dodds,
Haggart,
Harmon,

Messrs—

Hartman,
Little,
Sandager,

Messrs—

Smith,
Yager.

Messrs. Dodds, Haggart, Hartman, Harmon, Sandager and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

Mr. PRESIDENT:

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:

In Section 2 strike out the word "demonstrated" and insert the
word "required."

ROGER ALLIN,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully
report that

Senate Bills Nos. 43 and 8

Were delivered to his Excellency, the Governor, for his approval
at the hour of 4:20 o'clock p. m., February 8, 1890.

Also,

Senate Bills Nos. 56, 64, 144 and 129

Were delivered to his Excellency, the Governor, for his approval
at the hour of 2:30 p. m., February 8, 1890.

J. O. SMITH,
Chairman.

The Committee on Engrossed and Enrolled Bills made the fol-
lowing report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have ex-
amined

Senate Bill No 43,

A bill for an act entitled "An Act to provide for the transfer
of freight at railroad crossings and the maintenance of depots at
the same."

Also,

Senate Bill No. 8,

A bill for an act for the interchanging of district courts when the judges thereof are for any reason unable to act.

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. 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,

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 find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Diesem moved

That the vote just taken on House Bill No. 93 be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

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

Resolved, That the Committee on Education be instructed to amend Senate Bill No. 143, to provide for an uniform school system, except as to boundary and size of the school corporation, and to provide for the consolidation of the same when desired by the voters of the corporation so affected.

Which was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Barlow introduced—

Senate Bill No. 174,

A bill for an act providing for the election of certain county officers named,

Which was read the first time.

Mr. LaMoure moved

That the rules be suspended and that Senate Bill No. 174 be read the second time, and referred to the proper committee,

Which motion prevailed, and

Senate Bill No. 174 was read the second time, and referred to the Committee on Counties.

SECOND READING OF SENATE BILLS.

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situated in unorganized counties,

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

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 institution, and to appropriate miscellaneous receipts for the use of the said institutions,

Was read the second time, and referred to the committee on Ways and Means.

THIRD READING OF SENATE BILLS.

Senate Bill No. 138

A bill for an act to amend Chapter 32 of the Session Laws of 1887,

Was read the third time.

Mr. Swanston moved

That the report of the committee be adopted on Senate Bill No. 138,

Which motion prevailed.

Mr. Diesem moved

That the further consideration of Senate Bill No. 138 be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 138 was indefinitely postponed.

THIRD READING OF HOUSE BILLS.

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.

Mr. Little moved

That the report of the committee on House Bill No. 175 be adopted.

Mr. Barlow moved

That the committee on House Bill No. 175 be recommitted to the Committee on Warehousing, Grain and Grain Grading,

Which motion prevailed, and

House Bill No. 175 was recommitted.

Mr. Little asked unanimous consent to return to the sixth order of business,

Which consent was granted, and
The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 said bill be amended as follows:

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, 1885, be and the same is hereby repealed.

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

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,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 35 be adopted,

Which motion prevailed.

Mr. Swanston moved

To amend the bill by striking out the words "wild oats" where they appear in English or Latin.

Motion withdrawn by consent.

Mr. LaMoure moved

To amend the bill by inserting after the words "wild oats" the words "French weed,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,

Messrs—

Fisher,
Helgeson,
LaMoure,
Little,
McBride,
McCormack,

Messrs—

Randall,
Robinson,
Rowe,
Slotten,
Svensrud,
Worst.

Absent and not voting:

Messrs—

Belyea,
Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Lawrence,
Sandager,

Messrs—

Swanston,
Winship,
Yager.

Messrs. Smith and Stevens voting in the negative.

Messrs. Dodds, Haggart, Harmon, Hartman, Sandager and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

House Bill No. 140,

A bill for an act to repeal, Chapter 109 of the Session Laws of 1889,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 140 be adopted,

Which motion prevailed.

Mr. Barlow moved

To amend the title of House Bill No. 140 by inserting after "1889,"

"Entitled an act to enable townships, incorporated towns and cities to aid in the construction of railroads."

Mr. Belyea moved

As a substitute that the further consideration of House Bill No. 140 be indefinitely postponed,

Which motion prevailed, and

House Bill No. 140 was indefinitely postponed.

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,

Was read the third time.

Mr. Fisher moved

That the report of the Committee on House Bill No. 183 be adopted,

Which motion prevailed.

Mr. Belyea moved to amend House Bill No. 183 as follows:

Amend Section 1, line 5 by inserting the following after the word "liable," the words "or if elected fail to assess taxes,"

Which amendment was adopted.

Mr. Stevens moved

To amend by striking out the word "assess" and inserting the word "levy" in lieu thereof,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Slotten,
Appleton,	Little,	Stevens,
Barlow,	McCormack,	Svensrud,
Belyea,	Randall,	Swanston,
Cowan,	Robinson,	Winship.
Helgeson,	Rowe,	Worst.
LaMoure,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Haggart,	McBride,
Dodds,	Harmon,	Sandager,
Fisher,	Hartman,	Yager.
Fuller,		

Mr. Bell voting in the negative.

Messrs. Dodds, Fuller, Haggart, Harmon, Hartman, Sandager and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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.

Mr. Belyea moved

To amend Section 3, line 3, by striking out the word "three" and inserting in lieu thereof the word "six."

Mr. Belyea withdrew his amendment by consent.

Mr. Swanston moved

That House Bill No. 55 be recommitted to the Committee on Appropriations,

Which motion prevailed, and

House Bill No. 55 was recommitted.

Mr. President 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.

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota,

Was read the th'rd time.

Mr. LaMoure moved

To amend Section 2, line 9, by striking out the word "two" and inserting in lieu thereof the word "three,"

Which motion prevailed.

Mr. LaMoure moved

To amend Section 2, line 10, by inserting after the words "New York" the words "and one in the city of Chicago,"

Which amendment was adopted.

Mr. Rowe moved

That the report of the committee on House Bill No. 19 be adopted,

Which motion prevailed.

Mr. Stevens moved

To amend Section 1, line 15, by striking out the figure "4" and inserting in lieu thereof the figure "5."

Mr. Swanston moved

As an amendment to the amendment to strike out the figure "4" and inserting in lieu thereof the figures "4½,"

Which amendment was adopted as amended.

Mr. Diesem moved

To amend Section 3, line 5, by inserting after the word "time" the words "not to exceed five years,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,
Fisher

Messrs—

Hegleson,
LaMoure,
Lawrence,
McBride,
McCormack,
Randall,

Messrs—

Rowe,
Smith,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Belyea,
Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Little,
Robinson,

Messrs—

Sandager,
Slotten,
Yager.

Mr. Stevens voting in the negative.

Messrs. Dodds, Haggart, Harmon, Hartman, Sandager and Yager being excused.

The vote being less than two-thirds of the Senate, Mr. Rowe moved

That the vote just taken on House Bill No. 19 be reconsidered.

Mr. Stevens raised the point of order that Mr. Rowe did not vote on the prevailing side.

Mr. President ruled that the bill had passed and could become a law, excepting the emergency clause, and that the motion was in order.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 8, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

Which the House has passed with the following amendments:

Amend the title of said bill by striking out the word "wheat" and inserting the word "grain"; also, strike out the words "poor and."

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 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 add at the close of Section 6 of the written bill the following: "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."

And your concurrence therein is respectfully requested.

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. 67,

A bill for an act relating to marriage, and providing for marriage license.

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. 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. 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. 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. 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.

All of which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

The question recurring on the motion to reconsider House Bill No. 19, the motion prevailed, and

The question recurring on the final passage of

House Bill No. 19,

A bill for an act providing for refunding the outstanding bonds of the State of North Dakota.

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Messrs—

Fuller,
Hegleson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Robinson,
Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Dodds,
Haggart,
Harmon,

Messrs—

Hartman,
Sandager,

Messrs—

Smith,
Yager.

Messrs Dodds, Haggart, Harmon, Hartman, Sandager and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President called Mr. Barlow to the Chair.

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 third time.

Mr. Worst moved

That the report of the committee on House Bill No. 206 be adopted,

Which motion prevailed.

Mr. Worst moved

To amend line 47, Subdivision 12, page 3 of the bill, by striking out the word "statute" and inserting in lieu thereof the word "act,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Helgeson,

Messrs—

LaMoire,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,

Those who voted in the negative were:

Messrs—

Bell,

Messrs—

Fuller,

Messrs—

Smith.

Absent and not voting:

Messrs—

Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,

Messrs—

Sandager,
Yager.

Messrs. Dodds, Haggart, Harmon, Hartman, Sandager and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Winship asked unanimous consent to return to the seventh order of business, and consent being given, the Conference Committee on House Bill No. 15 presented the following report:

MR. PRESIDENT:

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 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.

GEO. B. WINSHIP
C. B. LITTLE,
W. H. ROBINSON,
Com. on part of Senate.
J. F. SELBY,
E. S. TYLER,
A. P. HAUGEN,
Com. on part of House.

Mr. Belyea moved

That the report of the Conference Committee be referred to the Committee on Banks and Banking.

Mr. LaMoure raised the point of order that the report of the Conference Committee was out of order for the reason that the committee was not appointed under the rules.

The point of order was yielded for the present.

Mr. Swanston moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 10, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by Mr Allin.

Roll called.

All members present except Messrs. Dodds, Harmon, Hartman and Yager, who were excused.

Mr. Little moved

That the reading of the Journal of the preceding day be dispensed with, and that it be referred to a committee for correction,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Appleton and Haggart.

UNFINISHED BUSINESS.

Mr. Little moved

That the report of the committee on House Bill No. 15 be adopted,

Which motion prevailed.

Mr. Little moved

That the roll be called on the final passage of House Bill No. 15,

A bill for an act for the organization and government of State banks,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Haggart,

Messrs—

Helgeson,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst.

Those who voted in the negative were:

Messrs— Appleton,	Messrs— Fuller,	Messrs— Lawrence.
Absent and not voting:		
Messrs— Bell, Dodds, Harmon.	Messrs— Hartman, LaMoure,	Messrs— Swanston, Yager.

Messrs. Dodds, Harmon, Hartman and Yager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

PETITIONS, COMMUNICATIONS, ETC.

The following communications were received:

VALLEY CITY, N. D., February 8, 1890.

To the State Senate of North Dakota:

The undersigned citizens of Barnes county are opposed to the proposed immoral and iniquitous gambling lottery scheme. We don't want a Monaco in North Dakota.

C. E. HEIDEL and 62 others.

To the Hon. Alfred Dickey:

DEAR SIR: The Cass County Teachers' Association passed the following resolutions to-day, which you will please present to the Senate:

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 interests of the youth of our State; therefore be it unanimously

Resolved by this Cass County Teachers' Association at Cassleton 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.

CO. SUPT. CLAPP,
MRS. DAVIS,
MR. MILLER,
Committee.
B. F. REMINGTON,
Secretary,

FARGO, N. D., February 6, 1890.

To Hon. Alfred Dickey, Lieutenant Governor, 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,

S. NEWMAN, Chairman.
E. H. SMITH, Secretary.

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 counsels, 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 Speaker of the House, with the request that they present the same to the bodies over which they respectively preside.

S. NEWMAN, Chairman.
E. H. SMITH, Secretary.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 10, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the Senate amendments to

House Bill No. 15,

A bill for an act for the organization and government of State banks.

Also, in the Senate amendments to

House Bill No. 109,

A bill for an act to prevent the sale of cigarettes or tobacco to certain minor children,

Also, in the Senate amendments 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.

I also 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, etc.,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Robinson asked unanimous consent to introduce a resolution, which consent was granted, and

Mr. Robinson presented the following resolution:

Be it Resolved by the Senate of the State of North Dakota: That Senate Bill No. 64 be recalled from the Governor.

Mr. LaMoure moved

The adoption of the resolution,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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,

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

C. B. LITTLE,
Chairman.

The Committee on Corporations Other than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other than Municipal to whom was referred

Senate Bill No. 161,

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:

In lines 7 and 8 of printed bill, strike out the words "resident in the State."

In lines 12 and 13 of printed bill, strike out the words "or of the members."

In line 11 strike out the word "successively" and insert the word "consecutively" in lieu thereof.

In line 27 of printed bill, strike out the words "or of three-fourths of the members."

And when so amended recommend that said bill do pass.

J. E. STEVENS,
Chairman *pro tem*.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 52,

A bill for an act to provide for a commission to act with a like commission from the State of North Dakota to effect the final ad-

justment between the respective States of North Dakota and South Dakota and defining its duties and powers,

Was delivered to his Excellency, the Governor, for his approval at the hour of 2:45 o'clock p. m., February 10, 1890.

J. O. SMITH,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Special Committee on Senate Bill No. 142 made the following report:

MR. PRESIDENT:

Your Special Committee 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,

Having carefully considered said bill, would respectfully report said bill back to this House with the following amendments, to-wit:

That Section 2, line 12, be amended by striking out the words "and fifty."

That Section 3 be amended by striking out in lines 21 and 22 the words "and shall upon application and the tender of fees herein provided," and "during business hours," and insert in lieu thereof "shall upon application and the tender of fees herein provided."

That Section 4 be amended by adding thereto after the word "section" in line 9 thereof, the words "the fees herein authorized shall have lien on the oils inspected, as provided in Section 3 of this act."

That Section 8 be amended by striking out in line 2 thereof the words "except crude petroleum," and inserting in lieu thereof the words "except as hereinafter provided."

That Section 10 be amended by striking out in line 8 the words "and fifty."

That said bill be amended by inserting therein as Section 15 as follows, to-wit: "Nothing in this act shall prevent the use of gas or vapor from oils for illuminating purpose when the oils from which said gas or vapor is generated are contained in closed reservoirs outside the building illuminated or lighted by said gas, nor shall anything in this act be so construed as to prevent the use in street lamps of lighter products of petroleum such as gasoline, benzine, benzole and naphtha.

That Section 15 be amended by striking out in line 1 the words "Sec. 15," and inserting in lieu thereof the words "Section 16."

That Section 16 be amended to read "Section 17."

That Section 17 be stricken out.

And when so amended recommend that said bill do pass.

A. F. APPLETON,
Chairman.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Special Committee on Journal correction of the eighty-second day have examined the Journal and corrected the typographical and other errors found therein.

A. F. APPLETON,
Chairman.

Which report was adopted.

Mr. President announced his signature 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.

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. 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.

Mr. Barlow moved

That the rules be suspended and that the Senate concur in the House amendments to Senate Bill No. 115,

Which motion prevailed.

Mr. Winship presented the following resolution and moved its adoption.

WHEREAS, Complaints are made by citizens in various localities in the State that telegraphic messages having reference to legislation pending in the Legislative Assembly are being delayed and suppressed; therefore,

Resolved, That the President of the Senate be and he is hereby requested to appoint a committee of three to investigate said reports and report the result of such investigations to the Senate.

Which resolution was lost.

Mr. Bell presented the following resolution:

WHEREAS, It has been frequently stated and rumored that corrupt means and money have been used to nominate and elect the State officers and United States Senators and the passage of Senate Bill No. 167 in the Senate; therefore,

Be it Resolved by the Senate, That a Select Committee of five, to consist of three Republicans and two Democrats, to-wit: Senators Robinson of Traill, Haggart of Cass, McBride of Cavalier, Harmon of Morton, and McCormack of Grand Forks, be appointed to investigate the nomination and election of the State officers, the election of United States Senators, also the passage of Senate Bill No. 167; and that the committee is hereby empowered to send for persons and papers and to administer oaths; and they are further instructed to enter at once upon their duties and report at the earliest day possible.

Mr. Swanston moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

The hour having arrived for the third reading and consideration of

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,

Was placed upon third reading.

Mr. President called Mr. Stevens to the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 10, 1890.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has this day concurred in the Senate Concurrent Resolution for a Memorial to Congress requesting the passage of the two pension bills proposed by the G. A. R. National Pension Committee.

Also,

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,

The further consideration of which the House has indefinitely postponed.

Also,

I have the honor to inform the Senate that the House has refused to concur in the Senate amendments to

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products,

And that the House has adopted a resolution that the Speaker of the House appoint a committee of three to confer with a like committee from the Senate upon said amendments, and that the Speaker has appointed as such committee on the part of the House, Messrs. Estabrook, Bowen and Murphy.

J. G. HAMILTON,
Chief Clerk.

Mr. Diesem moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Appleton moved a call of the House.

Mr. McCormack moved

As a substitute that the Sergeant-at-Arms inform the absent Senators that the Senate was without a quorum,

Which motion prevailed.

Mr. LaMoure moved

That the courtesies of the floor of the Senate be extended to the Hon. M. N. Johnson, a member of the Constitutional Convention,

Which motion prevailed.

Mr. Swanston moved

That the Senate do now adjourn until 2 p. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Diesem, Dodds, Hartman, Worst and Yager.

Mr. Smith moved

That the reading of the Journal be dispensed with, and that it be referred to a committee for correction,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Cowan and Svensrud.

Mr. Robinson asked unanimous consent to make a motion,

Which consent was granted, and

Mr. Robinson moved

That the message to the House concurring in the House amendments to Senate Bill No. 64 be recalled,

Which motion prevailed.

By unanimous consent the rules were suspended, and the following bills were introduced and read the first time.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little introduced—

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,

Which was read the first time.

Also,

Senate Bill No. 176,

A bill for an act to amend Section 340 of the Probate Code,

Which was read the first time.

UNFINISHED BUSINESS.

The reading of

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,

Was continued from Section 46.

Mr. Swanston moved

To amend House Bill No. 14 by striking out "Section 18," page 6,

Which amendment was adopted.

Mr. Belyea moved

That Mr. Hayden be requested to give such information on House Bill No. 14 as was asked for,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
February 10, 1890. }

To the President of the Senate:

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

Senate Bill No. 8,

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.

Also,

Senate Bill No. 56,

An Act to subdivide the Sixth judicial district of the State of North Dakota, and to fix the terms of court therein.

Also,

Senate Bill No. 144,

An Act to provide for the issuing of warrants to pay the expenses of the Constitutional Convention in excess of the amount

appropriated by Congress therefor, and to provide for the redemption of said warrants.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal correction made the following report:

MR. PRESIDENT:

Your Special Committee on Journal correction of the eighty-fourth day have examined the Journal and corrected the typographical and other errors found therein.

R. D. COWAN,
Chairman.

Which report was adopted.

Mr. Swanston moved

That the vote just taken on striking out Section 18 of House Bill No. 14 be reconsidered.

Mr. Stevens moved

To lay the motion to reconsider on the table.

Roll call demanded on the motion to lay upon the table.

The roll being called there were ayes 14, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Cowan,	McBride,
Appleton,	Fisher,	Slotten,
Barlow,	Haggart,	Stevens,
Belyea,	Harmon,	Swanston.
Bell,	Little,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Helgeson,	Robinson,	Smith.
LaMoire,	Rowe,	Svensrud,
McCormack,	Sandager,	Winship.
Randall,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Hartman,	Worst,
Dodds,	Lawrence,	Yager.
Fuller,		

Messrs. Diesem, Dodds, Hartman, Lawrence, Worst and Yager being excused.

And so the motion to lay upon the table prevailed.

Mr. Sandager moved a call of the house.

Mr. Swandston raised the point of order that a call of the Senate was was out of order during a roll call.

Mr. President ruled the point of order well taken.

Mr. McBride moved

That Subsection 10 of Section 5 be stricken out of House Bill No. 14,

Which motion prevailed.

Mr. Stevens moved

The following amendment to Section 10 of House Bill No. 14:

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 are situated.

Amend title to Section 10 by adding between the words "water companies" the words "telegraph and telephone."

Which amendment was lost.

Mr. McCormack moved

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

Which motion was lost.

Mr. Swanson moved.

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 12, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Haggart, Harmon, Hartman and Robinson, who were excused.

The Journal of the preceding day was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 12, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 39,

A bill for an act defining usury, and the penalty for taking the same.

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,

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

J. G. HAMILTON,
Chief Clerk.

UNFINISHED BUSINESS.

The reading of

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 purpose relative thereto,

Was continued from Section 55.

Mr. President called Mr. Smith to the Chair.

Mr. Stevens moved

To amend Section 78 by striking out the word "five" and inserting the word "three" in lieu thereof,

Which amendment was adopted.

Mr. Winship moved

To amend line 5, Section 68, by striking out the word "official" before the word "newspaper."

Mr. Winship withdrew his amendment.

Mr. Worst moved

To reconsider the vote by which Section 78 was amended.

Mr. Stevens raised the point of order that Mr. Worst voted with the minority, and therefore could not move to reconsider.

Mr. President ruled the point of order well taken.

Mr. Belyea moved

To reconsider the vote by which Section 78 was amended by substituting the word "three" for the word "five."

Which motion prevailed, and

The question recurring on the amendment to Section 78,

Roll call demanded.

The roll being called there were ayes 16, nays 4.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Dodds,

Messrs—

Fisher,
LaMoure,
Rowe,
Sandager,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Belyea,
Randall,

Messrs—

Swanston,

Messrs—

Worst.

Absent and not voting:

Messrs—

Diesem,
Fuller,
Haggart,
Harmon,

Messrs—

Hartman,
Hegleson,
Lawrence,
Little,

Messrs—

McBride,
McCormack,
Robinson,

Messrs. Fulier, Haggart, Harmon, Hartman, Lawrence and Robinson being excused.

So the amendment was adopted.

Mr. Stevens moved

To amend Sections 83 and 86 by striking out the word "five" where it occurs and inserting the word "three" in lieu thereof,

Which amendment was adopted.

Mr. President announced his signature to

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. 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 acquiring additional duties.

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 payment of the purchase price of seed grain.

Mr. Stevens moved

To amend Section 104 by striking out the word "six" and inserting in lieu thereof the word "four" before the word "years,"

Which amendment was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
February 12, 1890. }

To the President of the Senate:

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

Senate Bill No. 43,

An act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,

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

Respectfully,

JOHN MILLER,
Governor.

Mr. Allin moved

That the vote by which Mr. Stevens' amendment to Section 10 was lost be reconsidered,

Which motion prevailed, and

The question before the Senate being the amendment to Section 10 of House Bill No. 14,

The amendment was adopted.

Mr. Barlow moved

That the Senate take a recess of five minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 12, 1890. }

MR. PRESIDENT:

I have the honor to return 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 provide for the compensation and payment of the same,

Which the House has passed with the following amendments:

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 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 o

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, strike out the word "such" in line 2 of Section 4.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

To 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,"

Which amendment was adopted.

Mr. Barlow presented the following to be numbered Section 18 which was struck out, and moved its adoption:

SEC. 18. Every person, company or corporation in listing the personal property of such person, company or corporation, may deduct the actual debts of such person, company or corporation, from the actual credits of such person, company or corporation, and the balance shall be taxed as other personal property is taxed, but in no case shall any person, company or corporation be allowed to deduct any indebtedness from the assessed valuation of any goods, chattels or effects of any nature whatsoever, except as may be provided in this act.

Roll call demanded on the amendment.

The roll being called there were ayes 10, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Lawrence.	Smith.
Diesem,	Randall,	Svensrud,
Helgeson,	Sandager,	Winship,
LaMoure,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Stevens,
Appleton,	Little,	Swanston,
Belyea,	Rowe,	Worst,
Bell,	Slotten,	Yager.
Cowan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Harmon,	McCormack,
Fuller,	Hartman,	Robinson.
Haggart,	McBride,	

Messrs. Fuller, Haggart, Harmon, Hartman, McBride, McCormack and Robinson being excused.

So the amendment was lost.

Mr. Barlow moved

The adoption of the following amendment to House Bill No. 14.

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.

Which amendment was adopted.

Mr. Swanston moved

That all sections after 17 be renumbered to conform to the amendments adopted,

Which motion prevailed.

Mr. Barlow moved

The adoption of the following substitute for the first four lines to Section 48:

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.

So the amendment was adopted.

Mr. Stevens moved

That the vote taken on the amendment of Mr. Barlow to Section 18 be reconsidered, and the vote to reconsider be laid upon the table,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 14 as amended,

The roll being called there were ayes 13, nays 9:

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Cowan,

Messrs—

Fisher,
Rowe,
Slotten,
Stevens,

Messrs—

Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Barlow,
Diesem,
Helgeson,

Messrs—

LaMoure,
Lawrence,
Randall,

Messrs—

Sandager,
Smith,
Svensrud,

Absent and not voting:

Messrs—

Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Little,

Messrs—

McBride,
McCormack,
Robinson.

Messrs. Fuller, Haggart, Harmon, Hartman, McBride and McCormack being excused.

So the bill was lost.

REPORTS OF STANDING COMMITTEES.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading 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:

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.

And when so amended recommend that said bill do pass.

ANDREW SLOTTEN,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 do pass.

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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 find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

Mr. President appointed as a conference committee on House Bill No., 45 Messrs. Slotten, LaMoure and Appleton.

MOTIONS AND RESOLUTIONS.

Mr. Svensrud moved

That 300 additional copies of Senate Bill No. 115 and House Bill No. 163 be printed,

Which motion prevailed

Mr. LaMoure moved

That the rules be suspended, and that the vote by which the Senate concurred in the House amendments to Senate Bill No. 64 be reconsidered,

Which motion prevailed.

Mr. LaMoure moved

That the Senate do not concur in the House amendments to Senate Bill No. 64, and that a conference committee be appointed to confer with a like committee from the House,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Robinson, LaMoure and Winship.

Mr. Slotten moved

That the rules be suspended and that House Bill No. 50 be read the first and second times, and referred to the proper committee,

Which motion prevailed, and

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 first and second times, and referred to the Committee on Warehousing, Grain and Grain Grading.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Winship moved

That Senate Bill No. 177 be read the first and second times, and referred to the proper committee,

Which motion prevailed, and

Mr. Winship introduced—

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 was read the first and second times, and referred to the Committee on Appropriations.

Mr. Belyea moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hartman, who was excused.

The Journal of the preceding day was read and approved.

PETITIONS, COMMUNICATIONS, ETC.

The following petition was received:

To the Hon. Senator McBride:

We, the undersigned, heartily recommend Senate Bill No. 152, providing for a board of examiners for piano tuners.

J. H. ZIMMERMAN and 55 others.

REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

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:

That the word "five" in Section 2 be stricken out and the word "three" inserted in lieu thereof.

And when so amended recommend that said bill do pass.

S. A. FISHER,
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred Senate Bill No. 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.

W. H. ROBINSON,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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.

Also,

Senate Bill No. 171,

A Memorial to Congress requesting the passage of the two pension bills proposed by the G. A. R. National Pension Committee,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 115,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein,

Was delivered to his Excellency, the Governor, for his approval at the hour of 3:45 o'clock p. m., February 13, 1890.

J. O. SMITH,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Robinson moved

That the Attorney General be requested to prepare a resolution giving the investigating committee full power to subpoena witnesses to give testimony before them, and all other powers necessary for the full and complete investigation of the matters in hand,

Which motion prevailed.

Mr. Svensrud moved

That the vote by which House Bill No. 14 was lost, yesterday, be reconsidered,

Which motion prevailed, and

The vote was reconsidered, and

The question recurring on the final passage of 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,

Mr. Barlow moved

That the vote by which the amendment to House Bill No. 14, inserting Section 18, was laid upon the table, be reconsidered.

Mr. President ruled the motion out of order for the reason that a similar motion had been acted on.

Mr. Swanston moved

That further action on House Bill No. 14 be deferred until Saturday next at 2:30 p. m.,

Which motion prevailed.

Mr. Worst asked unanimous consent to return to the eighth order of business,

Which consent was granted, and

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 143,

A bill for 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:

AMENDMENTS TO ARTICLE III.

In Section 1, line 1, after the word "State" insert the words "not organized for school purposes under the district system at the taking effect of this act."

In Section 3, line 1, strike out the word "any" and insert instead the word "every." After the word "county" insert the words "not organized for school purposes under the district system at the taking effect of this act." In line 9, after the word "commissioners" insert the words "of every such county."

In Section 6, line 1, before the word "if" insert the words "in any county not organized for school purposes under the district system at the taking effect of this act."

In Section 7 omit all of the section after the word "district" in line 8.

In Section 8, line 1, after the word "county" insert the words "not organized for school purposes under the district system at the taking effect of this act." In line 3 strike out the word "four" and insert instead the word "twelve."

In Section 9, at the end of the section, add "Provided, That in every county organized for school purposes, under the district system, at the taking effect of this act, the several school districts shall retain and be known by the numbers which they have respectively at the time of the taking effect of this act, and any school district hereafter formed in any such county shall be known by the number next higher than that of the highest pre-existing numbered district."

After Section 9 insert the following:

SEC. 10. The county commissioners and county superintendent of schools in each county which, at the taking effect of this act, is organized for school purposes under the district system, shall meet on the first Monday in May, 1890, at the place where the meetings of such commissioners are usually held, and shall rearrange and establish the boundaries of the several school districts of the county as herein provided, to-wit:

1. Every civil township in the county, no part of which is included in a school district already organized, shall be formed into a single school district.

2. Every congressional township in the county, no part of which is included in a civil township, or in an organized school district, if it contains twelve or more persons of school age, shall be formed into a single school district.

3. All territory in the county situate in a civil township, part of which is organized into a school district or districts, or situate in a congressional township not included in a civil township, and a part of which is organized into a school district or districts, shall be annexed to and form a part of an organized school district or districts lying wholly or in part in such civil or congressional township.

4. Each school district now organized which has less than ten persons of school age residing therein, shall be annexed to and form a part of such adjacent school district or districts as shall be most convenient for such persons of school age, when in the judgment of such commissioners and superintendent such annexation can be made without detriment to the schools or to the pupils residing in such districts.

5. The boundary lines of each school district which lies partly within two or more civil townships shall be so changed that such school district shall lie wholly within one civil township, so far as in the judgment of such commissioners and superintendent, such change or changes can be made without detriment to the schools or to the pupils therein.

6. Such commissioners and superintendent shall make such changes generally in the boundary lines of the school districts of the county, not in their judgment detrimental to the interests of the schools of the county, as will reduce the number of school districts in the county, and form school districts not extending beyond the boundaries of the civil township.

SEC. 11. After the boundary lines of the several school districts in any of the said counties are rearranged and established as provided for in the last preceding section of this article, such boundary so established may be changed by the county commissioners and superintendent of schools of such county at any regular session of such commissioners upon a petition for such change signed by one-third of the voters residing in each district whose boundaries will be affected by such change, if in the judgment of the commissioners and superintendent such change is for the best interests of the schools. *Provided*, That by such change or changes no new district shall be formed, nor shall the number of school districts in the county be increased; *Provided, further*, That each congressional township not wholly or in part included in a civil township, and no part of which is organized for school purposes, shall be formed into a school district as soon as it shall have residing therein twelve or more children of school age.

Change the number of Section 10 to 12.

Change the number of Section 11 to 13.

And when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McBride introduced—
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,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 179,

A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883,

Which was read the first time.

Mr. Smith introduced—

Senate Bill No. 180,

A bill for an act to amend Section 1, Chapter 48 of the Session Laws of 1889,

Which was read the first time.

Mr. Worst introduced—

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions,

Which was read the first time.

Also,

Senate Bill No. 182,

A bill for an act to regulate political caucuses,

Which was read the first time.

Mr. Harmon introduced—

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,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Rowe moved

That the Senate do not concur in the House amendments to Senate Bill No. 133, and that a conference committee be appointed to confer with a like committee from the House.

Mr. Little moved

As a substitute that the Senate do concur in the House amendments to Senate Bill No. 133,

Which substitute motion was lost, and

The question recurring on the motion of Mr. Rowe,

The motion prevailed, and

Mr. President appointed as such committee Messrs. Rowe, La-Moure and McCormack.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 13, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has ap-

pointed as a conference committee to settle the differences as to Senate Bill No. 64, Messrs. Selby, Montgomery and Currier.

Also, to inform the Senate that the House has adopted the report of the conference committee as to House Bill No. 54, and has passed the bill as amended.

J. G. HAMILTON,
Chief Clerk.

SECOND READING OF SENATE BILLS.

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,

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

Senate Bill No. 176,

A bill for an act to amend Section 340 of the Probate Code,

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

Mr. Worst moved

That the rules be suspended and that all bills introduced to-day be read the second time, and referred to the proper committees,

Which motion prevailed, and

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,

Was read the second time, 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,

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

Senate Bill No. 180,

A bill for an act to amend Section 1 of Chapter 48 of the Session Laws of 1889,

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

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions,

Was read the second time, and referred to the special committee appointed to draft a bill on elections.

Senate Bill No. 182,

A bill for an act to regulate political caucuses,

Was read the second time, and referred to the special committee appointed to draft a bill on elections.

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.

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

THIRD READING OF SENATE BILLS.

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 third time.

Mr. President called Mr. Little to the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 13, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has appointed as a conference committee to adjust the differences between the respective Houses as to Senate Bill No. 133, Messrs. Walsh, Currier and Hankinson.

J. G. HAMILTON,
Chief Clerk.

Mr. President 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.

Also,

A Concurrent Resolution and for a Memorial to Congress requesting the passage of the two pension bills proposed by the G. A. R. National Pension Committee.

Mr. McBride moved

That the report of the Committee on Senate Bill No. 150 be adopted,

Which motion prevailed.

Mr. Little moved

To amend the bill by striking out Section 16,

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Haggart,

Messrs—

Hartman,
Robinson,

Messrs—

Swanston,
Winship.

Mr. Randall voting in the negative.

Mr. Hartman being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Senate Bill No. 169,

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

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 169 be adopted,

Mr. Robinson moved

That further action on Senate Bill No. 169 be indefinitely postponed,

Which motion was lost.

Mr. Dodds moved

That the consideration of Senate Bill No. 169 be postponed until Saturday next, and that the Attorney General be requested to give his opinion on the constitutionality of the bill,

Which motion prevailed.

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.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 142 be adopted,

Which motion prevailed.

Mr. Stevens moved

To amend Section 8 by inserting between the words "uses" and "for" the words "sells or offers for sale,"

Which amendment was adopted.

Mr. Little moved
To strike out Section 16 of the printed bill.

Mr. Stevens moved
The adoption of the following amendment:

Amend Section 1, line 6 of the printed bill, by adding the following proviso after the word qualified:

Provided, That the first inspector appointed under the provisions of this act shall be appointed for the term of one year.

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 142.

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Rowe,
Barlow,	Harmon,	Sandager,
Belyea,	Helgeson,	Slotten,
Cowan,	LaMoure,	Stevens,
Diesem,	Lawrence,	Svensrud,
Dodds,	Little,	Swanston,
Fisher,	McCormack,	Worst,
Fuller,	Randall,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Robinson,
Bell,	McBride,	Winship.

Mr. Smith voting in the negative.

Mr. Hartman being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced his signature to
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 refunding the outstanding bonds of the State of North Dakota.

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.

Mr. Little moved

That the report of the Committee on Senate Bill 161 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Cowen,
Diesen,
Dodds,
Fisher,
Harmon,

Messrs—

Helgeson,
Lawrence,
Little,
McCormack,
Randall,
Rowe,
Sandager,

Messrs—

Smith.
Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Fuller,
Haggart,

Messrs—

Hartman,
LaMoure,
McBride,

Messrs—

Robinson,
Winship.

Mr. Belyea voting in the negative.

Mr. Hartman being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr Smith was excused from further attendance on the Senate until Monday.

Mr. Stevens moved

That all House bills receive their second reading and reference,
Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

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. 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. 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 Corporations Other than Municipal.

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 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 first and second times, and referred to the Committee on Judiciary.

House Bill No. 99,

A bill for an act defining usury, and the penalty for taking the same,

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

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. 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. 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. 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 first and second times, and referred to the Committee on Public Buildings.

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage license,

Was read the first and second times, and referred to the Committee on Public Health.

Mr. LaMoure moved

That the rules be suspended and that House Bill No. 67 be

read the second time, and referred to the Committee on Public Health.

Mr. Swanston moved

As an amendment that it be referred to the Committee on Indian affairs.

Which amendment was lost.

Mr. Belyea moved

As a substitute that the bill be referred to the Committee of the Whole Senate,

Which substitute motion was lost, and

The question recurring on the original motion of Mr. LaMoure,

The motion was lost for the reason that it did not receive the necessary two-thirds majority to suspend the rules.

Mr. Robinson moved

That the rules be suspended, and that the Senate return to the eighth order of business,

Which motion prevailed, and

The following communication was received from the Attorney General:

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

In compliance with your request of this date, I submit herewith the following form of resolution for the purpose of investing a certain investigating committee of the Senate with certain powers:

Resolved, That the investigating committee named in a certain resolution presented by Senator Bell, and adopted by the Senate on the tenth day of February, 1890, are hereby granted the following additional powers: The chairman or any member of said committee is authorized and empowered to administer to any witnesses the oath or affirmation authorized by statute to be administered to witnesses in courts of justice; that the chairman and secretary of said committee are authorized and empowered to issue processes to compel the attendance of witnesses, and the Sergeant-at-Arms or Assistant Sergeant-at-Arms of the Senate are authorized and empowered to serve the same; and said committee are further authorized and empowered to punish witnesses by proceedings for contempt before the bar of the Senate; that said committee be authorized to employ counsel, stenographer and such clerks as they deem necessary, that all evidence given by the said committee shall be reduced to writing and together with all proceedings of said committee be reported to the Senate; that there be and is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$5,000, or so much thereof as may be necessary to pay the necessary expenses incurred by said investigating committee; *Provided*, That all vouchers for such expenses shall be audited by the State Auditor who shall issue his warrant upon the Treasurer therefor.

I have complied with the request of your honorable body, but beg leave to state that in my opinion no resolution adopted by this body will confer any legal powers upon said committee for the reason that until charges are made, filed and acted upon by the Senate there is nothing to confer jurisdiction upon this body to act in the premises; that said committee have no legal authority to investigate mere street rumors or to put the State to any expense in such proceedings, and that as at present constituted said committee are wholly without any legal power or authority whatever to proceed.

Dated February 13, 1890.

Respectfully submitted, •
GEO. F. GOODWIN,
Attorney General.

Mr. LaMoure moved

The adoption of the draft of the resolution furnished by the Attorney General except so much as relates to the appropriation of money,

Which motion prevailed.

Mr. McCormack moved

That the paragraph of the communication which gives the opinion of the Attorney General be returned to him with the thanks of the Senate,

Which motion prevailed.

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. Rowe moved

That the report of the committee on House Bill No. 57 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 23, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Svensrud,
Swanston,
Winship,
Yager.

Absent and not voting:

Messrs—

Dodds,
Fuller,

Messrs—

Hartman,
Lawrence,

Messrs—

Little,
Robinson.

Messrs. Stevens and Worst voting in the negative.

Mr. Hartman being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. LaMoure moved

That House Bill No. 158 be deferred until next Tuesday,

Which motion prevailed.

Mr. Little moved
That the Senate do now adjourn,
Which motion was lost.

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 placed upon its third reading.

Mr. Swanston moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 14, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Hartman and Smith, who were excused.

Mr. Cowan moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Sandager and Helgeson.

UNFINISHED BUSINESS.

The third reading of
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 continued.

Mr. Svensrud moved

That the report of the committee on House Bill No. 16 be adopted,

Which motion prevailed.

Mr. Belyea moved

That the further consideration of House Bill No. 16 be indefinitely postponed.

Roll call was demanded on the indefinite postponement of House Bill No. 16.

The roll being called there were ayes 4, nays 23.

Those who voted in the affirmative were:

Messrs— Belyea, Helgeson,	Messrs— McCormack,	Messrs— Sandager.
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Those who voted in the negative were:

Messrs— Allin, Appleton, Barlow, Bell, Cowan, Diesem, Dodds, Fisher,	Messrs— Fuller, Haggart, Harmon, Lawrence, Little, McBride, Randall, Robinson,	Messrs— Rowe, Slotten, Stevens, Svensrud, Swanston, Worst, Yager.
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Absent and not voting:

Messrs— Hartman, LaMoure,	Messrs— Smith,	Messrs— Winship.
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Messrs. Hartman and Smith being excused.

So the motion was lost.

Mr. McCormack moved

To amend Section 4, line 3, by striking out the words "one-fourth" and inserting the words "one-eighth."

Roll call was demanded on the amendment.

The roll being called there were ayes 4, nays 24.

Those who voted in the affirmative were:

Messrs— Belyea, McCormack,	Messrs— Sandager,	Messrs— Swanston.
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Those who voted in the negative were:

Messrs— Allin, Appleton, Barlow, Bell, Cowan, Diesem, Dodds, Fisher,	Messrs— Fuller, Haggart, Harmon, Hegleson, Lawrence, Little, McBride, Randall,	Messrs— Robinson, Rowe, Slotten, Stevens, Svensrud, Winship, Worst, Yager.
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Absent and not voting:

Messrs— Hartman,	Messrs— LaMoure,	Messrs— Smith.
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Messrs. Hartman and Smith being excused.

So the amendment was lost.

Mr. Fuller moved

To amend Section 4, line 3, by striking out the words "one-fourth" and inserting in lieu thereof the words "one-sixth,"

Which amendment was lost.

Mr. Worst moved

To amend Section 1 by striking out lines 3 and 4 up to and including the words "grain for grain,"

Roll call was demanded on the amendment of Mr. Worst.

The roll being called there were ayes 11, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Sandager,
Belyea,	Lawrence,	Slotten,
Diesem,	McBride,	Worst.
Fisher,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Rowe.
Barlow,	Harmon,	Stevens,
Bell,	Helgeson,	Svensrud,
Cowan,	Little,	Swanston,
Dodds,	Randall,	Yager.
Fuller,	Robinson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hartman,	Smith.	Winship.

Messrs. Hartman and Smith being excused.

So the amendment was lost.

Mr. LaMoure moved

To amend Section 4, line 3, by striking out the words "one-fourth" and inserting in lieu thereof the words "one-ninth."

Mr. Swanston moved

To lay the motion of Mr. LaMoure upon the table,

Which motion was lost, and

The question recurring on the amendment of Mr. LaMoure,

The amendment was lost, and

The question recurring on the final passage of House Bill No. 16 as amended,

The roll being called there were ayes 25, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Robinson,
Appleton,	Harmon,	Rowe,
Barlow,	Helgeson,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Worst,
Fisher,	Randall,	Yager.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	LaMoure,	Sandager,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hartman,	Smith,	Winship.

Messrs. Hartman and Smith being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 14, 1890. }

MR. PRESIDENT:

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

Also,
Senate Bill No. 102,

A bill for an act providing for the election of a board of education in cities not organized under General Law,

Which the House has passed with the following amendments:

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.

Strike out the word "April" wherever it occurs, and substitute the word "June" therefor.

And your concurrence therein is respectfully requested.

Also,
I have the honor to transmit herewith

House Bill No. 112,
A bill for an act regulating the practice in the Supreme Court.

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,

Also,
House Bill No. 274,

A bill for an act to fix the maximum rate that railroad companies may charge for transportation of coal mined within the State of North Dakota,

All of which have passed the House, and your favorable consideration thereof is respectfully requested.

Also, I have the honor to inform the Senate that the House

has adopted the report of the Conference Committee as to Senate Bill No. 64, and has passed the bill as amended by the Conference Committee.

J. G. HAMILTON,
Chief Clerk.

PETITIONS, COMMUNICATIONS, ETC.

The following communication was received from the Attorney General:

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

I have the honor to acknowledge the receipt of a communication from your Secretary calling for my opinion as to the constitutionality of Senate Bill No. 169,

A bill for an act to legalize certain instruments and the record thereof.

I have examined said bill, and in my opinion its provisions are not unconstitutional. Said bill and the report of the Judiciary Committee thereon is herewith returned.

Dated February 14, 1890.

Respectfully submitted,
GEO. F. GOODWIN,
Attorney General.

Mr. Swanston presented the following petition:

BISMARCK, N. D., February 14, 1890.

To the Honorable, the Senate of the Legislative Assembly 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 the same and kindred subjects, also the circulation of petitions relating to the projects. The movement having been brought prominently to view by said association, has been most emphatically and widely endorsed by the press of our commonwealth and the Union, and the following intelligent and influential citizens of our State have earnestly commended the undertakings and most freely signed the petition to Congress.

The mass of farmers, business and professional men, and nearly all the county and city officials of much of the most populous parts of our State; all the United States land officials; all the judges of the Supreme and district courts, except four 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 water supply for the use of fruit, grain and all forms of vegetation and the necessities of the people, and the long list of endorsers and advocates of the same, on behalf of our association, I respectfully pray that your honorable body may pass the Joint Resolution asked for by the many prominent citizens of North Dakota, whose names are enrolled upon the petition which I now have the pleasure to present for your favorable consideration.

Yours, most respectfully,

W. W. BARRETT,

President of the Forestry, Meteorological and Water Supply Association.

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 sur-

vey, and for 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 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 droughts, 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 devices, machinery, appliances, plans, operations and system, 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 thereof.

That Congress make an appropriation of all lands belonging to the national government in section six of all surveyed or to be surveyed congressional townships 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 snowfalls in winter or other times, all when and where most needed, and for preventing droughts, frost, hail, blizzards, tornados, cyclones and all manner of dangerous atmospheric changes, and for artesian wells, irrigation canals, water-basins, aqueducts, water storage, canal-rivers and irrigation works.

W. W. BARRETT and 1,000 others.

Mr. President referred the petition to the Committee on Irrigation.

REPORTS OF STANDING COMMITTEES.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading to whom was recommitted

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 find that the provisions in this act are not covered in Senate Bill No. 41, and recommend that said bill do pass.

ANDREW SLOTTEN,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education 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 muskets for use of students for drill purposes,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 2 by adding at its close "in good condition,"

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 163,

A bill for an act defining school holidays,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1 by striking out the words "the seventeenth day of May" and insert in lieu thereof the words "the first day of January."

Also, strike out Section 4.

J. H. WORST,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 170,

A bill for an to license peddling, and prescribing penalties for the violation thereof,

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

Also,

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:

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.

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

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.

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,

Senate Bill No. 168,

A bill for an act making an appropriation for the State University.

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

GEO. B. WINSHIP,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Special Committee on Elections made the following report:

MR. PRESIDENT:

Your Special Committee on Elections to whom was referred

Senate Bill No. 182,

A bill for an act to regulate political caucuses.

Also,

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions,

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

C. B. LITTLE,
Chairman.

The Joint Conference Committee on Senate Bill No. 64 made the following report:

MR. PRESIDENT:

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.

W. H. ROBINSON,
JUDSON LAMOURE,
GEO. B. WINSHIP,
On part of Senate.
J. F. SELBY,
J. MONTGOMERY,
C. A. CURRIER,
On part of House.

Mr. Dodds moved

That the report of the Conference Committee be adopted,
Which motion prevailed.

Mr. Robinson moved

That the roll be called on the final passage of Senate No. 64 as amended by the Conference Committee,

Which motion prevailed, and

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Harmon,
LaMoure,
Lawrence,
Little,
Randall,

Messrs—

Robinson,
Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Yager.

Absent and not voting:

Messrs—

Bell,
Diesem,
Hartman,
Helgeson,

Messrs—

McBride,
McCormack,
Sandager,

Messrs—

Smith,
Winship,
Worst.

Messrs. Hartman and Smith being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal correction made the following report:

MR. PRESIDENT:

Your Special Committee on Journal correction for the eighty-seventh day have examined the Journal and corrected the same.

ANDREW SANDAGER,
Chairman.

Which report was adopted.

The hour having arrived for the consideration of Senate Bill No. 89,

Senate Bill No. 89,

A bill for act providing for the taxation of express companies,
Was placed upon its third reading.

Mr. Little moved

That the rules be suspended, and that Senate Bill No. 89 be made a special order for next Tuesday at 3 o'clock p. m.,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fuller introduced—

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 was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State,

Was placed upon its third reading.

Mr. Barlow asked and received unanimous consent to make the following report of the Special Committee in connection with Senate Bill No. 143:

MR. PRESIDENT:

Your Select Committee to consider the question of compensation of county superintendents to whom was referred

Senate Bill No. 143,

A bill for act to provide for an uniform system of free public schools throughout the State,

Have had the same under consideration and recommend that Section 17 be amended as follows:

Strike out lines 1, 2, 3, 4, 5 and 6 of the printed bill and insert the following:

The salary of the county superintendent shall be as follows: In each county having ten schools or less, \$200; over ten and under seventy schools, \$200 for the first ten schools and \$15 each for the next sixty schools, and in counties having over seventy schools, \$10 additional for each school.

F. G. BARLOW,
Chairman.

Mr. President called Mr. Winship to the Chair.

Mr. Worst moved

The adoption of the following amendment:

In Article 1 amend Section 1 by adding at the end the following: "And who shall give a bond in the penal sum of \$5,000, with not less than two sureties to be approved by the Governor and Attorney General."

Which amendment was adopted.

Mr. Worst moved

The adoption of the following amendment:

In Section 9 amend line 1 by striking out the word "fair" and inserting the word "complete."

Which amendment was adopted:

Mr. Dodds moved

The adoption of the following amendments:

In Section 15, line 5, after the word "State" insert the words "one copy to the president of each school district."

In Section 15, line 3, strike out the word "ten" and insert the word "five."

Which amendments were adopted.

Mr. McBride moved

To amend line 1 of Section 1 by striking out the words "the third Tuesday in June" and inserting in lieu thereof the words "at the general election,"

Which amendment was lost.

Mr. Cowan moved

To amend Section 5, Article 2, line 2, by striking out all the words after the word "and" and inserting in lieu thereof the words "twice if such school is kept open four months or over,"

Which amendment was adopted.

Mr. Rowe moved

The adoption of the following amendment:

In Section 16, line 3, strike out the word "ten" and insert the word "five."

In Article 2, Section 1, line 5, after the word "qualified" strike out the balance of line 5 and all of lines 6, 7 and 8 to the word "such."

Which amendment was adopted.

Mr. Slotten moved

That the rules be suspended, and that the Senate return to the seventh order of business,

Which motion prevailed, and
The Conference Committee on House Bill No. 54 made the following report:

MR. PRESIDENT:

Your Committee on 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 lieu thereof,

And as so amended together with the other Senate amendments recommend that the bill do pass.

ANDREW SLOTTEN,
A. F. APPLETON,
JUDSON LAMOURE,
On part of the Senate.
F. ESTABROOK,
W. H. MURPHY,
On part of the House.

Mr. Dodds moved

That the report of the committee be adopted, and that the roll be called on the final passage of House Bill No 54,

Which motion prevailed.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Helgeson,	Slotten,
Barlow,	Little,	Stevens,
Bell,	McBride,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Robinson,	Worst,
Dodds,	Rowe,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	McCormack,
Fuller,	LaMoure,	Smith,
Haggart,	Lawrence.	Svensrud.

Messrs. Hartman and Smith being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McBride moved

The adoption of the following amendment to Senate Bill No. 143:

SEC. 18. No person shall be deemed legally qualified for the office of county superintendent unless he or she hold a certificate of the highest county grade, or its equivalent.

Which amendment was adopted.

Mr. Worst moved

To adopt the report of the Special Committee on salary of superintendent of schools on Senate Bill No. 143,

Which motion prevailed.

Mr. Rowe moved

The adoption of the following:

AMENDMENTS TO ARTICLE III.

In Section 1, line 1, after the word "State" insert the words "not organized for school purposes under the district system at the taking effect of this act."

In Section 3, line 1, strike out the word "any" and insert instead the word "every." After the word "county" insert the words "not organized for school purposes under the district system at the taking effect of this act." In line 9, after the word "commissioners" insert the words "of every such county."

In Section 6, line 1, before the word "if" insert the words "in any county not organized for school purposes under the district system at the taking effect of this act."

In Section 7 omit all of the section after the word "district" in line 8.

In Section 8, line 1, after the word "county" insert the words "not organized for school purposes under the district system at the taking effect of this act." In line 3 strike out the word "four" and insert instead the word "twelve."

In Section 9, at the end of the section, add "Provided, That in every county organized for school purposes, under the district system, at the taking effect of this act, the several school districts shall retain and be known by the numbers which they have respectively at the time of the taking effect of this act, and any school district hereafter formed in any such county shall be known by the number next higher than that of the highest pre-existing numbered district."

After Section 9 insert the following:

SEC. 10. The county commissioners and county superintendent of schools in each county which, at the taking effect of this act, is organized for school purposes under the district system, shall meet on the first Monday in May, 1890, at the place where the meetings of such commissioners are usually held, and shall rearrange and establish the boundaries of the several school districts of the county as herein provided, to-wit:

1. Every civil township in the county, no part of which is included in a school district already organized, shall be formed into a single school district.

2. Every congressional township in the county, no part of which is included in a civil township, or in an organized school district, if it contains twelve or more persons of school age, shall be formed into a single school district.

3. All territory in the county situate in a civil township, part of which is organized into a school district or districts, or situate in a congressional township not included in a civil township, and a part of which is organized into a school district or districts, shall be annexed to and form a part of an organized school district or districts lying wholly or in part in such civil or congressional township.

4. Each school district now organized which has less than ten persons of school age residing therein, shall be annexed to and from a part of such adjacent school district or districts as shall be most convenient for such persons of school age, when in the judgment of such commissioners and superintendent such annexation can be made without detriment to the schools or to the pupils residing in such districts.

5. The boundary lines of each school district which lies partly within two

or more civil townships shall be so changed that such school district shall lie wholly within one civil township, so far as in the judgment of such commissioners and superintendent, such change or changes can be made without detriment to the schools or to the pupils therein.

6. Such commissioners and superintendent shall make such changes generally in the boundary lines of the school districts of the county, not in their judgment detrimental to the interests of the schools of the county, as will reduce the number of school districts in the county, and form school districts not extending beyond the boundaries of the civil township.

SEC. 11. After the boundary lines of the several school districts in any of the said counties are rearranged and established as provided for in the last preceding section of this article, such boundary so established may be changed by the county commissioners and superintendent of schools of such county at any regular session of such commissioners upon a petition for such change signed by one-third of the voters residing in each district whose boundaries will be affected by such change, if in the judgment of the commissioners and superintendent such change is for the best interests of the schools. *Provided*, That by such change or changes no new district shall be formed, nor shall the number of school districts in the county be increased; *Provided, further*, That each congressional township not wholly or in part included in a civil township, and no part of which is organized for school purposes, shall be formed into a school district as soon as it shall have residing therein twelve or more children of school age.

Change the number of Section 10 to 12.

Change the number of Section 11 to 13.

Which amendment was adopted.

Mr. President announced his signature to

House Bill No. 35,

A bill for an act to amend Section 1, General Laws of 1885, supplement, relating to noxious weeds.

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,

House Bill No. 54,

A bill for an act to facilitate the shipment of grain and other products.

Mr. Rowe moved

Th adoption of the following amendment to Senate Bill No. 143:

Amend Article 4 by adding 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.

Mr. Stevens offered the following amendment and moved its adoption:

After the word "clerks" in Section 7, Article 4, add: "And any school officer elected and qualified under the provisions of this act is hereby authorized and empowered to administer any oath or affirmation pertaining in any manner to school affairs."

Which amendment was adopted.

Mr. LaMoure moved

That Senate Bill No. 143 be laid aside for the present, and that the rules be suspended, and the Senate take up Senate Bill No. 177 and place it 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.

Mr. Little moved

That the report of the committee on Senate Bill No. 177 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 177,

The roll being called there were ayes 25, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Helgeson,
LaMoure,
Little,
McBride,
Randall,
Robinson.

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Lawrence,

Messrs—

McCormack,

Messrs—

Sandager.

Absent and not voting:

Messrs—

Harmon,

Messrs—

Hartman,

Messrs—

Smith.

Messrs. Hartman and Smith being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. LaMoure moved

That the rules be suspended and that the Senate return to the eighth order of business,

Which motion was lost.

Mr. McCormack moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

EIGHTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 15, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bell, Haggart, Hartman, Robinson, Slotten and Winship, who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with, and that a committee of two be appointed to examine and correct the same, which motion prevailed, and

Mr. President appointed as such committee Messrs. Svensrud and Yager.

Mr. LaMoure moved

That the rules be suspended, and that all Senate bills introduced and House bills received have their first and second reading, and be referred,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. LaMoure introduced—

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, 1879, entitled "An Act providing for the levy and collection of taxes upon the property of railroad companies in this territory,"

Which was read the first and second times, and referred to the Committee on Ways and Means.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Ways and Means.

FIRST AND SECOND READINGS OF HOUSE BILLS.

House Bill No. 112,

A bill for an act regulating the practice in the Supreme Court, 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 Education.

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 the Committee on Railroads.

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 and second times, and referred to the Committee on Railroads.

The hour having arrived for the special consideration of

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,

And the veto message on

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,

Mr. Stevens moved

That House Bill No. 14 and Senate Bill No. 31 be made special orders for next Wednesday at 2:30 p. m.,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 169 be made a special order for next Thursday at 2:30 p. m.,

Which motion prevailed.

UNFINISHED BUSINESS.

The consideration 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.

The Committee on Education offered the following amendment:

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 per year" and insert the words "less than fifteen and 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."

Which amendment was adopted.

Mr. Harmon moved

The adoption of the following amendments:

Amend Article 5, Section 3, as follows: In line 1 change the figure "4" to "2" and in lines 2 and 3 strike out the words "October and April," and before the word "January" add the word "and."

In line 9 strike out the word and figure "8" and insert the word and figure "4" in lieu thereof.

Mr. LaMoure moved

As an amendment to the amendment to strike out all the rest of the section after the word "meeting" in line 8 in Section 3 of Article 5,

Which amendment to the amendment was adopted.

Mr. Worst moved

To amend the amendment by striking out the word "January" where it appears, and inserting in lieu thereof the word "March,"

Which amendment was adopted, and

The amendment as amended was adopted.

Mr. McBride moved

To adopt the following amendment.

Amend Section 3, Article 3, by adding at its close:

Provided, however, In any county already organized under the township system, when so petitioned by one-half of the residents of any township having the care or custody of any child of school age, the board thereof may subdivide said township into smaller districts.

Which amendment was adopted.

Mr. Swanston moved

To amend Section 10 of Article 6 by striking out line 3, and amend lines 5 and 6 by striking out the words "the seats shall not be removed from their places," and insert in lieu thereof the words "at no cost for fuel to the district."

Mr. Diesem moved

To amend the amendment by striking out the words "any proper" in line 2, Section 10, and inserting in lieu thereof the words "religious and political,"

Which amendment to the amendment was lost, and
The question recurring on the amendment of Mr. Swanston,
The amendment was adopted.

Mr. Appleton moved

The adoption of the following:

In Article 6, 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 words "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 or valuation of the property in each."

In Section 17, line 3, strike out the word "residing" and insert the words "having their legal residence."

Which amendment was adopted.

Mr. Appleton moved

To amend Article 6, Section 17, line 6, by striking out the word "seven" and inserting in lieu thereof the word "six,"

Which amendment was adopted.

Mr. Allin moved

To amend Article 6, Section 17, line 19, by striking out all after the words "clerk's office,"

Which amendment was withdrawn by consent of the Senate.

Mr. Rowe moved

The adoption of the following amendment:

In Article 7, 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."

Which amendment was adopted.

Mr. Barlow moved

To amend Article 7, Section 7, line 5, by striking out the word "seven" and inserting in lieu thereof the word "six,"

Which amendment was adopted.

Mr. Stevens moved the following amendment:

Add to Section 10, Article 7, the following:

It shall be the duty of the county treasurer when payment is made to any school treasurer of any funds herein provided for excepting monies apportioned by the county superintendent, to immediately notify the clerk of such district of the payment of the same.

Which amendment was adopted.

Mr. Worst moved

To amend Article 6, Section 10, by adding at the close the words "*Provided, however,* the school room and furniture shall be left after having been so used, in proper condition for school purposes,"

Which amendment was adopted.

Mr. Appleton moved

The adoption of the following amendment:

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 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 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."

Which amendment was adopted.

Mr. Cowan moved

The adoption of the following amendment:

Amend Article 11, Section 6, by numbering said section Subdivision "a" and inserting Subsection "b" as follows:

b The written answers of all candidates for county certificates after being duly examined by the county superintendent shall be kept by him for the space of six months after such examinations, and any candidate thinking an injustice has been done him or her, shall, by paying a fee of \$2 into the institute fund of the county and notifying both county and State superintendents of the same, shall have his or her papers re-examined by the State superintendent. The county or city superintendent shall on receipt of such notice from said complaining candidate transfer said papers to the State Superintendent, who shall re-examine such answers and grant, if such answers warrant it, a county certificate for the same.

Which amendment was adopted.

Mr. Barlow moved

To amend Article 11, Section 7, lines 4 and 5, by striking out all of line 4 after the word "month," and all of line 5 up to the word "the,"

Which amendment was adopted.

Mr. McBride moved

To amend Article 11, Section 6, by striking out all of the section after the words "State Superintendent" in line 15,

Which amendment was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 15, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be and are 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.

And your concurrence in the request is respectfully asked.

J. G. HAMILTON,
Chief Clerk.

Mr. Rowe asked unanimous consent to present the report of the Conference Committee on Senate Bill No. 133,

Consent was granted, and

The Committee on Conference on Senate Bill No. 133 made the following amendment.

MR. PRESIDENT:

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: We recommend:

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 be amended as follows:

Amend Section 1, Subdivision 17, 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."

5. Amend Section 3 by striking out Subdivision 8.

Amend Subdivision 9, same section, 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."

Amend Subdivision 17, of same section, to read as follows: "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."

Insert a new section as follows:

SEC. 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.

Renumber Sections 7 and 8 of original bill to read 8 and 9 respectively.

And when the bill is so amended recommend its passage.

We further recommend:

1. That the office of Assistant Sergeant-at-Arms of the House be declared vacant and that the Doorkeeper 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. 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 LAMMOURE,
M. L. MCCORMACK,
On part of Senate.
GEORGE WALSH,
R. H. HANKINSON,
C. A. CURRIER,
On part of House.

Mr. Swanston moved.

To adopt the report of the Committee on Conference on Senate Bill No. 133,

Which motion prevailed, and

The question recurring on the consideration of Senate Bill No. 143,

Mr. Stevens moved

The adoption of the following amendment:

Amend Article 14, Section 1, line 4, after the word "academies" as follows: "Of which institution so designated the University of North Dakota, and all of such institutions shall be strictly non-partisan and wholly free from denominational control."

Mr. LaMoure moved

As a substitute that Article 14 of Senate Bill No. 143 be stricken out,

Which substitute motion was adopted.

Mr. Swanston moved

To amend Article 15 by striking out lines 14, 15 and 16,

Which amendment was adopted.

Mr. Rowe moved

To amend by renumbering Subdivisions 3 and 4 so as to read 2 and 3,

Which motion prevailed.

Mr. LaMoure moved

That the following amendment be adopted:

"That Article 16 be stricken out of the bill and that the following sections be renumbered,"

Motion withdrawn by the consent of the Senate.

Mr. Stevens moved

The adoption of the following amendment:

Article 16, Section 1. The district school board shall have power to determine what text books shall be used in the schools under their charge, and when a book or any series of books shall have once been adopted by said board, no change shall be made for three years thereafter unless by a majority vote of the electors of said school district at their annual school election a change is ordered; proper notice of such proposed action having been posted in at least three conspicuous places in said district at least ten days prior to the annual school meeting.

Strike out Sections 1, 2, 3, 4 and 5.

Mr. Diesem moved

That the following amendment to the amendment be adopted:

"The county board, consisting of the county superintendent and the chairman of the township and the chairman of the district board shall investigate the various text books for use in the schools and recommend such books for the schools of the county as they shall consider best, the same to be in use for a period of five years, except by a majority vote of the electors of said township or district shall otherwise declare by a vote at a regular."

Mr. Stevens moved

As a substitute that the amendment and the amendment to the amendment be referred to the Committee on Education, and that Article 17 be passed for the present,

Which motion prevailed.

Mr. Little asked unanimous consent to return to the seventh order of business,

Which consent was granted.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 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 printed and engrossed before being read the third time.

C. B. LITTLE,
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage license,

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 2 strike out the word "sixteen" where it occurs and insert the word "eighteen" in lieu thereof; also, strike out the word "thirteen" where it occurs and insert the word "sixteen" in lieu thereof.

And when so amended recommend that said bill do pass.

E. H. BELYEA,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

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,

Have had the same under consideration and recommend that said bill be amended as follows:

Item, Warden's salary be amended by striking out \$1,800 and inserting \$1,500 in lieu thereof. Deputy Warden, strike out \$1,000 and insert \$800 in lieu thereof. Officers, guards and employes strike out \$3,750 and insert \$3,200 in lieu thereof. Repairs, improvements, etc., strike out \$2,000 and insert \$1,000 in lieu thereof. Incidentals, strike out \$1,500 and insert \$1,000 in lieu thereof. Physician and

medicine, strike out \$800 and insert \$500 in lieu thereof. Transportation, clothing and aid to discharged convicts, strike out \$700 and insert \$500 in lieu thereof. Under head of permanent improvements strike out all except improving the water system, \$2,500.

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for the State University.

Have had the same under consideration and 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,

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 1, line 2, strike out \$86,426 and insert \$66,076 in lieu thereof. Item, fuel and lights, strike out \$1,300 and insert \$1,000 in lieu thereof. Incidental expenses, strike out \$1,500 and insert \$1,200 in lieu thereof. Drugs and medicines, strike out \$1,500 and insert \$1,000 in lieu thereof. Repair fund, strike out \$1,500 and insert \$1,000 in lieu thereof. Return of patients and burial of dead, strike out \$1,500 and insert \$800 in lieu thereof. Plumbing, strike out \$500 and insert \$300 in lieu thereof. Improvement of grounds, strike out \$500. Water supply, strike out \$1,000 and insert \$700 in lieu thereof. Beds and bedding, strike out \$1,250 and insert \$600 in lieu thereof. Furniture, strike out \$1,000 and insert \$500 in lieu thereof.

Stock, strike out \$500 and insert \$200 in lieu thereof. Covering steam pipe, strike out \$2,000 and insert \$1,500 in lieu thereof. Supplies for engine room, strike out \$1,200 and insert \$500 in lieu thereof. Fire protection, strike out \$2,000. Radiators, strike out \$500 and insert \$300 in lieu thereof. Finishing attics, basements, strike \$12,000 and insert \$3,000 in lieu thereof. Paints and painting, strike out \$1,500 and insert \$1,000 in lieu thereof.

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your Special Committee on Journal Correction for the eighty-eighth day have examined the Journal and found the same correct.

A. SVENSRUD,
Chairman.

Which report was adopted.

Mr. Barlow moved

That the report of the committee on Senate Bill No. 154 be adopted,

Which motion prevailed.

Mr. Stevens moved

That the Senate do now adjourn,

Which motion was lost, and
The question recurring on the consideration of Senate Bill No. 143,

Mr. Barlow moved

To amend Article 6, Section 14, line 11, by inserting after the word "four" the following:

And all contracts between school boards and teachers shall provide that such contracts may be annulled without recourse or recompense when such is the case.

Which amendment was adopted.

Mr. Swanston moved

To amend Article 17 by striking out Section 3,

Which amendment was withdrawn.

Mr. Stevens moved

To amend Article 17, Section 3, by striking out the words "or school supplies."

Mr. Worst moved

To amend the amendment by inserting the word "or" before the word "warrants,"

Which amendment to the amendment was adopted, and

The question recurring on the amendment as amended,

The amendment was adopted.

Mr. Swanston moved a call of the House.

The following members were reported absent without excuse:

Messrs. Belyea, Diesem, Fuller, LaMoure, Lawrence and Little.

Mr. McCormack moved

That further proceedings under the call of the Senate be dispensed with,

Which motion was lost.

Mr. McCormack moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Swanston moved

That further proceedings under the call of the House be dispensed with,

Which motion was lost.

Mr. Swanston moved

That further proceedings under the call of the house be dispensed with,

Which motion prevailed.

Mr. Stevens moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETY-FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 17, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Harmon, Sandager, Fuller,
Winship, Robinson and Dodds, who were excused.

Mr. Appleton moved

That the reading of the Journal be dispensed with, and that the
President appoint a committee to examine and correct the same,

Which motion prevailed, and

Messrs. McCormack and Fisher were appointed.

UNFINISHED BUSINESS.

Consideration 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.

Mr. McCormack moved

To amend Article 17, Section 2, line 2, by striking out the word
"clerk" and inserting the word "auditor,"

Which motion prevailed.

Mr. Worst moved

That the following amendments be adopted:

In Article 18, Section 2, line 14, after the word "thereafter" in-
sert the words "except for a different amount,"

Which motion prevailed, and

The amendment was adopted.

Mr. Little moved

The adoption of the following amendment:

Amend Section 3, Article 18, by striking out in line 2 all after the word "be" and line 3 up to the word "dollars," and insert in lieu thereof the words and figures "not less than \$500 and not exceeding \$1,000,"

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 17, 1890.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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. 84,

A bill for an act authorizing the judges of the district court to administer oaths.

Also,

Senate Bill No. 90,

A bill for an act to repeal Chapter 32 of the Session Laws of 1887.

Also,

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bond.

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.

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. 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,

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.

Also,
House Bill No. 237,
A bill for an act to provide for the payment of grand and petit jurors' certificates,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston offered the following amendment:

Amend Article 19, Section 6, by adding after the word "lot" in line 8 of the printed bill, the following:

Provided, however, That the word "lot" contained in this section shall not be so construed as to convey the impression that the people of this State would countenance any form of a lottery, or to cast any reflection upon the morality of the good people of this State.

Which amendment was withdrawn with consent of second and Senate.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }
February 17, 1890. }

To the President of the Senate:

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

Senate Bill No. 11b,

An act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Also,
Senate Bill No. 64,

An act to provide for the erection and operation of a State Normal School at Mayville, Traill county, North Dakota,

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 President of the Senate:

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.

Which last communication, together with the enclosures, were referred to the Committee on Education.

Mr. Stevens offered the following amendment:

Strike out all of Subdivision 8 of Section 13, Article 19, after the word "require" in line 32,

Which amendment was adopted.

Mr. Stevens moved

The adoption of the following amendment:

Strike out Sections 1, 2, 3, 4 and 5 of Article 16 and insert as Section 1 the following: "The district school board shall have power to determine what text books shall be used in the schools under their charge, and when a book or any series of books shall have been once adopted by resolution of said board, no change shall be made for five years thereafter unless by a majority vote of the electors of said school district at their annual school election a change is ordered, proper notice of such proposed action having been posted in at least three conspicuous places in said district at least ten days prior to the annual school election.

Provided, however, The county superintendent shall have power to convene the presidents of the several school corporations at any suitable time to advise with him in selecting and recommending a series of text books, with the view of establishing as rapidly as possible an uniform series of text books for the county.

Renumber the remaining sections of Article 16.

Which amendment was adopted.

Mr. Stevens moved

To amend Article 16, Section 6, as follows:

Strike out the words "State Board of Text Books" and insert in lieu thereof the words "district board,"

Which amendment was adopted.

Mr. Stevens moved

To amend Article 16, Section 7, by striking out the word "every" in line 1 and inserting the word "any,"

Which amendment was adopted.

Mr. Stevens moved

The following amendment:

In line 2, same section, strike out the word "shall" and insert the word "many,"

Which amendment was adopted.

Mr. Stevens moved

To amend line 3, same section, by striking out the words "the first" and inserting the word "any,"

Which amendment was adopted.

Mr. Rowe moved

To amend Article 16, Section 3, line 10, by striking out the word "State" and inserting the word "district."

Mr. Stevens moved

As a substitute, to strike out the words "adopted by the State Board of Text Books" and insert the words "have been adopted by the district school board,"

Which substitute was adopted.

Mr. Cowan moved

To amend Article 6, Section 13, line 2, by striking out the word "six" and inserting in lieu thereof the word "twelve," and in same section strike out all of lines 9, 10 and 11 and line 12 down to the word "section,"

Which amendment prevailed, and was adopted.

Mr. Swanston moved

To amend Article 16, Section 8, by striking out in line 5, the words "and in no case greater than," and in line 6 "such books,"

Which amendment was adopted.

Mr. Stevens moved

To amend Article 16, Section 10, lines 3 and 4, by adding the words "provided for in this article" after the word "list."

Mr. Stevens moved

The adoption of the following amendment as Section 5 of Article 8:

If any school district in the State for one or more years past, either through failure to elect a school board, or through failure of the county superintendent to appoint a school board, has been without a legal school board, or if hereafter any school district through such failure to elect or to appoint such school board shall be without such legal school board, and such district shall have an authorized indebtedness either in bonds, interest due on bonds, or otherwise, it shall be the duty of the county superintendent, the county treasurer, and county auditor acting as a board of adjusters to assess upon the taxable property of such school corporation a tax not to exceed twenty mills on the dollar in any one year upon the assessed valuation thereof for the payment of the same, which tax so levied shall be extended upon the tax lists by the county auditor and be collected by the county treasurer as other taxes are collected, and shall be applied upon and used for the payment of such indebtedness, and shall be paid to the creditors of such district upon the warrant of the county auditor countersigned by the county superintendent, and all warrants, bonds, interest coupons, receipted bills or accounts shall be filed in the office of the county auditor, and in case such school corporation has a bonded indebtedness, it shall be the duty of such board of adjusters to levy a tax upon the property of such district sufficient to create a sinking fund for the redemption of such bonds upon maturity of the same, such sinking fund to be levied and provided for in compliance with the requirements of such bonds.

Mr. Worst moved

That the vote taken by which the amendment to Article 5, Sec-

tion 3, changing the time of the meeting of the school board, was adopted, be reconsidered,

Which motion prevailed.

The special committee on Journal correction made the following report:

MR. PRESIDENT:

Your special committee to correct the Senate Journal for the eighty-ninth day recommend the following corrections:

On page 3, line 4, strike out the words "Mr. Appleton moved" and insert the words "the Committee on Education offered."

In line 9, page 3, strike out the word "fifty" and insert the word "fifteen."

On page 4, line 29, strike out the word "thereof" and insert the word "therefor."

With the above corrections we find the same correct.

M. L. McCORMACK,
Chairman.

Which report was adopted, and

The question recurring on the amendment as amended the amendment was lost.

Mr. LaMoure moved

To amend Section 3, Article 5, by striking out all after the word "meeting" in line 8,

Which amendment was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
February 17, 1890. }

To the President of the Senate:

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

Senate Bill No. 52,

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.

Also,

Senate Bill No. 129,

An act to allow organized townships to levy a tax for irrigation purposes.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

Mr. Barlow moved

That Article 5, Section 12, be amended by striking out the

word and figures "fifteen (15)" in line 2 and inserting the word "five."

Which amendment was adopted.

Mr. Stevens offered the following amendment:

Amend Article 5, Section 5, by striking out all of lines 4 and 5 after the word "board" and add the following:

No district school officer mentioned in this act shall receive any compensation for his services out of the State or county school fund, but a regularly convened district meeting may, by a majority vote, allow such compensation as they shall deem proper, not to exceed \$25 per annum, to the clerk, and not to exceed \$5 per annum to any one director.

Which amendment was adopted.

Mr. Barlow moved

To amend Article 17, Section 3, line 4, after the word "funds" insert the words "except fuel and such supplies as are in daily use, not including furniture,"

Which amendment was adopted.

Mr. Barlow moved

To amend Article 18, Section 7, line 5, by striking out the word "them" and inserting the words "the proceeds,"

Which amendment was adopted.

Mr. LaMoure moved the previous question,

Which motion prevailed, and

The question recurring on the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Fisher,
Haggart,

Messrs—

Hartman,
Helgeson,
LaMoure,
Little,
McBride,
McCormack,
Randall,

Messrs—

Rowe,
Smith,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Dodds,
Fuller,

Messrs—

Harmon,
Lawrence,
Robinson,

Messrs—

Sandager,
Slotten,
Winship.

Messrs. Bell, Dodds, Fuller, Harmon, Lawrence, Robinson, Sandager, Slotten and Winship being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McCormack moved

That the vote just taken on the final passage of Senate Bill No. 143 be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 17, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House this day, in the absence of the Speaker, elected Hon. R. N. Stevens as Speaker *pro tem.* of the House.

J. G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred
Senate Bill No. 175,

A bill for an act to amend Chapter 109 of the General Laws of 1889 relating to aid in construction of railroads,

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

ROGER ALLIN,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
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 do pass.

Also,

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for county purposes,

Have had the same under consideration and recommend that said bill be amended as follows:

In written bill after the word "county" in Section 1, line 10, add the words "town, city or village," also, add the words "town, city or village" after the word "county" in same section of line 13,

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of Long's Legislative Hand Book for 1889,

Have had the same under consideration and recommend that said bill be referred to the Committee on Appropriations.

C. B. LITTLE,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Special Committee on Elections made the following report:

MR. PRESIDENT:

Your Special Committee on Elections to whom was referred 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 3, line 8, by striking out the words "their business and business addresses."

Amend Section 5, line 9, by striking out the words "exceed five hundred" and inserting the words "be less than three hundred." Also, amend line 11 by striking out the word "exceed" and inserting the words "be less than."

Amend Section 10, line 2, by striking out the words "at least two" and inserting the words "one or more." Also, strike out all of line 4 after the word "act," all of line 5 and the first three words of line 6.

Strike out Section 21.

Amend Section 23, line 5, by striking out the words "for each of the offices" and inserting the words "containing the names of all the candidates."

Amend Section 24, by striking "s" from ballots in lines 1 and 3.

Amend Section 27, line 2, by inserting between the words "of" and "physical" the words "inability to read or write or any."

Amend Section 52 by striking out lines 1, 2, 3, 4 and 5, to the word "one," and insert in lieu thereof the words "the judges of election of each precinct shall within two days after the completion of the canvass, file the returns and statements thereof with the proper officers as required by law." Also, strike out in line 6 all after the word "doing" and in line 7 to the word "cents," and insert the word "five."

In line 9 strike out the words "county clerk's office" and insert the words "county seat."

Strike out Section 55.

In Section 59, line 1, insert the word "general" between the words "all" and "elections" and strike out all the balance of the section.

Strike out Section 61.

In Section 67 strike out the words from line 8, "the United States one year and this State six months and three months in the county and in this precinct thirty," and insert in lieu thereof the words "this State one year, in the county six months and in the precinct ninety."

Strike out Sections 73 and 75.

In Section 83, line 5, strike out all after the word "State" to the end of the section.

Strike out Section 88.

Amend Section 18 by adding the following:

Provided, however, That in any county where one-half of the legal voters therein, as shown by the preceding general election, shall petition the board of county commissioners, at least sixty days before the Tuesday next after the first Monday in November in any year in which a general or annual election shall be held, to furnish the Rhines ballot machine, for use at such elections, it shall be the duty of the board of county commissioners and they are hereby authorized and required to contract for and procure as many of said machines as may be necessary at a price not to exceed 65 cents per key; *Provided, further,* That no election precinct having less than fifty legal voters, as shown by

the preceding general or annual election, shall be furnished with such machine.

As so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Barlow introduced the following resolution:

WHEREAS, It is possible that some matter requiring the attention of the present Legislature might be overlooked in the hurry of the last days of the session; therefore, be it

Resolved, That a special committee of five be appointed by the President of the Senate whose duty it shall be to suggest such new subjects for legislation as they may deem of especial importance to be considered at this session.

Mr. Worst moved

The adoption of the resolution.

Mr. President called Mr. Belyea to the Chair.

Mr. Diesem moved

To amend the resolution by instructing the President to delegate those powers to the whole Senate.

Mr. McCormack rose to a point of order that the gentleman from LaMoure was out of order, as his proposed amendment was a substitute and not an amendment,

Mr. President decided the point not well taken.

Mr. Stevens moved

To lay the amendment on the table,

Which motion prevailed.

Mr. President decided that the tabling of the amendment carried the resolution to the table.

Mr. Swanston appealed from the decision of the chair.

Roll call demanded.

The roll being called there were ayes 8, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Diesem,	LaMoure,	McCormack,
Haggart,	Little,	Randall.
Hartman,	McBride,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Svensrud,
Appleton,	Rowe,	Swanston,
Barlow,	Smith,	Worst,
Cowan,	Stevens,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Harmon,	Sandager,
Bell,	Lawrence,	Slotten,
Dodds,	Robinson,	Winship.
Fuller,		

So the decision of the Chair was not sustained, and the question recurring on the resolution of Mr. Barlow,

Mr. Appleton moved

To amend by making the number of the committee nine.

Mr. Swanston moved

As a substitute to refer the matter to the Committee of the Whole Senate.

Mr. Stevens raised the point of order, that the motion had already been voted on and lost.

Mr. President ruled the point of order well taken.

Mr. Swanston moved

As a substitute that the number of the committee be raised to thirty.

Mr. Appleton moved

To lay the substitute on the table,

Which motion prevailed, and

The Chair decided the whole matter laid on the table.

Mr. Smith moved a call of the house,

Which motion prevailed, and

The roll was called.

There were no members absent without excuse.

Mr. Haggart moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed.

Mr. Swanston moved

That the resolution offered by Senator Barlow be taken from the table,

Which motion prevailed, and

The motion recurring on the adoption of the resolution,

Mr. McBride moved

That the Senate adjourn *sine die*.

Mr. Swanston rose to a point of order that there was a question before the house.

Mr. President decided the point of order not well taken, and

The question recurring on the adoption of the motion to adjourn *sine die*,

The motion was lost, and

The question recurring on the resolution of Mr. Barlow,

Mr. Swanston moved

As a substitute motion that the further consideration of the resolution be indefinitely postponed,

Which motion prevailed.

Mr. LaMoure introduced the following resolution:

Resolved, That the compensation of the officers and employes of the Senate for the present Legislative session shall be as follows:

The President *pro tempore*, \$2 per day; Secretary, \$7 per day; Assistant Secretary, \$6 per day; Enrolling and Engrossing Clerk, \$6 per day; Assistant Enrolling and Engrossing Clerks, \$5 per day; Bill Clerk, \$5 per day; Stenographer, \$6 per day; Sergeant-at-Arms, \$5 per day; Assistant Sergeant-at-Arms, \$5 per day; Door Keeper, \$5 per day; Messenger, \$5 per day; Postmaster, \$5 per day; Chaplain, \$2 per day; Pages, \$2 per day; Janitor, \$3 per day; Watchman, \$3 per day; Clerk of the Judiciary Committee, \$5 per day.

Resolved, That the Secretary of the Senate be required to complete the permanent Journal of the Senate within thirty days after the close of this session; that he be allowed his regular *per diem* for such period, and that no Journal Clerk be appointed for this session; also, that he be allowed his regular *per diem* for ten days for indexing and editing the printed Journal.

Mr. Swanston moved

To amend the resolution by making the salary of the Sergeant-at-Arms \$6 per day,

Which motion prevailed.

Mr. Little moved

As an amendment that the Janitor and Watchman be allowed \$5 per day.

Mr. Little withdrew his amendment.

Mr. Appleton moved

As a substitute that further consideration of the resolution be deferred until to-morrow,

Which motion was lost.

Mr. Little moved

As an amendment that the Janitor and Watchman receive the same salary as the Janitor and Watchman of the House.

Mr. Swanston offered as an amendment to the amendment to fix the salaries of the Janitor and Watchman at \$4 per day.

Roll call demanded.

The roll being called there were ayes 11, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Swanston,
Belyea,	Little,	Worst,
Diesem,	Randall,	Yager.
Haggart,	Svensrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Helgeson,	Rowe,
Barlow,	LaMoure,	Smith,
Cowan,	McBride,	Stevens.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Lawrence,	Sandager,
Dodds,	McCormack,	Slotten,
Fuller,	Robinson,	Winship.
Harmon,		

So the amendment was adopted.

Mr. Diesem moved

To amend by making the salary of the Engrossing Clerk of the Senate \$6 per day.

Roll call demanded.

The roll being called there were ayes 8, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Swanston,
Belyea,	Little,	Worst.
Diesem,	Svensrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Helgeson,	Randall,
Barlow,	LaMoure,	Smith,
Cowan,	McBride,	Stevens,
Fisher,	McCormack,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Hartman,	Sandager,
Dodds,	Lawrence,	Slotten,
Fuller,	Robinson,	Winship.
Harmon,	Rowe,	

So the amendment was lost.

Mr. McBride moved the previous question.

Which motion prevailed, and

The question recurring on the adoption of the resolution,

Roll call was demanded.

The roll being called there were ayes 12, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Svensrud,
Barlow,	Helgeson,	Swanston,
Belyea,	Little,	Worst,
Haggart,	Randall,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	LaMoure,	Rowe,
Cowan,	McBride,	Smith,
Diesem,	McCormack,	Stevens.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Harmon,	Sandager,
Dodds,	Lawrence,	Slotten,
Fuller,	Robinson,	Winship.

So the resolution was adopted.

Mr. Diesem raised the point of order that the resolution was not adopted,

Mr. President decided the point not well taken.

Mr. Little moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETY-SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1890.

The Senate met at 2-o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Bell, Fuller and Sandager, excused.

Mr. Haggart moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine the same,

Which motion prevailed, and

Mr. President appointed Messrs. Rowe and Randall as such committee.

The President announced his signature to
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,

House Bill No. 84,

A bill for an act in relation to dower.

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. 91,

A bill for an act providing for the displaying of the American flag on all public State institutions.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Belyea 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 to 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 will ever pray, etc.

J. L. COLTON and 3,968 others.

Which petition was referred to the Committee of the Whole Senate.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

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,

Have had the same under consideration and recommend that said bill be amended as follows:

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 \$1,000, 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 when so amended recommend that said bill do pass.

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.

Have had the same under consideration and recommend that said bill be returned to the Committee of the Whole for consideration without recommendation.

ROGER ALLEN,
Chairman.

The Committee on Military Affairs made the following report:

MR. PRESIDENT:

Your Committee on Military Affairs to whom was referred
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,

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

GEO. W. HARMON,
Chairman.

The Committee on Public Buildings made the following report:

MR. PRESIDENT:

Your Committee on Public Buildings 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.

JOHN E. HAGGART,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 do pass.

C. B. LITTLE,
Chairman.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

Your Committee on Irrigation to whom was referred

A petition asking for an appropriation from Congress for the purpose of irrigation,

Have had the same under consideration and recommend that said petition be referred to the Committee of the Whole Senate.

A. F. APPLETON,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 90,

A bill for an act requiring the Secretary of State to give bond.

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.

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 stock from running at large, and providing penalties and for submitting this act to a vote.

Also,

Senate Bill No. 84,

A bill for an act authorizing the judges of the district court to administer oaths.

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 contagious and infectious diseases among domestic animals."

Were delivered to his Excellency, the Governor, for his approval at the hour of 2:45 o'clock p. m., February 18, 1890.

J. O. SMITH,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 84,

A bill for an act authorizing the judges of district courts 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 stock from running at large, and providing penalties and for submitting this act to a vote.

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. 91,

A bill for an act requiring the Secretary of State to give bond.

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.

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 find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 179,

A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883,

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

C. B. LITTLE,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has reconsidered the vote by which

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 passed, and has adopted the report of the Conference Committee and amended the bill as follows, and passed the bill as so amended.

Strike out of Section 1 the following words: "*Provided*, That the Enrolling and Engrossing Clerks shall each receive \$6 per day for this session."

Strike out lines 17, 18, 19 and 20 of Section 1 of the printed bill, (being lines 7 to 14 inclusive of page 2 of the written bill) and inserting the following in lieu thereof: "One Doorkeeper, whose compensation shall be \$4 per day, and who shall discharge the duties of and be assistant to the Sergeant-at-Arms."

That Subdivision 17 of Section 1, being lines 7 to 12, page 3 of written bill be amended 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."

In Section 3, Subdivision 4, strike out the following:

"*Provided*, That the enrolling and engrossing clerks shall each receive \$6 per day for this session."

Strike out Subdivision 8 of Section 3.

Amend Subdivision 9 of Section 3 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."

Amend Subdivision 17 of Section 3 to read as follows:

"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."

Add the following as Section 7:

"Sec. 7. *Provided*, 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."

That Sections 7 and 8 of the written bill be renumbered 8 and 9, respectively.

Your concurrence in the amendments and passage of the bill is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Allin introduced—

Senate Bill No. 186,

A bill for an act to amend Chapter 65 of the Session Laws of 1883, relating to an act to prevent the spread of glanders,

Which was read the first time.

Mr. Little (by request) introduced—

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 was read the first time.

Mr. Fuller introduced—

Senate Bill No. 188,

A bill for an act to provide for the filing of affidavits of defence on appeals from judgments entered in justice courts, and for the entry of judgment by default for want of a sufficient affidavit of defence,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Little moved

That the Senate concur in the House amendments to Senate Bill No. 102,

Which motion prevailed, and

The amendments were concurred in.

Mr. LaMoure moved

That the rules be suspended, and that all House bills be given their first and second reading, and reference,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

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 first and second times, and referred to the Committee on Federal Relations.

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 first and second times, and referred to the Committee on Judiciary.

House Bill No. 237,

A bill for an act to provide for the payment of grand and petit jurors' certificates,

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.

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.

The President announced his signature to
Senate Bill No. 177,

A bill for an act appropriating money to pay the salaries of the members and officers of the Legislative Assembly.

Also,

A Joint Memorial from the Senate and House of Representatives to the Senate and House of Representatives of the United States relating to improvements to Devils Lake.

Mr. Haggart asked unanimous consent to return to the eighth order of business, and consent being granted,

Mr. Haggart moved

That Senate Bill No. 45 be recalled from the House for the purpose of amending the same,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situated in unorganized counties,

Was read the third time.

Mr. Lawrence moved

That the report of the committee be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Harmon,
Helgeson,
LaMoure,
Lawrence.
Little,
McCormack,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting :

Messrs—

Bell,
Diesem,
Haggart,
Hartman,

Messrs—

McBride,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Lawrence moved a call of the house,

Which motion prevailed, and

The roll being called the Seretary reported Messrs. Diesem, Hartman, Randall, Rowe, Smith and Worst absent without excuse.

Mr. Stevens moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed.

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. Lawrence moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Stevens moved

To amend Section 6, line 3 by striking out the word "turns" and inserting in lieu thereof the word "turning,"

Which amendment was adopted,

And the question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Robinson,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Diesem,

Messrs—

Randall,
Rowe,

Messrs—

Sandager.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has passed a motion requesting the respective Houses to appoint a Joint Committee to investigate the status of

Senate Bill No. 52,

An act providing for a commission to adjust and settle the differences between North and South Dakota,

It being informed that the bill approved by the Governor and filed in the office of the Secretary of State does not contain the House amendments thereto, and has appointed as such committee on the part of the House Messrs. Walsh, Stevens and Selby.

J. G. HAMILTON,
Chief Clerk.

The President announced that the hour having arrived for the special consideration of Senate Bill No. 89, it would be taken up.

Mr. Smith moved

That the further consideration of Senate Bill No. 89 be indefinitely postponed,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 18, 1890. }

MR. PRESIDENT:

In accordance with the request of the Senate, I have the honor to return herewith

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers.

J. G. HAMILTON,
Chief Clerk.

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

Being a special order for 3 o'clock was read the third time.

Mr. Barlow moved

To adopt the report of the committee,

Which motion prevailed.

Mr. McCormack moved

To amend Section 3, line 2, by striking out after the word "highway" the words "in said county where it is,"

Which amendment was adopted.

Mr. Appleton moved

To amend by striking out Section 7,

Which amendment was adopted.

Mr. McCormack moved

To amend Section 3 as follows: By striking out in said section all the words after the word "occurs" in line 4, and inserting in lieu thereof the words "of the action of said board."

Which amendment was adopted.

Mr. Robinson moved

The following amendment:

Amend Section 4 by adding thereto after the word "notice" in line 4 the following words: "*Provided*, That said railway company may appeal from the action and decision of said board to the district court in said county, within twenty-five days from and after the service of said notice, and from the decision of the district court, on said appeal, an appeal may be had to the Supreme Court of this State in the manner now or hereafter provided by law for appeals from the district courts to said Supreme Court. And until the action of said board, in ordering the building of said crossing, is sustained in the final decision of said appeal in said Supreme Court, said railway company shall not be required to build said crossing."

Which amendment was adopted.

Mr. Lawrence moved

That the title of the bill be amended by adding the words "and to erect warning signs at such crossings,"

Which amendment was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,)
February 18, 1890.)

MR. PRESIDENT:

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

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston offered the following amendment:

Amend Section 2, Subdivision 1, by striking out in lines 8 and 9 the words "chairman of the board of supervisors, or other officer or officers having charge of the highway in the town, district or village where," and inserting in lieu thereof the words "board of county commissioners of the county in which."

And the question being shall the amendment be adopted,

Roll call was demanded.

The roll being called there were ayes 10, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Little,	Robinson,
Haggart,	McCormack,	Swanston,
Harmon,	Randall,	Worst.
LaMoure,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Slotten,
Appleton,	Helgeson,	Stevens,
Cowan,	McBride,	Svensrud,
Dodds,	Rowe,	Winship,
Fisher,	Smith,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Diesem,	Lawrence,
Bell,	Fuller,	Sandager.

So the amendment was lost.

Mr. McCormack offered the following amendment.

Amend Section 6 by striking out in line 7 the words "city, village or town as the case may be," and inserting in lieu thereof the word "county,"

Which amendment was lost.

Mr. LaMoure moved

To amend Section 1 by adding the words "and to erect warning signs at such crossings" to line 5,

Which amendment was adopted.

Mr. Swanston moved

To amend Section 6, line 3 by striking out the word "thirty" before the word "twenty,"

Which amendment was lost.

Mr. LaMoure moved

To 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."

Which amendment was adopted.

Mr. LaMoure moved

To 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."

Which amendment was adopted.

Mr. Allin moved

That the vote by which the amendment to Section 4 was adopted be reconsidered,

Which motion prevailed, and

The question being on the adoption of the amendment,

The amendment was lost,

And the question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 10.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Cowan,
Diesem,
Dodds,

Messrs—

Fisher,
Hartman,
Helgeson,
McBride,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Belyea,
Fuller,
Haggart,
LaMoure,

Messrs—

Lawrence,
Little,
McCormack,

Messrs—

Robinson,
Swanston,
Worst.

Absent and not voting.

Messrs—

Bell,

Messrs—

Harmon,

Messrs—

Sandager.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

The Special Committee on Journal Correction presented the following report:

MR. PRESIDENT:

Your Special Committee to correct the Senate Journal for the ninety-first day recommend the following corrections:

On page 1, line 6, insert the name "Bell" as absent and excused.

On page 2, line 7, strike out the word "prevailed" and insert the word "lost" in lieu thereof.

On page 5, line 26, the amendment of Mr. Stevens was adopted.

The Journal does not show what disposition was made of the amendment.

With the above corrections we find the Journal correct.

H. J. ROWE,
Chairman.

Which report was adopted.

Mr. McBride moved

That the report of the Judiciary Committee on Senate Bill No. 4 be adopted,

Which motion prevailed.

Mr. Allin moved

That the rules be suspended, and House Bill No. 5 be given its first and second readings and reference,

Which motion prevailed, and

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District,

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 168,

A bill for an act making an appropriation for the State University,

Was read the third time.

Mr. McCormack moved

The adoption of the report of the committee,

Which motion prevailed.

Mr. LaMoure moved

To amend by striking out in Section 1, line 6, the figures "16,500" and inserting the figures "15,500."

Mr. Diesem moved

To amend the amendment by striking out "15,500" and inserting "14,500."

Mr. Belyea moved

As a substitute that Senate Bill No. 168 be recommitted with instructions to itemize the salaries of the officers of the institution,

Which motion was lost, and

The question recurring on the amendment to the amendment, It was lost, and

The question recurring on the original amendment,

It also was lost.

Mr. Stevens moved

That further consideration of the bill be postponed until 4 o'clock to-morrow,

Which motion prevailed.

Mr. LaMoure moved

That Senate Bills Nos. 155 and 145 also be postponed until to-morrow,

Which motion prevailed.

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 third time, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 25, none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,
Harmon,

Messrs—

Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Robinson,
Rowe,
Smith,
Slotten,
Stevens,
Svensrud,
Worst,
Yager.

Absent and not voting:

Messrs—

Belyea,
Bell,

Messrs—

Haggart,
Sandager,

Messrs—

Swanston,
Winship.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The President announced his signature to

Senate Bill No. 102,

A bill for an act providing for the election of a board of education in cities not organized under General Law.

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 read the third time.

Mr. Little moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Stevens offered the following amendment to Senate Bill No. 5:

Amend Section 2, lines 1 and 4, by striking out the word "primary" and inserting the words "of electors" after the word "meeting," and in lines 4 and 9

In Section 3, line 1, strike out the word "primary" and insert the words change the word "Territory" to "State."
"of electors" after the word "meeting."

In lines 6, 7 and 11 strike out the word "primary."

Mr. McCormack moved

As an amendment to the amendment to strike out all after the word "Territory" in line 4,

Which amendment was lost,

And the question recurring on Mr. Stevens' amendment,

Mr. Swanston asked that the section be passed for the present,

Which was done by consent.

Mr. Stevens moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETY-THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 19, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Sandager and Swanston who were excused.

Mr. McBride moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Barlow and Lawrence.

PETITIONS, COMMUNICATIONS, ETC.

Mr. President asked permission of the Senate to introduce a communication, and consent being granted, Mr. President presented the following:

ST. PAUL, MINN., February 17, 1890.

Hon. Alfred Dickey, Bismarck, N. D.:

DEAR SIR: I have mailed you to-day, as printed matter, a copy of the Forest Tree Planter's Manual, published under the direction of C. L. Smith, secretary of the State Forest Tree Association of Minnesota.

The planting of trees on the plains of North Dakota is perhaps as important a thing as could be engaged in by people generally, to modify the effects of the hot winds in summer and induce moisture; to insure the growth and maturity of crops, independent of its beautifying the surface of the country. In the past there has been some advance made in tree planting along the line of the Northern Pacific railroad, and in other portions of the State with success. I think if it could be generally engaged in it would be very much to the advantage of the country. Wherever the trees have been planted and taken care of their growth and culture has been successful.

I wrote the Hon. David B. Wellman to-day, and also to the Governor on the same subject. I think that if this matter could be brought to the attention of the Legislature in some appropriate shape that it would tend to give publicity to the cultivation of trees, and perhaps lead to the adoption of some plan to promote it. Mr. C. L. Smith, the publisher of the pamphlet which I send you on tree culture is well informed on the matter pertaining to the planting and

growth of trees, and I think if he was invited by the Legislature to visit Bismarck and deliver an address before that body, it would be of great advantage. I saw Mr. Smith to-day, who resides at Minneapolis, and he intimated if he was invited that he would visit Bismarck and deliver an address.

Truly yours,

P. B. GROAT,
General Em. Agent.

Which was referred to the Committee on Agriculture.

UNFINISHED BUSINESS.

The consideration of
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 continued.

Mr. McBride moved

To amend Section 2 by striking out the whole of line 7 and the first three words of line 8, and inserting in lieu thereof the words "composed of,"

Which amendment was adopted.

Mr. Cowan moved

To amend Section 25, line 4, by striking out the word "ten" and inserting in lieu thereof the word "five,"

Which amendment was withdrawn by consent.

Mr. Stevens moved

To amend Section 22 by striking out line 1 and the first three words in line 2 and inserting in lieu thereof the following:

In all voting precincts in cities and villages the various officers whose duty it may be to designate and prescribe the place or places of holding general elections in the several cities and villages throughout the State.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 19, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,"

Which the House has passed with the following amendments:

Strike out the comma (,) after the word "person" in line 7, and insert a comma (,) after the word "property" in line 7; also, strike out the comma (,) after the word "land" in line 8 of the original bill.

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 houses and jail purposes, and to issue and dispose of bonds to provide for the payment of principal and interest of such bonds,"

Which the House has passed with the following amendments:

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.

And your concurrence therein is respectfully requested.

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. 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. 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,"

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

The question recurring on the amendment of Mr. Stevens to Section 22 of Senate Bill No. 5,

The amendment was lost.

The hour having arrived for the consideration of special orders, Mr. Barlow moved

That House Bill No. 14, and the veto message on Senate Bill No. 31 be made a special order for 3:30 o'clock p. m. to-morrow.

Mr. Diesem moved

To amend the motion by making the consideration of the veto

message on Senate Bill No. 31 a special order for a week from to-day at 3 o'clock p. m.,

Which amendment was adopted, and

The question recurring on the motion of Mr. Barlow as amended,

The motion prevailed.

Mr. Worst moved

To adopt the following report of the Special Committee on Elections:

Amend Section 3, line 8, by striking out the words "their business and business addresses."

Amend Section 5, line 9, by striking out the words "exceed five hundred" and inserting the words "be less than three hundred." Also, amend line 11 by striking out the word "exceed" and inserting the words "be less than."

Amend Section 10, line 2, by striking out the words "at least two" and inserting the words "one or more." Also, strike out all of line 4 after the word "act," all of line 5 and the first three words of line 6.

Strike out Section 21.

Amend Section 23, line 5, by striking out the words "for each of the offices" and inserting the words "containing the names of all the candidates."

Amend Section 24, by striking "s" from ballots in lines 1 and 3.

Amend Section 27, line 2, by inserting between the words "of" and "physical" the words "inability to read or write or any."

Amend Section 52 by striking out lines 1, 2, 3, 4 and 5, to the word "one," and insert in lieu thereof the words "the judges of election of each precinct shall within two days after the completion of the canvass, file the returns and statements thereof with the proper officers as required by law." Also, strike out in line 6 all after the word "doing" and in line 7 to the word "cents," and insert the word "five."

In line 9 strike out the words "county clerk's office" and insert the words "county seat."

Strike out Section 55.

In Section 59, line 1, insert the word "general" between the words "all" and "elections" and strike out all the balance of the section.

Strike out Section 61.

In Section 67 strike out the words from line 8, "the United States one year and this State six months and three months in the county and in this precinct thirty," and insert in lieu thereof the words "this State one year, in the county six months and in the precinct ninety."

Strike out Sections 73 and 75.

In Section 83, line 5, strike out all after the word "State" to the end of the section.

Strike out Section 88.

Amend Section 18 by adding the following:

Provided, however, That in any county where one-half of the legal voters therein, as shown by the preceding general election, shall petition the board of county commissioners, at least sixty days before the Tuesday next after the first Monday in November in any year in which a general or annual election shall be held, to furnish the Rhines ballot machine, for use at such elections, it shall be the duty of the board of county commissioners and they are hereby authorized and required to contract for and procure as many of said machines as may be necessary at a price not to exceed 65 cents per key; *Provided, further,* That no election precinct having less than fifty legal voters, as shown by the preceding general or annual election, shall be furnished with such machine.

Mr. LaMoure moved

To amend the report of the committee by striking out of the committee's report that portion amending Section 18.

Mr. Diesem moved

To amend the amendment by striking out the word "county" and inserting in lieu thereof the word "precinct,"

Which amendment to the amendment was lost, and

The question recurring on the amendment of Mr. LaMoure,

The amendment was lost.

Mr. Winship moved

To amend the report of the committee on Section 18 by striking out the words "one-half" and inserting in lieu thereof the words "two-thirds,"

Which amendment was lost.

Mr. Barlow moved

To amend Section 5, line 16, by striking out the words "his business and business address," and also in line 19 by striking out the words "business and business address,"

Which amendment was adopted.

Mr. Barlow moved

To strike out the words "business and business address" in line 5, Section 11,

Which amendment was adopted.

Mr. Diesem moved

To amend the report of the committee in the amendment to Section 18 by striking out the word "county" and inserting the word "precinct," and adding the words "that said precinct pay the expense,"

Which amendment was lost.

Mr. LaMoure moved

The adoption of the following amendment to the report of the committee on Section 18:

Provided, That Mr. Rhines furnish the machine without expense to any county until such time as the same has been approved by a majority of the electors of such county.

Roll call was demanded on the adoption of the amendment,

The roll being called there were ayes 14, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Stevens,
Belyea,	Helgeson,	Svensrud,
Dodds,	LaMoure,	Winship,
Fuller,	Lawrence,	Yager.
Haggart,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Robinson,
Barlow,	Hartman,	Rowe,
Bell,	Little,	Smith,
Cowan,	McBride,	Slotten,
Diesem,	Randall,	Worst.

Messrs. Sandager and Swanston being excused.

So the amendment was lost.

Mr. LaMoure moved

To amend the report of the committee by striking out Section 83,

Which amendment was adopted, and

The question recurring on the report of the committee as amended,

The report of the committee was adopted.

Mr. Stevens moved

To amend Senate Bill No. 5 as follows:

Substitute for Section 22, lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, up to and including the word "precinct," the following: "In all townships containing seventy-five or more electors, and in all voting precincts in cities and villages, the township board of each township and the various officers whose duty it may be to designate and prescribe the place or places of holding general elections in the several cities, wards, election districts and voting precincts throughout this State, shall, and in all townships having less than seventy-five electors, may, provide for and cause to be erected in the room where elections are to be held, one or more booths or compartments where electors may retire for the preparation of their ballots. At least one such booth shall be provided at each polling place where there are seventy-five electors, and one additional booth for each additional seventy-five or major fraction thereof."

Which amendment was lost.

Mr. Barlow moved

To amend Section 84, line 3, by striking out the word "Supreme" and inserting in lieu thereof the word "district,"

Which amendment was adopted.

Mr. Dodds moved to amend as follows:

Amend Section 29, line 15, printed bill, by striking out the figures "31, 32 and 35" where they appear, and insert in lieu thereof the figures "30, 31 and 34;" also, to renumber the sections of said bill where necessary.

Which amendment was adopted.

Mr. Cowan moved

To amend Section 25, line 4, by striking out the word "ten" and inserting in lieu thereof the word "five,"

Which amendment was adopted.

Mr. Cowan moved

To amend Section 19, lines 3 and 4, by striking out the words "Supreme Court of the State" and inserting in lieu thereof the words "district court,"

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 5 as amended,

The roll being called there were ayes 21, nays 8.

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Barlow,
Bell,

Messrs—
Fisher,
Haggart,
Harmon,
Helgeson,

Messrs—
Rowe,
Smith,
Slotten,
Svensrud,

Messrs—

Cowan,
Diesem,
Dodds,

Messrs—

Little,
McBride,
Robinson,

Messrs—

Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Belyea,
Fuller,
Hartman,

Messrs—

LaMoure,
Lawrence,
McCormack,

Messrs—

Randall,
Stevens.

Messrs. Sandager and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Smith moved

That the vote just taken on Senate Bill No. 5 be reconsidered,
and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The hour having arrived for the special consideration of
Senate Bill No. 168,A bill for an act making an appropriation for the State Uni-
versity.

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

Mr. LaMoure moved

To amend Section 1, line 6, as follows:

Strike out line 6 and insert the following in lieu thereof:

"The salary of the president shall be \$2,000 per annum; all other pro-
fessors that may be necessary, not to exceed \$1,800 per annum each; the
matron shall receive \$600 per annum. Total for salaries, \$13,100."

Mr. Belyea moved

To amend the amendment by striking out the figures "\$1,800"
and inserting the figures "\$1,500" in lieu thereof,

Which amendment was lost, and

The question recurring on the amendment of Mr. LaMoure,
Roll call was demanded.

The roll being called there were ayes 24, nays 5.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fisher,

Messrs—

Fuller,
Haggart,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

Randall,
Robinson,
Rowe,
Smith,
Stevens,
Svensrud,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Dodds,
Harmon,

Messrs—

McCormack,
Slotten,

Messrs—

Winship.

Messrs. Sandager and Swanston being absent and excused.

So the amendment was adopted.

Mr. LaMoure moved

To amend the title of the bill by adding the words "and to fix the salaries of the President and the professors of the same,"

Which amendment was adopted.

Mr. McCormack moved

The adoption of the following amendment:

Amend Section 1 by adding: "For material and labor, fitting new dormitory building, for use of gas, four hundred dollars (\$400,)"

Roll call demanded on the amendment.

The roll being called there were ayes 21, nays 7.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Allin,	Fisher,	Randall,
Appleton,	Fuller,	Robinson,
Barlow,	Harmon,	Rowe,
Bell,	Helgeson,	Slotten,
Cowan,	LaMoure,	Stevens,
Diesem,	Little,	Svensrud,
Dodds,	McCormack,	Winship.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Belyea,	Lawrence,	Smith,
Haggart,	McBride,	Yager.
Hartman,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Sandager,	Swanston,	Worst.

Messrs. Sandager and Swanston being excused.

So the amendment was adopted.

Mr. LaMoure moved

To amend Section 1, line 11, by striking out the figures "\$800" and inserting in lieu thereof the figures "\$500,"

Which amendment was adopted.

Mr. Stevens moved

To amend Section 1, line 14 by striking out the figures "\$500" and inserting the figures "\$1,000" in lieu thereof,

Which amendment was adopted.

Mr. LaMoure moved

To amend by striking out the figures "\$23,900" and inserting in lieu thereof the figures "\$21,100."

Mr. Diesem moved

As a substitute to insert the figures "\$20,000" in lieu of the figures "\$21,100,"

Which motion was lost, and

The question recurring on the motion of Mr. LaMoure,

Mr. Smith moved

As a substitute that Senate Bill No. 168 be recommitted to the Committee on Appropriations,

Which motion was lost, and

The question recurring on the amendment of Mr. LaMoure,

The amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 168 as amended,

The roll being called there were ayes 26, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Robinson,
Appleton,	Harmon,	Rowe,
Barlow,	Hartman,	Smith,
Belyea,	Helgeson,	Slotten,
Bell,	LaMoure,	Stevens,
Cowan,	Lawrence,	Svensrud,
Diesem,	Little,	Winship,
Dodds,	McCormack,	Yager.
Fisher,	Randall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Sandager,	Swanston.	Worst.

Messrs. Haggart and McBride voting in the negative.

Messrs. Sandager and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Fuller moved

To amend the report of the committee by inserting the words and figures "for finishing attics and basement \$6,000," instead of the figures "\$3,000" as reported by the committee,

Which amendment was adopted.

Mr. LaMoure moved

To amend the report of the committee by striking out the figures "\$1,200" for incidentals, and inserting in lieu thereof the figures "\$800."

Which amendment was adopted.

Mr. McBride moved

To amend line 2 by striking out the figures "\$66,076" and inserting in lieu thereof the figures \$68,676,"

Which amendment was adopted.

Mr. Barlow moved

That further consideration of Senate Bill No. 168 be postponed

and that it be made a special order for next Monday at 3 o'clock p. m.

Mr. Stevens moved

As a substitute that the roll be called on the final passage of the bill.

Mr. Smith moved

That the Senate do now adjourn,

Which motion was lost.

Mr. President ruled that the motion of Mr. Stevens was in effect, the call for the previous question, and

The question being on the substitute motion,

Mr. Stevens withdrew his motion by consent, and

The question recurring on Mr. Barlow's motion,

The motion was lost, and

The question recurring on the motion to adopt the report of the committee as amended,

The motion prevailed.

Mr. McCormack moved

The adoption of the following amendment:

SEC. 2. An emergency exists in this, that there has been no provision made for the maintenance of the State Hospital of the Insane at Jamestown; therefore, this act shall take effect from and after its passage and approval.

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Randall,
Robinson,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Harmon,

Mr. Rowe voting in the negative.

Messrs. Sandager and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President announced the appointment of Mrs. F. J. Call on the engrossing force, dating from February 18, 1890.

Mr. McCormack moved

That the Senate do now adjourn.

Roll call was demanded.

The roll being called there were ayes 15, nays 12.

Those who voted in the affirmative were:

Messrs--

Allin,
Barlow,
Diesem,
Dodds,
Fisher,

Messrs--

Fuller,
Harmon,
Helgeson,
Little,
Randall,

Messrs--

Rowe,
Smith,
Slotten,
Stevens,
Winship.

Those who voted in the negative were:

Messrs--

Appleton,
Belyea,
Bell,
Cowan,

Messrs--

Haggart,
Hartman,
Lawrence,
McBride,

Messrs--

Robinson,
Svensrud,
Worst,
Yager.

Absent and not voting:

Messrs--

LaMoure,
McCormack,

Messrs--

Sandager,

Messrs--

Swanston.

Messrs. Sandager and Swanston being excused.

So the motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETY-FOURTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 20, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Sandager, who was excused.

Mr. Svensrud moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Dodds and Fuller.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 143,

A bill for act to provide for an uniform system of free public schools throughout the State.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for the State University,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 102,

A bill for an act providing for the election of a board of education in cities not organized under General Law,

Was delivered to his Excellency, the Governor, for his approval at the hour of 5:05 o'clock p. m., February 20, 1890.

J. O. SMITH,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of Long's Legislative Hand Book for 1889,

Have had the same under consideration and recommend that said bill be referred to the Joint Commission having in charge the settlement of outstanding accounts against the Territory of Dakota.

GEO. B. WINSHIP,
Chairman.

Mr. Allin moved

That the report of the committee on Senate Bill No. 74 be adopted,

Which motion prevailed.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred Senate Bill No. 146,

A bill for an act for the publication of the Session Laws of the State of North Dakota,

Have had the same under consideration and recommend that said bill be referred to Committee of the Whole Senate without recommendation.

N. C. LAWRENCE,
Chairman.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 146 be adopted,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary 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 refer the bill back without recommendation.

C. B. LITTLE,
Chairman.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

Your Committee on Federal Relations to whom was referred
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,

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

M. L. McCORMACK,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
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,

Have had the same under consideration and recommended that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 215,

A bill for an act to provide for the pardon of convicts from the Penitentiary in certain cases,

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

JUDSON LAMOURE,
Chairman.

The Committee on State Library made the following report:

MR. PRESIDENT:

Your 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:

Strike out all of Section 5 and insert in lieu thereof the following: "No person shall be allowed to remove any book from the State House."

Amend Section 6, line 9, by striking out the word "ten" and inserting the word "two."

Strike out all of Section 9 and insert in lieu thereof the following: "There is hereby appropriated the sum of \$4,500 for the year of 1890, and the sum of

\$1,000 annually thereafter for the purpose of purchasing a State Library for the State of North Dakota."

Add as Section 16 the following: "The State Auditor is hereby authorized to audit the claims of the Secretary of State for expenses, charges, salary, etc. be paid in connection with the care of the State Library from November 6th A. D. 1889, up to the time of the going into effect of this act, and the State Auditor is empowered to draw his warrant in favor of said Secretary of State for the amount due him."

And when so amended recommend that said bill do pass.

E. L. YAGER,
Chairman.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading 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:

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 when so amended recommend that said bill do pass.

ANDREW SLOTTEN,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee on investigation of Senate Bill No. 167 made the following report:

To the Senate of the State of North Dakota:

The undersigned, your committee appointed by a resolution adopted by the Senate on the 10th day of February, A. D. 1890, to investigate the nomination and election of the State officers, the election of United States Senators and the passage of Senate Bill No. 167, and who have been acting under said resolution, and under the resolution adopted by the Senate on the 13th day of February, A. D. 1890, respectfully report that in pursuance of their duties, and the authority conferred upon them, a subpoena was duly issued by the committee, signed by the chairman and attested by the secretary, directed to the Hon. James McCormick, a member of the House of Representatives of the State of North Dakota, commanding him to appear before said committee, at a time and place stated therein, to give evidence as to the matters under investigation, a copy of which subpoena is herewith attached and forms a part of this report.

The State of North Dakota, to James McCormick, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889. The election of United States Senators, by the first Legislative Assembly of North Dakota and Senate Bill 167. You are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee room No. 3, over Bismarck Bank in the city of Bismarck, N. D., on the 19th day of February, 1890, at the hour of 10 a. m. Then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,

W. H. ROBINSON,
Chairman.

M. L. McCORMACK,
Secretary.

That said subpoena was placed in the hands of the Sergeant-at-Arms of the Senate for service, and was duly served upon said James McCormick, and in obedience thereto the said James McCormick appeared before us, and refused either to be sworn or to testify before this committee. We make this report to the Senate for such action thereon as the Senate may deem proper under the circumstances.

W. H. ROBINSON, Chairman.
JOHN E. HAGGART,
JOHN MCBRIDE,
M. L. McCORMACK,
GEORGE W. HARMON.

Mr. Swanston moved

That the Senate go into executive session as Committee of the Whole to consider the report,

Which motion prevailed, and

The Senate went into executive session to consider the report.

When the Senate resumed business in open session Mr. Little asked consent to make a motion.

Objections were made.

Mr. Winship asked unanimous consent to make a motion.

Consent was granted, and

Mr. Winship moved

That Senate Bill No. 91 be recalled from the Governor for correction,

Which motion prevailed.

Mr. Haggart moved

That the courtesies of the Senate floor be extended to the Hons. W. S. Lauder and W. E. Purcell, members of the late Constitutional Convention,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor

EXECUTIVE OFFICE,
February 20, 1890. }

To the President of the Senate:

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

Senate Bill No. 37,

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. 84,

An act authorizing the judges of the district court to administer oaths.

Also,

Senate Bill No. 90,

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. 177,

An act to appropriate money to pay the *per diem* of members, officers and employes of the Legislative Assembly.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 20, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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.

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,

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

Which the House has passed with the following amendments:

Amend the title of the bill 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, 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, 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, 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 your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

The hour having arrived for the special consideration of Senate Bill No. 169,

Senate Bill No. 169,

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

Was placed upon its final passage.

The roll being called there were ayes 22, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Randall,
Appleton,	Harmon,	Robinson,
Barlow,	Hartman,	Rowe,
Belyea,	Lawrence,	Smith,
Bell,	Little,	Slotten,
Cowan,	McBride,	Svensrud,
Diesem,	McCormack,	Yager.
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Helgeson,	Swanston,	Worst.
Stevens,	Winship.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	LaMoure,	Sandager.
Fuller,		

Mr. Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MOTIONS AND RESOLUTIONS.

Mr. Smith introduced 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.

Mr. Rowe moved

To adopt the resolution.

Mr. Appleton moved

As an amendment to insert March 1st in the resolution instead of March 11th.

Mr. Swanston moved

To amend the amendment by making it March 18th instead of March 11th,

Which amendment to the amendment was lost,

And the question recurring on the amendment of Mr. Appleton, Roll call was demanded.

The roll being called there were ayes 10, nays 18.

Those who voted in the affirmative were:

Messrs—
 Appleton,
 Bell,
 Cowan,
 Fisher,

Messrs—
 Hartman,
 LaMoure,
 McBride,

Messrs—
 McCormack,
 Randall,
 Swanston,

Those who voted in the negative were:

Messrs—
 Allin,
 Barlow,
 Belyea,
 Diesem,
 Dodds,
 Fuller,

Messrs—
 Haggart,
 Harmon,
 Helgeson,
 Lawrence,
 Rowe,
 Smith,

Messrs—
 Slotten,
 Stevens,
 Svensrud,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Little,

Messrs—
 Robinson,

Messrs—
 Sandager.

Mr. Sandager being excused.

So the amendment was lost, and

The question recurring on the adoption of the resolution,
 Roll call was demanded.

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

Those who voted in the affirmative were:

Messrs—
 Allin,
 Barlow,
 Belyea,
 Diesem,
 Dodds,
 Fisher,
 Fuller,
 Haggart,

Messrs—
 Harmon,
 Helgeson,
 LaMoure,
 Lawrence,
 Robinson,
 Rowe,
 Smith.

Messrs—
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Appleton,
 Bell,
 Cowan,

Messrs—
 Hartman,
 Little,
 McBride,

Messrs—
 McCormack,
 Randall,
 Sandager.

Mr. Sandager being excused.

Mr. LaMoure moved

That Senators Appleton, Bell, McCormack, McBride, Cowan,
 Hartman and Randall be excused from voting.

Roll call was demanded.

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

Those who voted in the affirmative were:

Messrs—
 Allin,
 Dodds,
 Fisher,
 Fuller,
 Haggart,

Messrs—
 Harmon,
 Helgeson,
 LaMoure,
 Robinson,
 Rowe,

Messrs—
 Slotten,
 Stevens,
 Winship,
 Yager.

Those who voted in the negative were:

Messrs— Barlow, Belyea, Diesem,	Messrs— Lawrence, Smith, Svensrud.	Messrs— Swanston, Worst.
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Absent and not voting.

Messrs— Appleton, Bell, Cowan,	Messrs— Hartman, Little, McBride,	Messrs— McCormack, Randall, Sandager.
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Mr. Sandager being excused.

The Senators named were excused from voting.

Mr. Swanston raised the point of order that the members were not excused, for the reason that the necessary two-thirds vote was lacking.

Mr. President ruled the point of order well taken, and declared the motion to excuse the Senators as lost, and

Mr. LaMoure appealed from the decision of the Chair on declaring the vote to excuse lost, and

The question being shall the decision of the Chair be sustained,

The decision of the Chair was sustained, and

The question recurring on the roll call to adopt the resolution to adjourn,

The roll being called there were ayes 20, nays 8.

Those who voted in the affirmative were:

Messrs— Allin, Barlow, Belyea, Bell, Diesem, Dodds, Fisher,	Messrs— Fuller, Haggart, Harmon, Hartman, Lawrence, Randall, Robinson,	Messrs— Smith, Slotten, Svensrud, Swanston, Winship, Yager.
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Those who voted in the negative were:

Messrs— Appleton, Cowan, Helgeson.	Messrs— LaMoure, McBride, Rowe,	Messrs— Stevens, Worst.
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Absent and not voting:

Messrs— Little,	Messrs— McCormack,	Messrs— Sandager.
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Mr. Sandager being excused.

So the resolution was adopted.

Mr. McCormack moved

That the vote just taken be reconsidered and that the vote to reconsider be laid upon the table,

Which motion prevailed.

Mr. Dodds presented the following Concurrent Resolution:

Resolved by the Senate, the House of Representatives concurring:

To the Senate and House of Representatives of the United States in Congress Assembled: We, the Legislative Assembly of the State of North Dakota, respectively request the Congress of the United States to pass the bill devised and passed by the United States Senate, during the incumbency of Commissioner Sparks, to confirm and validate final pre-emption and homestead cash entries, where innocent purchasers and mortgagees of the land became involved before a suspension of the entry by the land department, for the reason that the amount of fraud involved in such cases has been grossly exaggerated, the pendency of these suspensions will prevent a remortgaging, and compel foreclosure sales of homes, where there was no fraud; and it is not very good morals on the part of the federal government after having induced the investment by widows and orphans of the east, of their savings of patrimony in mortgages on these lands, where the title at the time was duly certified by the Government, to now repudiate its certificate and divest them of their security; and the confidence that will thereby be created in western land securities will lessen the rates of interest for land loans, and do much to promote eastern and western prosperity; lessen the labor of the department, and save expense to the government; and, as in those cases where fraud existed, as a rule the lands were conveyed or mortgaged to their full value before these suspensions of entries, wherefore the cancellation of them can never reach the guilty parties, and it will do gross injustice to those who are wholly innocent.

Wherefore, this Legislative Assembly sincerely asks that the aforesaid Senate Bill be readopted and enacted into law by Congress, directing patents to issue in all cases of final pre-emption and homestead cash entries, wherever innocent purchasers and mortgagees of the land had intervened prior to a suspension of the entry.

Mr. Dodds moved

The adoption of the resolution,

Which motion prevailed.

The hour having arrived for the special consideration of House Bill No. 14, the President *pro tem* took the Chair.

The consideration of

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,

Was continued.

Mr. Barlow moved

The adoption of the following amendment:

Amend Section 19 by adding to end of section the following:

"*Provided*, So much of the debts due or to become due to any person as shall equal the amount of *bona fide* and unconditional debts by him owing."

Which motion was lost.

Mr. Robinson offered the following amendment, to be added to Section 19:

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, 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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 20, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has refused to concur in the Senate amendments to

House bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

And that the House has this day adopted a resolution that the Speaker of the house appoint a committee of three to confer with a like committee from the Senate upon said amendments, and that the Speaker has appointed as such committee on the part of the House Messrs. Hankinson, Bowen and Selby.

J. G. HAMILTON,
Chief Clerk.

Mr. LaMoure moved

To adopt the amendment of Mr. Robinson to Section 19 of House Bill No. 14,

Which motion was lost.

Mr. LaMoure moved

That further consideration of House Bill No. 14 be indefinitely postponed.

Mr. Appleton moved

As a substitute that the bill be recommitted to the committee with instructions to reinsert Section 18 of the original bill and that another section be inserted to allow the farmers to deduct from their personal property their liabilities,

Which substitute motion was lost.

Mr. LaMoure withdrew his motion to postpone, by consent.

Mr. LaMoure moved

That House Bill No. 14 be made a special order for to-morrow at 2:30 o'clock p. m.,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. McCormack moved

That the Senate concur in the House amendments to Senate Bill No. 9,

Which motion prevailed.

Mr. Barlow moved

That the Senate concur in the House amendments to Senate Bill No. 85.

Mr. Stevens moved

As an amendment that the Senate do not concur in the House amendments to Senate Bill No. 85,

Which amendment was lost, and

The question recurring on the motion to concur,

The motion prevailed.

Mr. Swanston moved

That the Senate concur in the House amendments to Senate Bill No. 133.

Mr. LaMoure moved

As a substitute that the Senate do not concur in the amendments of the House,

Which motion prevailed.

Mr. LaMoure moved

That the House be informed of the action of the Senate, and that a conference committee be appointed,

Which motion prevailed, and

The Chair appointed Messrs. Worst, Winship and Svensrud.

Mr. Swanston moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETY-FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Randall and Sandager, who were excused.

Mr. Haggart moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. LaMoure and Worst.

REPORTS OF STANDING COMMITTEES.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred
Senate Bill No. 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Omit Section 1 and substitute in lieu thereof the following: "The necessary expenses and legal fees of sheriffs and other officers, incurred in conveying insane persons to the hospital, or convicts to the penitentiary, shall be approved by the county commissioners of the county from which such persons are sent, and all legal expenses and fees so incurred shall be paid out of the general fund of said county by warrant on the county treasurer in the same manner as other claims are paid as provided by law.

And when so amended recommend that said bill do pass.

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,"

Have had the same under consideration and recommend that said bill be amended as follows.

Omit Section 5 and substitute the following in lieu thereof:

"SEC. 5. The moneys received and collected by the State Treasurer, in pursuance of this act, shall be deposited in the State Treasury for the use of the State."

And when so amended recommend that said bill do pass.

W. H. ROBINSON,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
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,

Have had the same under consideration and recommend that said bill be postponed on account of the overcrowded condition of the University at Grand Forks, and from the further fact that the appropriation for said university is insufficient to establish a branch School of Mines therein at this time.

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 be referred to the Senate without recommendation.

J. H. WORST,
Chairman.

☐ The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
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,

Have had the same under consideration and recommended that said bill be amended as follows:

Strike out the words "may in his discretion" where they occur in Section 1, and insert in lieu thereof the word "shall,"

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 109,

A bill for an act granting power to county courts.

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. 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,"

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate 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 do pass.

Also,

Senate Bill No. 180,

A bill for an act to amend Section 1 of Chapter 48 of the Session Laws of 1889,

Have had the same under consideration and recommend that said bill be amended as follows:

1. That the title be amended by adding the following words: "Relating to publication of receipts and disbursements of county treasurers."

2. That Section 1 be amended to read as follows:

"SECTION 1. That Section 103 of Chapter 28 of the Political Code be and is hereby amended to read as follows: 'The county clerk or auditor and county treasurer conjointly shall make out quarterly a detailed exhibit, under oath, showing the receipts and disbursements of the county for the preceding quarter, and also the assets and liabilities at the time of making out the same; said exhibit shall show the amount of all orders on the treasury issued during the quarter next preceding, on what account, and also the liabilities of the county stated in detail, and the assets of every kind as near as may be, show-

ing also the amounts of funds in the treasury at the time of making said exhibit, on what account paid in, the kind of funds, and the place or places where said funds are deposited. Said exhibit shall be made out quarterly and posted up in the office of the treasurer on the first Monday in January, April, July and October of each year, and said statement shall also be published within ten days thereafter in any official newspaper of said county."

And when so amended recommend that said bill do pass.

Also,

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 do pass.

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.

F. G. BARLOW,
Chairman.

The Committee on Apportionment made the following report:

MR. PRESIDENT:

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:

By adding to Section 1 the following:

And said Third Legislative District shall, until otherwise provided by law, be comprized 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 when so amended recommend that said bill do pass.

H. S. DIESEM,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Committees on Journal correction made the following reports:

MR. PRESIDENT:

Your Special Committee to correct the Senate Journal of the ninety second day have examined the same and beg leave to report the following corrections:

On page 11, line 2, should read "Mr. LaMoure" instead of "Mr. Lawrence."

On page 14, line 22, insert the word "nays" between the figures "25" and the word "none."

F. G. BARLOW,
Chairman.

Which report was adopted.

MR. PRESIDENT:

Your committee appointed to revise and correct the Journal of February 19th, respectfully report that they have performed the duty assigned them, and find said Journal correct except in the last line on page 9, the figures "68" should be changed to the figures "45."

D. S. DODDS,
Chairman.

Which report was adopted.

Mr. LaMoure moved

That the communication received from the special committee appointed by the Senate to investigate certain rumors be referred to the Attorney General and his opinion requested in writing as to the manner in which this Senate shall proceed to compel the attendance of witnesses and the giving of testimony,

Which motion prevailed.

Mr. Swanston moved

That House Bills No. 238 and 234 be recalled from the Committee of the Whole, and made a special order for Tuesday at 2:30 o'clock p. m.,

Which motion prevailed.

Mr. Swanston moved

That the petition on irrigation be recalled from the committee and referred to a joint committee of five from the Senate and five from the House,

Which motion prevailed, and

Mr. Swanston moved

The adoption of the following Concurrent Resolution:

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 of the House in regard to the petition of W. W. Barritt on irrigation.

Which resolution was adopted and

Mr. President appointed as such committee Messrs. Barlow, Fisher, Appleton, Cowan and Little.

Mr. Smith presented the following resolution:

CONCURRENT RESOLUTION.

Be it resolved by the Senate, the House of Representatives Concurring:

To the Senate and House of Representatives of the United States in Congress Assembled: We, the Legislative Assembly of the State of North

Dakota, believing it to be of vital importance and to the best interests of the people of these United States that the Blair Educational Bill should become a law; wherefore, this Legislative Assembly respectfully request our Representatives in Congress to further the enactment of said bill to become a law.

Mr. Dodds moved

That the resolution be laid upon the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 21, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has passed without amendments.

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,

Which the House has passed with the following amendment:

Amend the bill by striking out the words "printed blanks" in line 2, Section 1.

And your concurrence therein is respectfully requested.

Also,

I have the honor to inform the Senate that the Speaker has appointed Messrs. Selby, Reed and Thompson of Cass, as a committee to confer with the Senate Committee upon the amendments to

Senate Bill No. 133,

A bill for an act to fix the number of employes for the Senate and House of Representatives and the salaries of the same.

J. G. HAMILTON,
Chief Clerk.

The hour having arrived for the special consideration of House No. 14,

The President *pro tem.* in the Chair,

The consideration of

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,

Was continued.

Mr. Allin moved

That the vote by which the amendment to Section 19 was lost be reconsidered,

Which motion prevailed, and

The question recurring on the following amendment to be added to the end of Section 19:

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, 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.

Mr. Stevens moved

To amend the amendment as follows:

Amend the amendment by striking 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 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 next to the last line of the amendment.

Which amendment was adopted, and

The question recurring on the amendment of Mr. Robinson as amended,

The amendment as amended was adopted.

Mr. Little moved

That the vote by which the amendment to the amendment was carried be reconsidered,

Which motion was lost.

Mr. Robinson moved

The adoption of the following amendment:

Amend Section 55, line 4, after the word "March" by inserting the words "in each and every year,"

Which amendment was adopted.

Mr. Robinson moved

To 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.

Which amendment was adopted.

Mr. Worst moved

To 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.

Which amendment was adopted.

Mr. Barlow moved

To amend Section 46 by striking out Subsections 3, 4 and 5,

Which amendment was adopted, and

The question recurring on the final passage of House Bill No. 14,

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Smith,
Appleton,	Haggart,	Slotten,
Barlow,	Harmon,	Stevens,
Belyea,	Hartman,	Swanston,
Bell,	Little,	Winship,
Cowan,	McBride,	Worst,
Diesem,	Robinson,	Yager.
Dodds,	Rowe,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	McCormack,
Helgeson,	Lawrence,	Svensrud.

Messrs. Randall and Sandager being absent and not voting.

Messrs. Randall and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved

That the rules be suspended and that Senate Bill No. 155 be read the third time, and placed upon its final passage,

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.

Mr. LaMoure moved

That the report of the committee on Senate Bill No. 155 be adopted,

Which motion prevailed.

Mr. Haggart moved

To amend Section 1 by striking out the whole of line 8,

Which amendment was adopted.

Mr. Haggart moved

To amend Section 1 by striking out in line 11 the figures "3,750" and inserting in lieu thereof the figures "4,000."

Mr. McBride moved

As an amendment to amend by striking out the figures "\$3,200" and inserting the figures "\$4,000."

Mr. McCormack moved

To reconsider the vote by which line 8 of Section 1 was stricken out,

Which motion prevailed, and

The question recurring on the amendment to strike out line 8 of Section 1,

Mr. LaMoure moved

To amend by striking out the figures "800" and inserting the figures "900" in lieu thereof in line 8 of Section 1.

Mr. Belyea moved

As an amendment to strike out the figures "800" and insert the figures "1,000" in lieu thereof,

Which amendment was adopted.

Mr. McBride withdrew his amendment by consent.

Mr. Harmon moved

To amend Section 1, line 22, by inserting "\$1,259."

Mr. LaMoure moved

To amend the amendment by striking out line 22 and by adding to the figures in line 24 the sum of "\$1,259,"

Which motion was withdrawn.

Mr. LaMoure moved

To amend line 24 by making the amount \$3,500 for the improvement of the water supply of the Penitentiary.

Mr. Belyea moved

As a substitute that the part "permanent improvements" be inserted as in the original bill lines 21, 22, 23, 24, 25 and 26.

Which substitute was adopted.

Mr. Belyea moved

To amend by making lines 24 and 25 read "water and sewerage supply."

Mr. McCormack moved

To amend by striking out line 25 and inserting in line 24 the figures "\$3,500" instead of the figures "\$2,500,"

Which amendment was adopted, and

The amendment as amended was adopted.

Mr. Diesem moved

To strike out line 23,

Which amendment was adopted.

Mr. LaMoure moved

To amend line 22 by striking out the figures "1,259" and insert the figures "500" in lieu thereof,

Which amendment was lost.

Mr. Stevens moved

To amend the report of the committee on line 15 by striking out the figures "1,500" and inserting the figures "500" in lieu thereof.

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	McCormack,
Appleton,	Haggart,	Robinson,
Barlow,	Harmon,	Rowe,
Belvea,	Hartman,	Smith,
Bell,	Helgeson,	Slotten,
Cowan,	LaMoure,	Stevens,
Diesem.	Lawrence,	Swanston,
Dodds,	Little,	Yager.
Fisher,	McBride,	

Absent and not voting.

Messrs—	Messrs—	Messrs—
Randall,	Svensrud,	Worst.
Sandager,	Winship,	

Messrs. Randall and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Rowe moved

That the rules be suspended, and that all Senate bills receive their first and second reading and reference,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Appleton introduced—

Senate Bill No. 189,

A bill for an act to amend Section 37, Chapter 6 of the Code of Civil procedure,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Rowe (by request) introduced—

Senate Bill No. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions,

Which was read the first and second times, and referred to the Committee on Corporations Other Than Municipal.

Mr. Winship introduced—

Senate Bill No. 191,

A bill for an act appropriating money for the maintenance of the public offices of the State,

Which was read the first and second times, and referred to the Committee on Appropriations.

Also,

Senate Bill No. 192,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Which was read the first and second times, and referred to the Committee on Public Printing.

Mr. Worst introduced—

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,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Harmon introduced—

Senate Bill No. 194,

A bill for an act to appropriate money to pay the amount due the militia of the Territory of Dakota,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Harmon introduced—

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,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Fuller introduced—

Senate Bill No. 196,

A bill for an act to amend an act entitled "An Act providing for a charter for the City of Jamestown, Territory of Dakota, (now North Dakota,)"

Which was read the first and second times, and referred to the Committee on Municipal Corporations.

Mr. Smith introduced—

Senate Bill No. 197,

A bill for an act to authorize counties to use any funds or surplus funds that they may have on hand to procure seed grain for needy farmers, and to amend an act of the First Legislative Assembly of the State of North Dakota, entitled "An Act to authorize 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.

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,

Which was read the first and second times, and referred to the Committee on State Affairs.

Mr. McCormack introduced—

Senate Bill No. 199,

A bill for an act appropriating \$72,640 to reimburse one Jacob Dobmier for depreciation in the value of his brewery property at Grand Forks by reason of the adoption of the prohibitory clause of the Constitution,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Little introduced—

Senate Bill No. 200,

A bill for an act providing for the disorganization of civil townships,

Which was read the first and second times, and referred to the Committee on Counties.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. LaMoure moved

That the Senate concur in the House amendments to Senate Bill No. 130,

Which motion prevailed.

Mr. LaMoure moved

That the President appoint a committee of three to confer with a like committee from the House on the Senate amendments to House Bill No. 158,

Which motion prevailed, and

The Chair appointed Messrs. LaMoure, Haggart and Cowan.

Mr. Worst asked permission to make a report of a special committee.

Consent granted, and

The Committee on Conference on Senate Bill No. 133 made the following report:

MR. PRESIDENT:

Your Conference Committee on the difference on Senate Bill No. 133 have carefully considered the same, and respectfully re-

port and recommend that the House amendments to the report of the Conference Committee to said bill be concurred in.

J. H. WORST,

A. SVENSRUD,

GEO. B. WINSHIP,

On part of Senate.

J. F. SELBY,

F. J. THOMPSON,

J. E. REED,

On part of House.

Mr. Little moved

To adopt the report of the Conference Committee on Senate Bill No. 133,

Which motion prevailed.

Mr. Belyea moved

That Senate Bill No. 133 be placed upon its final passage as amended by the House,

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 placed upon its final passage.

Mr. Belyea moved

That the vote just taken to place Senate Bill No. 133 on its final passage be reconsidered,

Which motion prevailed.

Mr. Diesem moved

That the Senate reconsider the vote taken on the adoption of the report of the Conference Committee,

Which motion prevailed, and

The question before the Senate being the adoption of the report of the Conference Committee on Senate Bill No. 133,

The report was adopted.

Mr. Little moved

That the roll be called on the final passage of Senate Bill No. 133.

Mr. Appleton moved

That the bill be referred to the Republican members of the Senate.

Mr. President ruled the motion out of order.

Mr. Stevens moved

That the bill be referred to Messrs. Appleton, Bell, Cowan, McCormack, McBride and Hartman.

Mr. Little moved

The previous question, and

The question being shall the main question now be put,

The main question was put, and

The roll being called there were ayes 22, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Diesem,
Dodds,
Fuller,
Haggart,
Harmon,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
Robinson,
Rowe,
Smith,

Messrs—

Stotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Bell,
Cowan,

Messrs—

Fisher,
Hartman,

Messrs—

McBride,
McCormack.

Messrs. Ran lall and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved

That the vote just taken by which Senate Bill No. 133 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Diesem asked consent to return to the tenth order of business.

Consent was granted, and

Mr. Diesem moved

That the rules be suspended, and

That the vote by which Senate Bill No. 45 was passed be reconsidered,

Which motion prevailed, and

The question before the Senate being the final passage of Senate Bill No. 45,

Mr. LaMoure asked unanimous consent to return to the eighth order of business,

Consent was granted, and

Mr. LaMoure moved

That the vote taken by which a certain resolution fixing the salary of employes was passed on February 17, 1890, be reconsidered,

Which motion prevailed, and

The question being on the resolution,

Mr. LaMoure moved

That the resolution lay upon the table until the Governor takes action on Senate Bill No. 133,

Which motion prevailed, and

The question recurring on the final passage of

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers.

Mr. Swanston moved

To adopt the following amendment offered by Mr. Diesem:

Strike out all after the enacting clause and insert the following:

SECTION 1. 1. That the salary of the Governor is hereby fixed at \$2,000 per annum.

2. The salary of the Lieutenant Governor is hereby fixed at \$10 per day during the session of the Legislative Assembly or while engaged in any other State duties.

3. The salary of the Secretary of State is hereby fixed at \$1,800 per annum

4. The salary of the State Auditor is hereby fixed at \$1,800 per annum.

5. The salary of the State Treasurer is hereby fixed at \$1,800 per annum.

6. The salary of the Superintendent of public instruction is hereby fixed at \$1,600 per annum.

7. The salary of the Commissioner of Insurance is hereby fixed at \$1,500 per annum.

8. The salary of each of the Commissioners of Railroads is hereby fixed at \$1,000 per annum.

9. The Salary of the Attorney General is hereby fixed at \$1,000 per annum.

10. The Judges of the Supreme Court shall each receive a salary of \$3,000 per annum.

11. The judges of the district court shall each receive a salary of \$2,500 per annum.

SEC. 2. The salaries of the several State officers hereinbefore mentioned, shall commence as to each officer from the date upon which he qualifies as such officer; *Provided, however,* that the present incumbents shall each receive the stipulated salary as provided by the Constitution of the State of North Dakota, from the date upon which said officer qualified as such officer until after the passage and taking effect of this act.

SEC. 3. The judges of the Supreme and district courts shall be paid their respective salaries quarterly. All other officers herein named shall receive their salaries monthly.

SEC. 4. Whereas, it is necessary that officials should be lawfully authorized to draw their salaries when such salaries become due, and at a date prior to July 1, 1890; now, therefore, for reasons aforesaid, this act shall take effect and be in force from and after its passage.

Mr. Appleton moved

As an amendment to the amendment that the salary of the Clerk of the Supreme Court, and the Commissioner of Agriculture and Labor be \$1,500 per annum each.

Mr. Appleton withdrew that part of his amendment relating to the salary of the Supreme Court reporter by consent, and

The amendment to the amendment was adopted, and

The question recurring on the amendment as amended,

Mr. LaMoure moved

That the Senate do now adjourn until 2 o'clock on Tuesday.

Mr. Rowe moved

As an amendment that the Senate adjourn until 2 o'clock on Monday,

Which amendment was adopted, and

The motion as amended prevailed, and

The Senate adjourned.

C. C. BOWSFIELD, Secretary.

NINETY-EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Harmon, Hartman, Fisher, Randall, Robinson, Sandager, Winship and Yager.

Mr. Smith moved

That all the absent members be excused,
Which motion prevailed.

Mr. Dodds moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same.

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Little and Belyea.

Mr. President announced his signature to
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. 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."

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 minors and incompetent persons.

Mr. Little asked consent to make a motion,
 Consent was granted, and
 Mr. Little moved
 That Senate Bill No. 102 be recalled from the Governor for
 correction,
 Which motion prevailed.

UNFINISHED BUSINESS.

The consideration of
 Senate Bill No. 45,
 A bill for an act to fix the salaries of certain State officers,
 Was continued.

Mr. McCormack moved
 That the further consideration of Senate Bill No. 45 be de-
 ferred and made a special order for to-morrow at 3 o'clock p. m.,
 Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:
 MR. PRESIDENT:
 Your Committee on Judiciary to whom was referred
 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 not pass.

C. B. LITTLE,
 Chairman.

The Committee on Engrossed and Enrolled Bills made the fol-
 lowing report:

MR. PRESIDENT:
 Your Committee on Engrossed and Enrolled Bills have ex-
 amined
 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,
 And find the same correctly engrossed and enrolled.

J. O. SMITH,
 Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal correction made the following re-
 port:

MR. PRESIDENT:
 Your committee appointed to revise and correct the Journal
 of February 21st have performed that duty and find the same
 correct.

C. B. LITTLE,
 Chairman.

Which report was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack introduced—
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 was read the first time.

Mr. Stevens introduced—
Senate Bill No. 202,

A bill for an act forbidding the mortgaging of crops before the seed thereof shall have been sown or planted,
Which was read the first time.

Mr. McCormack introduced—
Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887,
Which was read the first time.

Also,

Senate Bill No. 204,

A bill for an act to amend Section 4, Chapter 60, Laws of 1881,
Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 186,

A bill for an act to amend Chapter 65 of the Session Laws of 1883, relating to an act to prevent the spread of glanders,

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

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,

And

Senate Bill No. 188,

A bill for an act to provide for the filing of affidavits of defence on appeals from judgments entered in justice courts, and for the entry of judgment by default for want of a sufficient affidavit of defence,

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 174,

A bill for an act providing for the election of certain county officers named,

Was read the third time.

Mr. LaMoure moved
That the report of the committee on Senate Bill No. 174 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Diesem,
Dodds,
Haggart,

Messrs—

Helgeson,
LaMoure,
Lawrence.
Little,
McCormack,
Rowe,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Worst.

Absent and not voting:

Messrs—

Appleton,
Bell,
Cowan,
Fisher,
Fuller,

Messrs—

Harmon,
Hartman,
Randall,
Robinson,

Messrs—

Sandager,
Smith,
Winship,
Yager.

Mr. McBride voting in the negative.

Messrs. Appleton, Fisher, Harmon, Hartman, Randall, Robinson, Sandager, Winship and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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 third time.

Mr. Dodds moved

That the further consideration of the bill be made a special order for 4 o'clock p. m. to-morrow.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 24, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

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

Also,

I have the honor to inform the Senate that the House has adopted the following Senate resolution:

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 W. W. Barritt on irrigation.

And has appointed as a committee to confer with the Senate Messrs. McCormick, Allen, McCullough, Norton and Nedrud.

And further, to inform the Senate that the House has adopted the report of the Conference Committee on Senate Bill No. 133, and concurred in the amendments thereto.

J. G. HAMILTON,
Chief Clerk.

Senate Bill No. 179,

A bill for an act to amend Section 1 of Chapter 106 of the General Laws of 1883,

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 179 be adopted,

Which motion prevailed.

Mr. McCormack moved

To amend by striking out Section 2,

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Diesem,
Dodds,
Fuller,
Haggart,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst.

Absent and not voting.

Messrs—

Appleton,
Belyea,
Bell,
Fisher,

Messrs—

Harmon,
Hartman,
Randall,
Robinson,

Messrs—

Sandager,
Winship,
Yager.

Mr. Smith voting in the negative.

Messrs. Appleton, Fisher, Harmon, Hartman, Randall, Robinson, Sandager, Winship and Yager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 181 be adopted,

Which motion prevailed.

Mr. Worst moved

That further consideration of the bill be postponed until Wednesday, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Worst moved

That Senate Bill No. 182 be made a special order for Wednesday at 3 o'clock p. m.,

Which motion prevailed.

Senate Bill No. 170,

A bill for an to license peddling, and prescribing penalties for the violation thereof,

Was read the third time.

Mr. Cowan moved

That the report of the committee on Senate Bill No. 170 be adopted,

Which motion prevailed.

Mr. McCormack moved

To amend Section 5, line 6, by striking out the words "twenty-five dollars" and inserting in lieu thereof the words "fifty dollars,"

Which amendment was adopted.

Mr. Rowe moved

To amend Section 5, line 8, by striking out the word "thirty," and inserting in lieu thereof the word "sixty,"

Which amendment was adopted.

Mr. Stevens moved

To amend Section 3, line 4, by striking out the word "fifteen," and inserting in lieu thereof the words "twenty-five,"

Also, in line 6, by striking out the figures "25" and inserting the figures "50" in lieu thereof, and in line 8 by striking out the figures "40" and inserting in lieu thereof the words "one hundred."

Mr. McCormack moved

That Senate Bill No. 170 be recommitted to the Committee on Judiciary,

Which motion prevailed.

Mr. Rowe moved

That the further third reading of Senate bills be deferred until to-morrow,

Which motion prevailed.

Mr. Stevens moved

That the rules be suspended and that all House bills be given their first and second reading and reference,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

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 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 tax on the same,

Was read the first and second times, and referred to the Committee on Ways and Means.

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 this State,

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

House Bill No. 208,

A bill for an act to authorize school boards to purchase United States flags,

Was read the first and second times, and referred to the Committee on Education.

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 first and second times, and referred to the Committee on Education.

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 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 office of civil officers,

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. 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,

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 the 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. 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 first and second times, and referred to the Committee on Cities and Municipal Corporations.

Mr. Belyea asked unanimous consent to introduce a bill and have it given its first and second readings and reference.

Consent was granted.

Mr. Stevens asked the same privilege,

Which was granted, and

Mr. Belyea introduced—

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,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Stevens introduced—

Senate Bill No. 206,

A bill for an act giving labor the right of first lien and material furnished, a second lien on all property,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

NINETY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Fuller, Haggart, LaMoure, Robinson and Sandager.

Messrs. Bell and Sandager were excused.

The Journal was read and approved.

Mr. President announced his signature to Senate Bill No. 133,

A bill for an act to fix the number of employes for the Senate and House of Representatives and the salaries of the same.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Slotten presented the following petition:

COLFAX, N. D., February 25, 1890.

To the Honorable, 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 Senate and House of Representatives 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 to 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 will ever pray, etc.

HENRY ANDERSON and 49 others.

Which was referred to the Committee on Railroads.

Mr. Winship rose to a question of privilege and said:

In the Fargo Argus of February 24th, delivered yesterday, in the headlines I find, "*Whited Sepulchre Winship Likened unto the Heathen Chinese.*" "Playing Poker all day Sunday, then works the Reform Racket week days." This is the second time that this man has made statements of this kind about me and I desire to say that this correspondent or editor, whoever he may be, is a wilfull and malicious liar.

Mr. Swanston also rose to a question of privilege and said:

"As far as I know, there are very few members of this Senate but what could rise to a 'question of privilege' of this character. I believe that this Senate as a whole has been belied in the grossest manner. I can refer you to lots of correspondence in papers where I have been called a poker player and worse, and yet I have not risen to 'questions of privilege' and asked to have it inserted in the Journal."

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 192,

A bill for an act relating to the Electors of President and Vice President,

Have had the same under consideration 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,

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

C. B. LITTLE,
Chairman.

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal to whom was referred

House Bill No. 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,

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

D. S. DODDS,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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.

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,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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. 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."

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 minors 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,

Were delivered to his Excellency, the Governor, for his approval at the hour of 4:45 o'clock p. m., February 25, 1890.

J. O. SMITH,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Swanston introduced—

Senate Bill No. 207,

A bill for an act to regulate railroad corporations and other common carriers in this State, and to increase the powers and further define the duties of the Board of Railroad Commissioners in relation to the same, and to prevent and punish extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads in this State, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal all laws in force in direct conflict with the provisions of this act.

Which was read the first time.

Also,

Senate Bill No. 208,

A bill for an act to establish reasonable maximum rates and charges for the transportation of freight and property on the different railroads of this State,

Which was read the first time.

SECOND READING OF SENATE BILLS.

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 second time, and referred to the Committee on Printing.

Senate Bill No. 202,

A bill for an act forbidding the mortgaging of crops before the seed thereof shall have been sown or planted,

Was read the second time, 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 second time, and referred to the Committee on Cities and Municipal Corporations.

Senate Bill No. 204,

A bill for an act to amend Section 4, Chapter 60, Laws of 1881,

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

The hour having arrived for the consideration of House Bill No. 274,

Mr. Swanston moved

That the bill be made a special order for next Saturday at 3 o'clock p. m.,

Which motion was lost, 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.

Mr. Swanston moved

That the further consideration be postponed until next Thursday at 3 o'clock p. m.,

Which motion prevailed.

The hour having arrived for the special consideration of House No. 238,

Mr. McCormack moved

That House Bill No. 238 be made a special order for Thursday at 3 o'clock p. m.,

Which motion prevailed.

Mr. Worst asked permission to present a resolution,

Consent was granted, and

Mr. Worst presented the following resolution:

Resolved, That all bills referred to committees and not reported within twenty days after reference be recalled from committee, and referred to a Committee of the Whole Senate, and that the Secretary be requested to furnish a list of such bills now in hands of committees.

Mr. Swanston moved

To amend by making it "ten" days instead of "twenty" days.

Mr. McCormack moved

To amend the amendment by adding the words "which have been,"

Which amendment to the amendment was adopted, and

The amendment to the resolution as amended was adopted, and

The resolution as amended was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 163,

A bill for an act defining school holidays,

Was read the third time.

Mr. Stevens moved

That the report of the committee on Senate Bill No. 163 be adopted,

Which motion prevailed.

Mr. Swanston moved
To amend by inserting after the words "Memorial day," the words "seventeenth of March."

Mr. McCormack moved
To amend the amendment by inserting the words "the 24th day of May, the Queen's birth day."

Mr. Harmon moved
To lay the amendment to the amendment on the table.
Mr. McCormack withdrew his amendment to the amendment by consent.

Mr. Swanston also withdrew his amendment to the bill by consent, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 12, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Barlow,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Fisher,	McCormack,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cowan,	McBride,	Swanston,
Diesem,	Randall,	Winship,
Dodds,	Rowe,	Yager.
Helgeson,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Robinson,
Bell,	Hartman,	Sandager.
Fuller,	LaMoure,	

Messrs. Bell and Sandager being excused.

So the bill was lost, not having received the constitutional majority.

Mr. Swanston moved
That the vote just taken be reconsidered,
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor

EXECUTIVE OFFICE, }
February 25, 1890. }

To the President of the Senate:

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

Senate Bill No. 102,

An act providing for the election of boards of education in cities not organized under general laws.

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

Respectfully,

JOHN MILLER,
Governor.

The question recurring on the final passage of Senate Bill No. 163,

The roll being called there were ayes 16, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Diesem,	McCormack,	Swanston,
Fisher,	Randall,	Worst.
Harmon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cowan,	Rowe,	Winship,
Dodds,	Smith,	Yager.
McBride,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Robinson,
Bell,	Hartman,	Sandager.
Fuller,	LaMoure,	

Messrs. and Bell Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The hour having arrived for the special consideration of Senate Bill No. 45,

The consideration of

Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
Was continued.

Mr. Smith moved

To amend the amendment of Mr. Diesem relating to Railroad Commissioners by making it "\$1,600" per annum instead of "\$1,000."

Which amendment was lost.

The President *pro tem* in the Chair.

Mr. Belyea moved

That the further consideration of Senate Bill No. 45 be postponed, and that it be made a special order for Friday at 3 o'clock p. m.,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

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,
Was read the third time.

Mr. Worst moved

That the report of the committee on Senate Bill No. 175 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith.
Barlow,	Lawrence,	Slotten,
Belyea,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Diesem,	McCormack,	Swanston,
Dodds,	Randall,	Worst,
Fisher,	Rowe,	Yager.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Robinson,
Bell,	Hartman,	Sandager,
Fuller,	LaMoure,	Winship.

Messrs. Bell and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 176,

A bill for an act to amend Section 340 of the Probate Code,
Was read the third time.

Mr. Harmon moved

That the report of the committee on Senate Bill 176 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow,	Lawrence,	Slotten,
Belyea,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Dodds,	McCormack,	Swanston,
Fisher,	Randall,	Worst,
Harmon,	Rowe.	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Robinson,
Bell,	Hartman,	Sandager,
Diesem,	LaMoure,	Winship.
Fuller,		

Messrs. Bell and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Little moved

That the report of the committee on Senate Bill No. 180 be
adopted,

Which motion prevailed.

Mr. Smith moved

The adoption of the following amendment:

Add to Section 1: *Provided*, That where one of the official newspapers of a county publishes both a daily and a weekly edition, such statements shall be published in said paper; *Provided*, The expense of publishing said statements in both editions of said newspaper shall be no greater than if published in a single edition only.

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Dodds,
Fisher,
Harmon,

Messrs—

Helgeson,
Little,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Svensrud,
Swanston,
Yager.

Those who voted in the negative were:

Messrs—

Lawrence,

Messrs—

Stevens,

Messrs—

Worst.

Absent and not voting:

Messrs—

Appleton,
Belyea,
Bell,
Diesem,

Messrs—

Fuller,
Haggart,
Hartman,
LaMoure,

Messrs—

Robinson,
Sandager,
Winship.

Messrs. Bell and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for county
purposes,

Was read the third time.

Mr. Smith moved

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

Mr. McCormack moved
To amend Section 1, line 2, by striking out the words "not exceeding five acres,"

Which amendment was adopted, and
The question recurring on the final passage of the bill,
The roll being called there were ayes 20, none.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Diesem,
Dodds,
Fisher,
Harmon,

Messrs—

Lawrence,
Little,
McBride,
McCormack,
Randall,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Belyea,
Bell,
Fuller,

Messrs—

Haggart,
Hartman,
Helgeson,
LaMoure,

Messrs—

Robinson,
Sandager,
Winship.

Messrs. Bell and Sandager being excused.
So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 25, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

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

Also,

I have the honor to transmit herewith

House Bill No. 254,

A bill for an act to license express companies,

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

J. G. HAMILTON,
Chief Clerk.

THIRD READING OF HOUSE BILLS.

Mr. Swanston moved

That the rules be suspended, and that the Senate proceed to the third reading of House bills,

Which motion prevailed.

The hour having arrived for the special consideration of Senate Bill No. 184,

Mr. Swanston moved

That the rules be suspended, and that Senate Bill No. 184 be made a special order for to-morrow at 4 o'clock p. m.,

Which motion 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.

Mr. Little moved

That the further consideration of House Bill No. 175 be postponed, and that it be made a special order for Friday next at 3 o'clock p. m.,

Which motion was lost.

Mr. Svensrud moved

That the vote just taken be reconsidered,

Which motion prevailed, and

The question being shall House Bill No. 175 be postponed and made a special order for next Friday at 3 o'clock p. m.,

The motion prevailed.

House Bill No. 5,

A bill for an act to attach certain townships to the Third Legislative District,

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Harmon,

Messrs—

Lawrence,
Little,
McBride,
McCormack,
Randall,
Rowe,
Slotten,

Messrs—

Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—
Appleton,
Bell,
Diesem,
Fuller,

Messrs—
Haggart,
Hartman,
Helgeson,
LaMoure,

Messrs—
Robinson,
Sandager,
Smith.

Messrs. Bell and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

House Bill No. 73,

A bill for an act to enable counties to regulate the number of
county commissioners,

Was read the third time.

Mr. Lawrence moved

That the report of the committee on House Bill No. 73 be
adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 2, line 3, by striking out the word "provide"
and inserting the word "proceed" in lieu thereof,

Which amendment was adopted.

Mr. Worst moved

To amend Section 2, line 10, by striking out the word "term"
and inserting in lieu thereof the word "tenure,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 14, nays 7.

Those who voted in the affirmative were:

Messrs—
Allin,
Barlow,
Belyea,
Harmon,
Lawrence,

Messrs—
Little,
McCormack,
Randall,
Rowe,
Smith,

Messrs—
Slotten,
Svensrud,
Winship,
Worst.

Those who voted in the negative were:

Messrs—
Cowan,
Dodds,
Fisher,

Messrs—
McBride,
Stevens,

Messrs—
Swanston,
Yager.

Absent and not voting:

Messrs—
Appleton,
Bell,
Diesem,
Fuller,

Messrs—
Haggart,
Hartman,
Helgeson,

Messrs—
LaMoure,
Robinson,
Sandager.

Messrs. Bell and Sandager being excused.

So the bill was lost, not having received the constitutional ma-
jority.

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 third time.

Mr. Swanston moved

That the report of the committee on House Bill No. 196 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Harmon,
Helgeson,

Messrs—

Lawrence,
Little,
McBride,
McCormack,
Randall,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Fuller,
Haggart,
Hartman,

Messrs—

LaMoure,
Robinson,
Sandager.

Messrs. Bell and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Winship asked unanimous consent to make a motion,
Consent was granted.

Mr. Winship moved

That the rules be suspended, and that Senate Bill No. 91, which had been recalled from the Governor be considered,

Which motion prevailed.

Mr. Winship presented the following amendment as an addition to Section 1:

“Which bond shall be approved by the Governor and filed with the State Auditor.”

Mr. Swanston moved

That the amendment presented by Mr. Winship be considered,
Which motion prevailed.

Mr. Swanston moved

That the amendment be adopted.

Which motion prevailed.

Mr. Stevens moved

That the vote just taken adopting the amendment be reconsidered,

Which motion was lost.

Mr. Dodds moved

That the roll be called on the final passage of Senate Bill No. 91 as amended,

Which motion prevailed, and

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds, Was placed upon its final passage.

The roll being called there were ayes 18, nays 4.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Dodds,
Fisher,
Harmon,

Messrs—

Helgeson,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Rowe,
Slotten,
Svensrud,
Swanston,
Winship,
Worst.

Those who voted in the negative were:

Messrs—

Belyea,
Smith,

Messrs—

Stevens,

Messrs—

Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Fuller,
Haggart,
Hartman,

Messrs—

LaMoire,
Robinson,
Sandager.

Messrs. Bell and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

House Bill No. 108,

A bill for an act regulating the State Library,

Was read the third time.

Mr. Little moved

That the report of the committee on House Bill No. 108 be adopted.

Mr. McCormack moved

To amend the report of the committee by striking out that part relating to auditing the Secretary's account and in regard to the Librarian's salary,

Which amendment was adopted, and

The report of the committee as amended was adopted.

Mr. Stevens offered the following amendment:

Amend Section 4, line 2, by striking out the word "his,"

Which amendment was adopted.

Mr. Stevens moved

To amend by striking out the words "who shall possess the qualifications,"

Which amendment was adopted.

Mr. McCormack moved

To amend Section 2, line 1, by striking out the word "Governor" and inserting in lieu thereof the word "Secretary."

The amendment was withdrawn by consent.

Mr. Little moved

That the bill be recommitted to the Joint Committee on Library,

Which motion was lost, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Lawrence,	Slotten,
Barlow,	Little,	Stevens.
Belyea,	McBride,	Svensrud,
Cowan,	McCormack,	Swanston,
Dodds,	Randall,	Winship,
Harmon,	Rowe,	Worst,
Helgeson,	Smith,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	LaMoire,
Bell,	Haggart,	Robinson,
Diesem,	Hartman,	Sandager.
Fisher,		

Messrs. Bell and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Yager moved

That the vote by which House Bill No. 73 was lost, be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 73,

The roll being called there were ayes 17, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Svensrud,
Barlow,	McCormack,	Swanston.
Belyea,	Randall,	Winship,
Harmon,	Smith,	Worst,
Helgeson,	Slotten,	Yager.
Lawrence,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cowan,	McBride,	Rowe.
Dodds,		

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,
Fisher,

Messrs—

Fuller,
Haggart,
Hartman,

Messrs—

LaMoure,
Robinson,
Sandager.

Messrs. Bell and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Svensrud moved

That the vote by which House Bill No. 175 was postponed be reconsidered.

Mr. Belyea moved

That the Senate do now adjourn,
Which motion was lost, and
The question recurring on the motion to reconsider,
The motion prevailed.

Mr. Swanston moved

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

C. C. BOWSFIELD,
Secretary.

ONE HUNDREDTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 26, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Belyea, Bell, Diesem, Hartman, McBride, Robinson and Sandager.

Messrs. Appleton, Belyea, Bell, Diesem and Sandager were excused.

Mr. Appleton was excused on account of sickness until he returns.

Mr. Swanston moved

That the reading of the Journal be dispensed with, and that Messrs. Harmon and Stevens be appointed to correct the same.

Mr. Stevens moved

As an amendment that Mr. Swanston be appointed instead of himself,

Which motion prevailed, and

The question recurring on the original motion as amended,

The motion prevailed, and

The reading of the Journal was dispensed with, and Messrs. Harmon and Swanston were appointed to correct the same.

UNFINISHED BUSINESS.

The consideration of

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 continued, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays none.
Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Dodds,
Fisher,
Fuller,
Haggart,
Harmon,

Messrs—

Helgeson,
Lawrence,
Little,
McCormack,
Randall,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Belyea,
Bell,

Messrs—

Diesem,
Hartman,
LaMoure,

Messrs—

McBride,
Robinson,
Sandager.

Messrs. Appleton, Belyea, Bell, Diesem and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT.

Your Committee on Appropriations to whom was referred
Senate Bill No. 199,

A bill for an act appropriating \$72,640 to reimburse one Jacob Dobmier for depreciation in the value of his brewery property at Grand Forks by reason of the adoption of the prohibitory clause of the Constitution,

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

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,

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,

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.

GEO. B. WINSHIP,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
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,

Have had the same under consideration and recommend that said bill 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.

Also,
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 bill do pass.

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,

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

H. J. ROWE,
Acting Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education 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 report:

1st. The "general law" proposed to be amended does not refer to the subject embraced in the title of this bill.

2d. Your committee having previously recommended that a bill of a similar nature be postponed, recommend that House Bill No. 228 be also indefinitely postponed.

Also,

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:

Amend Section 1, by striking out all after line 9 of the original bill.

And when so amended recommend that said bill do pass.

J. H. WORST,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Senate Bill No. 186,

A bill for an act to amend Chapter 65 of the Session Laws of 1883, relating to an act to prevent the spread of glanders,

Have had the same under consideration and recommend that said bill be referred to the Judiciary Committee for their opinion as to the constitutionality of the bill.

Also,

Senate Bill No. 204,

A bill for an act to amend Section 4, Chapter 60, Laws of 1881,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend title by striking out the words "to read as follows" and inserting in lieu thereof the words "regulating the herding and driving of stock."

Amend Section 1 by prefixing the following: "That Section 4 of Chapter 60 of the Session Laws of 1881 be amended to read as follows:"

Also, strike out all after the word "dollars" in line 14 of the original bill.

Also,

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 this State,

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

Also.

Senate Bill No. 202,

A bill for an act forbidding the mortgaging of crops before the seed thereof shall have been sown or planted,

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

S. A. FISHER,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

House Bill No. 214,

A bill for an act to provide for the support of married women, Have had the same under consideration 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,

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

Also,

House Bill No. 112,

A bill for an act regulating the practice in the Supreme Court, Have had the same under consideration and recommend that said bill do pass.

C. B. LITTLE,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee on Journal Correction presented the following report:

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of February 25th, respectfully report that they have performed the duty assigned them and find said Journal correct.

W. E. SWANSTON,
Chairman.

Which report was adopted.

Mr. Allin moved

That the report of the Committee on Agriculture be adopted, Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Allin moved

That the courtesies of the floor be extended to the Hon. E. S. Rolph, member of the late Constitutional Convention,

Which motion prevailed.

Mr. Smith moved

That the Senate do now concur in the House amendments to Senate Bill No. 108,

Which motion prevailed.

Mr. McCormack moved

That the vote by which House Bill No. 108 was passed be reconsidered,

Which motion prevailed, and

Mr. McCormack moved

That the bill be recommitted to the Committee on Judiciary.

Mr. Little moved

As a substitute that the bill be recommitted to the Joint Committee on Libraries,

Which motion prevailed, and

The bill was recommitted to the Joint Committee on Libraries.

Mr. Smith moved

That the rules be suspended, and that Senate Bill No. 198 be placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 198,

A bill for an act to require the Secretary of State to keep a record of the bonds of the State officers, and to regulate the depository of the bonds of all the State officers,

Was read the third time.

Mr. Smith moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Worst moved

To amend line 3, Section 1, after the word "copy" by inserting the words "of the bonds,"

Which amendment was adopted.

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,
Haggart

Messrs—

Harmon,
Hartman,
McBride,

Messrs—

Robinson,
Sandager,
Swanston.

Messrs. Appleton, Bell, Diesem and Sandager being excused.
 So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. LaMoure introduced—

Senate Bill No. 209,

A bill for an act requiring the Secretary of State to give bonds,
 Which was read the first time.

Mr. LaMoure moved

That the rules be suspended, and Senate Bill No. 209 be given
 its second reading and reference,

Which motion prevailed, and

Senate Bill No. 209,

A bill for an act requiring the Secretary of State to give bonds,
 Was read the second time, and referred to the Committee on

State Affairs.

THIRD READING OF SENATE BILLS.

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.

Mr. LaMoure moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Worst moved

To amend by striking out Section 8 and inserting in lieu thereof:
 "SEC. 8. Whereas an emergency exists, this act shall take
 effect and be in force from and after its passage and approval,"

Which amendment was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 February 26, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 105,

A bill for an act requiring the registration of births and
 deaths.

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. 161,

A bill for an act to amend Section 58, Article 10, Chapter 1, Justice Code of 1877, being Section 6098 of the Compiled Laws.

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."

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.

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. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code.

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. 278,

A bill for an act to encourage the erection of dams for the purpose of irrigation,

All of which have passed the House, and your favorable consideration is respectfully requested.

Also,

I have the honor to transmit herewith

House Bill No. 291,

A bill for an act to provide for the changing and relocating of county seats.

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

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved

That the vote by which the committee report on Senate Bill No. 185 was adopted, be reconsidered,

Which motion was lost.

Mr. Little moved

To amend the bill by reinserting Section 5 as it originally read.

Mr. President decided that the motion was out of order, as the report of the committee had been adopted, with regard to that section, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	LaMoure,	Stevens,
Cowan,	McCormack,	Swanston,
Dodds,	Randall,	Winship,
Fuller,	Rowe,	Worst.
Haggart,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	Lawrence,	Svensrud,
Fisher,	Little,	Yager.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Robinson,
Bell,	McBride,	Sandager.
Diesem,		

Messrs. Appleton, Bell, Diesem and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston asked unanimous consent to return to the fifth order of business, and consent being granted he presented the following communications:

DEVILS LAKE, N. D., February 21, 1890.

To Hon. W. E. Swanston, Bismarck:

The following resolution was passed at a meeting of the city council to-night:

Resolved, By the city council of the city of Devils Lake that if the bill for the establishment of the Deaf and Dumb Asylum in this city fail to pass over the Governor's veto, the city council hereby offers on behalf of the city to furnish the building, board, lodging, tuition and other incidentals necessary for the support and education of the State deaf and dumb pupils at as low a rate as South Dakota offers, to-wit: \$180 a head.

R. L. CLEVELAND,
Mayor.

DEVILS LAKE, N. D., February 22, 1890.

To Hon. W. E. Swanston, Bismarck:

At a meeting of the Devils Lake Chamber of Commerce, held February 22, 1890, it was unanimously resolved that the Chamber of Commerce cordially

endorse the resolution passed by the city council of Devils Lake, and pledge their united effort to make the institution a success should the Legislature accept the proposition of the city council; that Senator Swanston is earnestly urged to use his utmost endeavors to secure its acceptance.

A. O. WHIPPLE, President.
JAS. V. BROOKS, Secretary.

Mr. President announced that the hour having arrived for the special consideration of Senate Bill No. 31,

Mr. Swanston moved

That Senate Bill No. 31 be made a special order for a week from to-day at 3 o'clock,

Which motion prevailed.

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district or county conventions,

Also being a special order it was read the third time.

Mr. Stevens moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Stevens moved

To amend by adding after the word "subdivision" in line 4 of Section 1, the words "or precinct,"

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Dodds,
Fisher,
Fuller,
Harmon,

Messrs—

Helgeson,
LaMoire,
Little,
McCormack,
Randall,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Belyea,
Bell,
Diesem,

Messrs—

Haggart,
Hartman,
Lawrence,

Messrs—

McBride,
Robinson,
Sandager.

Messrs. Appleton, Bell, Diesem and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 182,

A bill for an act to regulate political caucuses,

Also being a special order, was read the third time.

Mr. Allin moved

That the report of the committee be adopted,

Which motion prevailed, and
 The report was adopted, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 18, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Stevens,
Barlow,	Lawrence,	Svensrud,
Cowan,	McCormack,	Swanston,
Dodds,	Randall,	Winship,
Fisher,	Rowe,	Worst,
Harmon,	Slotten,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McBride,
Belyea,	Hartman,	Robinson,
Bell,	LaMoure,	Sandager,
Diesem,	Little,	Smith.
Fuller,		

Messrs. Appleton, Bell, Diesem and Sandager being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 February 26, 1890. }

To the President of the Senate:

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

Senate bill No. 9,

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. 85,

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."

Also,

Senate Bill No. 109,

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.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,
JOHN MILLER,
Governor.

Mr. Stevens moved

That the vote by which Senate Bill No. 182 was passed be reconsidered.

Mr. Swanston moved

That the motion be laid upon the table,

Which motion was lost, and

The question recurring on the motion to reconsider,

It also was lost.

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,

Also being a special order,

Was read the third time.

Mr. Belyea moved

That further consideration of Senate Bill No. 184 be indefinitely postponed.

Mr. Swanston asked consent to suspend the rules, and to return to the eighth order of business, and

Consent being granted,

Mr. Swanston moved

That the Governor be requested to return Senate Bill No. 133 to the Senate for the purpose of correction,

Which motion prevailed, and

The question recurring on the motion to indefinitely postpone Senate Bill No. 184,

Roll call was demanded.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Harmon,	Svensrud,
Cowan,	LaMoure,	Swanston.
Dodds,	Lawrence,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Slotten,
Barlow,	McCormack,	Stevens,
Fisher,	Randall,	Winship,
Fuller,	Rowe,	Worst,
Haggart,	Smith,	Yager.
Helgeson,		

Absent and not voting.

Messrs—
Appleton,
Bell,
Diesem,

Messrs—
Hartman,
McBride,

Messrs—
Robinson,
Sandager.

Messrs. Appleton, Bell, Diesem and Sandager being excused.

So the motion was lost.

Mr. Swanston moved

That the bill be recommitted to the committee.

Mr. McCormick moved

As a substitute that the report of the committee be adopted,

Which motion prevailed,

And the question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 7.

Those who voted in the affirmative were:

Messrs—
Allin,
Barlow,
Fisher,
Fuller,
Haggart,
Helgeson,

Messrs—
Little,
McCormack,
Randall,
Rowe,
Smith,
Slotten,

Messrs—
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—
Belyea,
Cowan,
Dodds,

Messrs—
Harmon,
LaMoure,

Messrs—
Lawrence,
Swanston,

Absent and not voting:

Messrs—
Appleton,
Bell,
Diesem,

Messrs—
Hartman,
McBride,

Messrs—
Robinson,
Sandager.

Messrs. Appleton, Bell, Diesem and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

THIRD READING OF SENATE BILLS.

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 third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Winship moved

That the bill be recommitted to the committee for amendment,

Which motion was lost.

Mr. Rowe moved

To amend Section 2, line 12 of the bill by striking out everything after the word "State,"

Which amendment was lost.

Mr. Rowe moved

To amend line 15 of Section 2, by striking out the words "three hundred dollars" and inserting the words "five hundred dollars" in lieu thereof,

Which amendment was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 5.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Cowan,
Fisher,
Fuller,
Haggart,
Harmon,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McCormack,
Randall,

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Dodds,

Messrs—

Smith,
Winship,

Messrs—

Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Hartman,
McBride,

Messrs—

Robinson,
Sandager.

Messrs. Appleton, Bell, Diesem and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. LaMoure moved

That the rules be suspended and that all House bills be given their first and second reading,

Which motion prevailed, and

House Bill No. 254,

A bill for an act to license express companies,

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

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 first and second times, and referred to the Committee on Appropriations.

House Bill No. 105,

A bill for an act requiring the registration of births and deaths,

Was read the first and second times, and referred to the Committee on Counties.

House Bill No. 124,

A bill for an act pertaining to the appointment of notaries public in unorganized counties,

Was read the first and second times, 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 officers and making appropriations therefor, approved December 19, 1889,"

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

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 first and second times, and referred to the Committee on Judiciary.

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. 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 first and second times, and referred to the Committee on Public Health.

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. 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 and second times, and referred to the Committee on Counties.

House Bill No. 278,

A bill for an act to encourage the erection of dams for the purpose of Irrigation,

Was read the first and second times, and referred to the Committee on Irrigation.

House Bill No. 291,

A bill for an act to provide for the changing and relocating the position of county seats,

Was read the first and second times, and referred to the Committee on Counties.

Mr. LaMoure asked consent to introduce a report, and consent being granted, presented the following report:

MR. PRESIDENT:

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 line 9 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 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 "as" 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.

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.

JUDSON LAMOURE,
J. E. HAGGART,
R. D. COWAN,
On part of Senate
R. H. HANKINSON,
J. F. SELBY,
E. W. BOWEN,
On part of House.

Mr. Rowe moved
The adoption of the report,
Which motion prevailed, and
The report was concurred in.

Mr. Stevens moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND FIRST DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Robinson and Sandager who was excused.

Mr. Swanston moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

The President appointed Messrs. Belyea and Stevens as such committee.

Mr. Little moved

That the Senate proceed to vote on the final passage of House Bill No. 158 as amended,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings.

Mr. LaMoure raised the point of order that the bill was not before the Senate, and therefore could not properly be voted on.

Mr. President asked that the Senate decide the point of order.

Mr. Worst moved

As the sense of the Senate, that the point of order was well taken,

Which motion prevailed.

Mr. Dodds, the President *pro tem.*, took the Chair.

REPORTS OF STANDING COMMITTEES.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading to whom was referred

Senate Bill No. 35,

A bill for an act providing for the regulation of buying, selling and handling of grain in the State of North Dakota, and for the regulation of other matter pertaining to the business of public warehousemen,

Have had the same under consideration and recommend that said bill do not pass, as the provisions in the said bill are covered in House Bill No. 50.

Also,

Senate Bill No. 162,

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 warehouse commission in relation thereto, modifying the requirements as to bonds and providing for a license fee upon every public warehouse,"

Have had the same under consideration and recommend that said bill do not pass, as the provisions in the said bill are covered in House Bill No. 50.

ANDREW SLOTTEN,
Chairman.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

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 recommend that said bill do pass.

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,

Have had the same under consideration, and recommend that said bill be amended as follows:

In Section 1, line 3, strike out after the word "with" the words "the publisher of any newspaper" and insert in lieu thereof the words "with any publisher."

In Section 1, line 9, strike out the word "ten" and insert in lieu thereof the word "five."

In Section 2, line 7, strike out the word "council" and insert in lieu thereof the word "counsel."

Also, in Section 3, line 3, strike out "s" after the word "publisher;" also, in line 6 of same section.

In Section 3, line 7, strike out the word "syllables" and insert in lieu thereof the word "syllabus."

In Section 4, line 4, strike out " " ter the word "publisher."

In Section 6, line 3, strike out the figures "\$500,000" and insert in lieu thereof the figures "\$5,000."

In Section 6, line 4, strike out the word "for" and insert in lieu thereof the word "of."

And when so amended recommend that said bill do pass.

N. C. LAWRENCE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary 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 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. 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,

Have had the same under consideration and recommend that said bill be amended as follows:

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."

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs 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.

JUDSON LAMOURE,
Chairman.

The Committee on Municipal Corporations made the following report:

MR. PRESIDENT:

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 be amended as follows:

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."

And when so amended recommend that said bill do pass.

E. H. BELYEA,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 163,

A bill for an act defining school holidays.

Also,

Senate Bill No. 157,

A bill for an act to provide for the dedication of land for cemetery purposes.

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.

Also,

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.

Also,

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State.

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. 198,

A bill for an act to require the Secretary of State to keep a record of the bonds of the State officers, and to regulate the depository of the bonds of all the State officers,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

Mr. Swanston moved

That the vote by which Senate Bill No. 185 passed be reconsidered,

Which motion prevailed, and

The question recurring on the final passage 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,"

Mr. Swanston moved

That it be made a special order for to-morrow at 4:30 o'clock p. m.,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 207,

A bill for an act to regulate railroad corporations and other common carriers in this State, and to increase the powers and further define the duties of the Board of Railroad Commissioners in relation to the same, and to prevent and punish extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads in this State, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal all laws in force in direct conflict with the provisions of this act.

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

Mr. Smith asked unanimous consent to make a motion.

Consent was granted.

Mr. Smith moved

That the President of the Senate appoint a committee of five to examine and correct Senate Bill No. 133 and to see that it is correctly engrossed according to the Journal and amendments,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Worst, Rowe, Winship, LaMoure and Smith.

THIRD READING OF SENATE BILLS.

Senate Bill No. 170,

A bill for an act to license peddling, and prescribing penalties for the violation thereof,

Was read the third time.

Mr. Slotten moved

That the report of the committee on Senate Bill No. 170 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 170,

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Randall,
Barlow,	Harmon,	Rowe,
Belyea,	Helgeson,	Slotten,
Cowan,	LaMoure,	Stevens,
Diesem,	Lawrence,	Svensrud,
Dodds,	Little,	Winship,
Fisher,	McBride,	Yager.
Fuller,	McCormack,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Robinson,	Swanston,
Bell,	Sandager,	Worst.
Hartman,		

Mr. Smith voting in the negative.

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Little moved

That the report of the committee on Senate Bill No. 191 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 191,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Cowan,	Hartman,	Randall,
Diesem,	Helgeson,	Rowe,
Dodds,	LaMoure,	Slotten,
Fisher,	Lawrence,	Stevens,
Fuller,	Little,	Svensrud,
Haggart,	McBride,	Swanston,
Harmon,	McCormack,	Winship.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Bell,	Smith,
Appleton,	Robinson,	Worst,
Barlow,	Sandager,	Yager.
Belyea,		

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Swanston asked consent to return to the eighth order of business,

Which consent was granted, and

Mr. Swanston presented the following resolution:

WHEREAS, A Concurrent Resolution asking Congress to pass the "Blair Educational Bill" was recently introduced in the Senate and was immediately ordered laid on the table by a unanimous vote, thereby showing our disapproval of such legislation; and

WHEREAS, We are informed by the public press that our worthy Senator, the honorable Gilbert A. Pierce, has introduced a petition signed by several of our State officers asking Congress to pass said "Blair Educational Bill";

Therefore, We, the members of the Senate of the State of North Dakota, would respectfully ask our Senators and member of Congress to use all honorable means to prevent the passage of said bill, the opinion of our State officers to the contrary notwithstanding.

Mr. Swanston moved

That the resolution be adopted.

Mr. LaMoure moved

As an amendment to strike out that part of the resolution relating to "State officers,"

Which motion prevailed, and

The question recurring on the adoption of the resolution as amended,

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 27, 1890. }

MR. PRESIDENT:

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 and other securities of any other railroad company.

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.

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. 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,

All of which the House has passed without amendment.

Also,

I have the honor to inform the Senate that the House has concurred in the Senate amendments to House Bill No. 5 and has passed the bill as so amended.

Also,

That the House has adopted the report of the Conference Committee on House Bill No. 158, and has passed the bill as amended by the Conference Committee.

I have the honor to return herewith

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bonds, And to inform the Senate that the House has concurred in the Senate amendment thereto, and has passed the bill as amended.

J. G. HAMILTON,
Chief Clerk.

Mr. LaMoure moved

That House Bill No. 131 be re-referred to the Committee on State Affairs,

Which motion prevailed.

Mr. Rowe asked unanimous consent to make a motion, and consent being granted,

Mr. Rowe moved

That Senate Bills Nos. 146, 152 and 113 be recalled from the Committee of the Whole,

Which motion prevailed.

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.

Mr. Harmon moved

That the report of the committee on Senate Bill No. 193 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Haggart,
Harmon,

Messrs—

Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Randall,
Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Smith,
Bell,	Robinson,	Winship,
Diesem,	Sandager,	Worst.

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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 third time.

Mr. Cowan moved

That the report of the committee on Senate Bill No. 205 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Little,
Barlow,	Haggart,	Randall,
Belyea,	Harmon,	Stevens,
Cowan,	Hartman,	Svensrud,
Dodds,	Helgeson,	Swanston,
Fisher,	Lawrence,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
LaMoure,	McBride,	Slotten.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Robinson,	Smith,
Bell,	Rowe,	Winship,
Diesem,	Sandager,	Worst.
McCormack,		

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston asked consent to return to the eighth order of business (Motions and Resolutions),

Which consent was granted, and

Mr. Swanston moved

That an engrossed copy of the Concurrent Resolution asking Congress to pass the Blair Educational Bill, with the action of the Senate in reference to said resolution, be forwarded to Senators Pierce and Casey and Representative Hansbrough,

Which motion prevailed.

The hour having arrived for the consideration of Special Orders, 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 placed upon its final passage, Mr. LaMoure moved a call of the Senate.

The following members were reported absent without being excused:

Messrs. Hartman, Little, McCormack and Svensrud.

The absent members were brought before the bar of the Senate.

Mr. LaMoure moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed,

And the question recurring on the final passage of House Bill No. 274,

Mr. Diesem offered the following amendment and moved its adoption:

Amend Section 1 by striking out all after the word "exceed" in line 7 in printed bill to the word "and" after the first word "miles" in line 18, and inserting in lieu thereof the following: "Seventy-five miles, 85 cents per ton for any distance over 75 miles, and not to exceed 100 miles. Ninety-five cents per ton for any distance over 100 miles and not to exceed 125 miles, \$1.05, per ton; for any distance over 125 miles and not to exceed 150 miles, \$1.15 per ton; for any distance over 150 miles and not to exceed 175 miles, \$1.25 per ton; for any distance over 175 miles and not to exceed 200 miles, \$1.35 per ton; for any distance over 200 miles and not to exceed 225 miles, \$1.45 per ton; for any distance over 225 miles and not to exceed 250 miles, \$1.55 per ton; for any distance over 250 miles and not to exceed 275 miles, \$1.65 per ton; for any distance over 275 miles, and not to exceed 300 miles, \$1.75 per ton; for any distance over 300 miles, and not to exceed 325 miles, \$1.85 per ton; for any distance over 325 miles, and not to exceed 350 miles, \$1.95 per ton; for any distance over 350 miles, and not to exceed 375 miles, \$2.05 per ton; for any distance over 375 miles."

Mr. President announced his signature to Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State,

And the question recurring on the amendment of Mr. Diesem to House Bill No. 274,

Mr. Swanston moved a call of the House.

Mr. Winship was reported absent without excuse.

Mr. Dodds moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

Mr. Winship was brought before the bar of the Senate.

Mr. LaMoure moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed, and

The question recurring on the amendment to House Bill No. 274,

Roll call was demanded.

The roll being called there were ayes 11, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Hartman,	Smith,
Diesem,	LaMoure,	Stevens,
Dodds,	Lawrence,	Worst.
Haggart,	McBride,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Belyea,	Little,	Svensrud,
Cowan,	McCormack,	Swanston,
Fisher,	Randall,	Winship,
Fuller,	Rowe,	Yager.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Robinson,	Sandager.
Bell,		

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the amendment was lost,

And the question recurring on the final passage of House Bill No. 274,

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Smith,
Barlow,	Hartman,	Slotten,
Belyea,	Helgeson,	Stevens,
Cowan,	Little,	Svensrud,
Dodds,	McBride,	Swanston,
Fisher,	McCormack,	Winship,
Fuller,	Randall,	Worst,
Haggart,	Rowe.	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Diesem,	LaMoure,	Lawrence,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Robinson,	Sandager.
Bell,		

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. LaMoure moved

To amend the report of the committee by striking out the figures "\$1,000" where they appear and inserting in lieu thereof the figures "\$2,000,"

Which motion prevailed, and

Mr. LaMoure moved

To adopt the report of the committee as amended,

Which motion prevailed.

Mr. Worst moved

To amend Section 1, line 17, after the word "mines" by inserting the words "where practicable,"

Which amendment was withdrawn by consent, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Haggart,
Harmon,

Messrs—

Hartman,
Helgeson,
LaMoure,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Fuller,
Lawrence,
Little,

Messrs—

Robinson,
Sandager,
Swanston.

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McBride asked consent to make a motion, and

Consent being granted,

Mr. McBride moved

That the courtesies of the Senate be extended to the Hon. John Bidlake, member of the last House of Representatives of the Territory of Dakota,

Which motion prevailed.

Mr. Haggart moved

That the rules be suspended and that Senate Bill No. 11 be read the third time, and placed upon its 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 26, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Rowe,
Smith,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,

Messrs—

Robinson,

Messrs—

Sandager.

Mr. Slotten voting in the negative.

Messrs. Appleton, Bell, Robinson and Sandager being excused

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved

That the vote just taken be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

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 third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 194 be adopted,

Which motion prevailed.

Mr. Winship moved

To amend Section 3, line 3, by inserting after the word "and" the word "be,"

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 194.

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

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Cowan,
Diesem,
Dodds,

Messrs—

Hartman,
LaMoure,
Little,
McBride,
McCormack,

Messrs—

Smith,
Stevens,
Svensrud,
Swanston,
Winship,

Messrs—

Fisher,
Fuller,
Harmon,

Absent and not voting:

Messrs—

Appleton,
Bell,
Haggart,

Messrs—

Randall,
Rowe,

Messrs—

Helgeson,
Lawrence,
Robinson,

Messrs—

Worst,
Yager.

Messrs—

Sandager,
Slotten.

Mr. Allin voting in the negative.

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Belyea asked consent to make a report.

Consent was granted, and

The Special Committee on Journal Correction presented the following report:

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of February 26th, respectfully report that they have performed the duty assigned them and find said Journal correct.

E. H. BELYEA,
Chairman.

Which report was adopted.

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.

Mr. Little moved

That Senate Bill No. 146 be made a special order for to-morrow at 4 o'clock p. m.,

Which motion prevailed.

Mr. Swanston moved a call of the house.

Mr. Stevens moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed.

Mr. McCormack asked unanimous consent to make a motion, and

Consent being granted, moved

That the vote by which House Bills 238 and 274 were passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Worst asked consent to make a motion,

Consent was granted.

Mr. Worst moved

That Senate Bill No. 133 be recalled from the Governor for correction,

Which motion prevailed.

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 placed upon its third reading.

Mr. Stevens moved

That the vote by which Senate bill No. 182 was passed be reconsidered,

Which motion prevailed, and

The question before the Senate being on the final passage of Senate Bill No. 182,

Mr. Stevens moved

To amend by striking out Subsection 2 of Section 2,

Which amendment was adopted.

Mr. Swanston moved

To amend Section 2, line 1, by striking out the word "first,"

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Harmon,

Messrs—

Hartman,
LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting.

Messrs—

Appleton,
Bell,
Fuller,

Messrs—

Haggart,
Helgeson,

Messrs—

Robinson,
Sandager.

Mr. McBride voting in the negative.

Messrs. Appleton, Bell, Robinson and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 27, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home,

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

Also,

Senate Bill No. 151,

A bill for an act to provide for a lien upon threshing engines or separators for repairing the same,

Which the House has passed unchanged.

J. G. HAMILTON,
Chief Clerk.

Mr. President announced his signature to 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. Barlow moved

That the further consideration of Senate Bill No. 152 be indefinitely postponed,

Which motion prevailed.

Mr. Rowe moved

That the vote by which Senate Bill No. 152 was postponed be reconsidered.

Mr. Barlow moved that the motion be laid upon the table,

Which motion was lost, and

The motion to reconsider was adopted.

Mr. Rowe moved

That Senate Bill No. 152 be made a special order for two weeks from to-day at 2:30 o'clock p. m.

Mr. McCormack moved

As an amendment that it be made a special order for April 1st at 3 o'clock p. m.

Mr. Swanston moved

As a substitute that the bill come up in its regular order,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

Mr. Little moved

That the rules be suspended and that all House bills receive their first and second reading and reference,

Which motion prevailed.

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home at the city of Lisbon, Ransom county, North Dakota,

Was read the first and second times, and referred to the Committee on Public Buildings.

Mr. Svensrud moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD, Secretary.

ONE HUNDRED AND SECOND DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 28, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Helgeson, LaMoure, McBride, Sandager and Yager, who were excused.

Mr. President called Mr. Little to the Chair.

Mr. Swanston asked unanimous consent to make a motion,
Consent was granted.

Mr. Swansten moved

That House Bill No. 14 be recalled from the House for the purpose of investigating the Senate amendments, and that a committee of three be appointed to examine and report on the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Swanston, Stevens and Haggart.

Mr. Haggart moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Fisher and Winship.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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 do pass.

C. B. LITTLE,
Chairman.

The Committee on Warehousing, Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehousing, Grain and Grain Grading 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.

ANDREW SLOTTEN,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

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,

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

Also,

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 be amended as follows:

Insert after the word and figure "Section 1," line 1, the following:

Amend Section 1, Article 15, Chapter 73, Laws of 1887, to read as follows:

Strike out the word and figures "Section 15" and number it "Section 2," and insert before the word "when" in the first line the following:

Amend Section 15, Article 15, Chapter 73, Laws of 1887, to read as follows:

Insert the word "not" between the words "shall" and "within" in line 11, Section 2.

And as amended recommend that the same do pass.

E. H. BELYEA,
Chairman *pro tem*.

The Committee on Public Health made the following report:

MR. PRESIDENT:

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:

On page 3, line 11, insert between the words "have" and "of" the word "jurisdiction,"

And when so amended recommend that said 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,

Have had the same under consideration, and recommend that said bill be amended as follows:

In line 10, on page 5, of original bill, strike out the word "interest" and insert the word "intent" in lieu thereof.

And as amended recommend that same do pass.

E. H. BELYEA,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

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.

GEO. B. WINSHIP,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 108,

A bill for an act authorizing the Governor, Treasurer and Secretary of State to provide furniture and supplies for the various State officers and making an appropriation therefor.

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. 6,

A bill for an act authorizing railroad companies to take, ac-

quire, purchase, sell or guarantee the payment of the bonds and other securities of any other railroad company.

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of February 27th respectfully report the following corrections: Strike out "Swanston" in fourth line, from the bottom of last page of printed Journal, and insert "Svensrud."

S. P. FISHER,
Chairman.

Which report was adopted.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands to whom was referred

A Concurrent Resolution memorializing Congress by proper legislation to grant to the State of North Dakota the privilege of using section 36 in township 140 of range 49 west,

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

W. E. SWANSTON,
Chairman.

Mr. Haggart moved

That the report of the Committee on Public Lands be adopted,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Swanston moved

The adoption of the following 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 resolution was adopted.

Mr. McCormack moved
That Senate Bill No. 168 be recalled from the House,
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little introduced—
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,

Which was read the first time.

Mr. Haggart asked unanimous consent to make a motion, and
Consent being granted,

Mr. Haggart moved

That the vote by which the Concurrent Resolution requesting Congress to give to the State of North Dakota the eight to appropriate and use section 36, township 140, range 49, for a site for an Agricultural College, was adopted be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Stevens moved

That the rules be suspended, and that the Senate take up the third reading of House bills,

Which motion prevailed.

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.

The President *pro tem* presiding.

Mr. Worst moved

That the report of the committee on House Bill No. 50 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended by the committee,

The roll being called there were ayes 20, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Cowan,
Dodds,
Fisher,
Fuller,
Harmon,

Messrs—

Hartman,
Lawrence,
Little,
McCormack,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Appleton,
Belyea,
Bell,

Messrs—

Diesem,
Haggart,
Helgeson,

Messrs—

LaMoure,
McBride,
Sandager.

Messrs. Randall and Yager voting in the negative.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Allin moved

That the vote by which House Bill No. 50 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Robinson asked unanimous consent to make a motion,

Consent being granted,

Mr. Robinson moved

That the Attorney General again be requested to render his opinion to the Senate as to the proper manner of proceeding to compel the attendance of witnesses and the giving of testimony before the Senate investigating committee,

Which motion prevailed.

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.

Mr. Cowan moved

That the report of the Committee on House Bill No. 92 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 15, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Belyea,
Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
Lawrence,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Svensrud.

Those who voted in the negative were:

Messrs—

Barlow,
Cowan,

Messrs—

Hartman,
Little,

Messrs—

Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,
Fisher,

Messrs—

Helgeson,
LaMoure,
McBride,

Messrs—

Sandager,
Swanston,
Winship.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill was lost, not having received the constitutional majority.

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 third time.

Mr. McCormack moved

That the report of the committee be amended to read as follows: "That the bill do pass."

Mr. President ruled the motion out of order, and

The question recurring on the final passage of the bill.

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Barlow,	Hartman,	Stevens,
Belyea,	Lawrence,	Svensrud,
Diesem,	Little,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Fuller,	Smith,	Yager.
Haggart		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	LaMoure,	Robinson,
Bell,	McBride,	Sandager,
Helgeson,		

Messrs. Cowan and Rowe voting in the negative.

Messrs. Appleton, Bell Helgeson, McBride, LaMoure and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston asked unanimous consent to make a motion.

Consent was granted, and

Mr. Swanston moved

That a conference committee of three be appointed to confer with a like committee from the House on the amendments to House Bill No. 14,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Swanston, Barlow and Cowan.

The hour having arrived for the consideration of special orders, Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,

Was considered.

Mr. McCormack move 1

To make Senate Bill No. 45 a special order for next Tuesday at 3 o'clock p. m.,

Which motion prevailed.

House Bill No. 192,

A bill for an act relating to the electors of President and Vice President,

Was read the third time.

Mr. McCormack moved

That the report of the committee on House Bill No. 192 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Lawrence,
Little,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Fisher,

Messrs—

Helgeson,
LaMoure,
McBride,

Messrs—

Sandager,
Winship.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title 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.

Mr. Worst moved

That the report of the committee on House Bill No. 129 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,

Messrs—

Hartman,
Lawrence,
Little,
McCormack,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,

Messrs—
Diesem,
Dodds,
Fuller,
Harmon,

Messrs—
Randall,
Robinson,
Rowe,

Messrs—
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—
Appleton,
Bell,
Fisher,

Messrs—
Haggart,
Helgeson,
LaMoure,

Messrs—
McBride,
Sandager,
Winship.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 28, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

A 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 drouths, frost, hail, blizzards, tornadoes, cyclones and all manner of dangerous atmospheric changes, and for artesian wells, irrigation canals, water basins, aqueducts, water storage, canal rivers and irrigation works.

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,

Which the House has passed with the following amendments.

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."

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.

Also, amend title of the bill and body of the bill by substituting the words "one hundred dollars" for the words "one hundred and fifty dollars" wherever they occur.

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,

Which the House has passed with the following amendments:

Amend Section 1 by adding after the word word "consecutively" in line 25 of written bill, the following words: "Immediately prior to the time of such meeting."

And your concurrence therein is respectfully requested.

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,

Which the House has passed unchanged.

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. 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. 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 your favorable consideration thereof is respectfully requested.

Also,

I have the honor to inform the Senate that the House has concurred in the Senate amendments to

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.

Also,

That the House has concurred in the Senate amendments to House Bill No. 238,

A bill for an act to fix the maximum rate of charges for transporting coal.

Also,

That the House has concurred in the Senate amendments to House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the Secretary of the Senate furnish a certified copy of the Senate amendments as transmitted to the House on House Bill No. 14,

Which motion prevailed.

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.

Mr. Little moved

That the report of the committee on House Bill No. 55 be adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 1, line 6, by striking out the word "providing" and inserting the word "provided,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

Mr. Little moved a call of the Senate.

The following members were reported absent without excuse: Messrs. Belyea, Cowan, Fisher and Fuller.

The absent members were brought before the bar of the Senate.

Mr. Little moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 55 as amended,

The roll being called there were ayes 16, nays 6.

Those who voted in the affirmative were:

Messrs—

Dodds,
Fisher,
Fuller,
Harmon,
Hartman,
Little,

Messrs—

McCormack,
Randall,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Svensrud,
Winship,
Worst.
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,

Messrs—

Cowan,
Lawrence.

Messrs—

Stevens,
Swanston,

Absent and not voting:

Messrs—

Appleton,
Belyea,
Bell,

Messrs—

Diesem,
Haggart,
Helgeson,

Messrs—

LaMoure,
McBride,
Sandager.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced his signature to
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.

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,

Was read the third time.

Mr. Fuller moved

That the report of the committee on House Bill No. 138 be adopted,

Which motion prevailed.

Mr. McCormack moved

To amend Section 1, line 7, by striking out the word "three" and inserting in lieu thereof the word "two."

The amendment was withdrawn by consent.

Mr. Belyea moved

To amend Section 1, line 7, by striking out the word "two" and inserting in lieu thereof the word "one,"

Which amendment was adopted.

Mr. Worst moved

To amend line 8 by striking the letter "s" off the word "years,"
Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 10, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Fuller,	Lawrence,
Cowan,	Harmon,	McCormack,
Diesem,	Hartman,	Randall.
Fisher,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Rowe,	Winship,
Barlow,	Slotten.	Worst,
Little,	Stevens,	Yager.
Robinson,	Svensrud,	

Absent and not voting:

Messrs—

Appleton,
Bell,
Dodds,
Haggart,

Messrs—

Helgeson,
LaMoure,
McBride,

Messrs—

Sandager,
Smith,
Swanston.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill was lost, not having received the constitutional majority.

The hour having arrived for the special consideration of Senate Bill No. 146,

Senate Bill No. 146,

A bill for an act for the publication of the Sessiou Laws of the State of North Dakota,

Was placed upon its final passage.

Mr. Winship moved

That further consideration of Senate Bill No. 146 be postponed, and that it be made a special order for next Tuesday at 3 o'clock p. m.,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended and that that part of the message from the House relating to the Concurrent Resolution in regard to irrigation be considered.

Mr. Barlow asked consent to make the report of the special committee on the same subject,

Consent was granted and

The committee made the following report:

MR. PRESIDENT:

Your Committee of Conference to whom was referred the petition of W. W. Barrett asking the Senate and House of Representatives to memorialize Congress, praying that it may enact laws to further interests of irrigation,

Have had the same under consideration and recommend that said petition be granted.

JAMES McCORMICK,

A. C. NEDRUD,

W. B. ALLEN,

On part of House.

F. G. BARLOW,

C. B. LITTLE,

S. A. FISHER,

R. D. COWAN,

On part of Senate.

Mr. Dodds moved

That the report of the Special Committee on Irrigation be adopted,

Which motion prevailed.

Mr. McCormack moved

That the Memorial to Congress be concurred in,

Which motion prevailed.

Mr. Diesem moved

That the rules be suspended and that the Senate concur in the House amendments to Senate Bill No. 118.

Mr. Dodds moved

As a substitute that Senate Bill No. 118 be recommitted to the Committee on Counties,

Which substitute motion was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
February 28, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has, by motion, requested the Senate to return Senate Bill No. 133 for the purpose of correcting the House message transmitting the same.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That further action on the message on Senate Bill No. 133 be deferred until to-morrow at 4 o'clock p. m.,

Which motion was adopted.

The hour having arrived for the special consideration of Senate Bill No. 185,

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 placed upon its final passage.

Mr. Allin moved

That further consideration of the bill be postponed until next Monday at 3 o'clock p. m.

Mr. Belyea moved

As a substitute that the bill be read the third time and placed upon its final passage.

Which substitute motion prevailed.

Mr. Little moved

That Section 5 of the printed bill be reinstated.

Mr. President ruled that the motion was not in order, for the reason that it was the same motion that had been made before, and was lost.

Mr. Little 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, and

The question recurring on the motion to reinstate Section 5 in Senate Bill No. 185,

Mr. Diesem moved

As a substitute that further action on this bill be postponed until next Tuesday at 4 o'clock p. m.,

Which substitute motion was adopted.

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays,

Was read the third time.

Mr. Worst moved

That the report of the committee on House Bill No. 28 be adopted,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 28 as amended by the committee,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Hartman,
Little,
McCormack,
Randall,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,
Haggart,

Messrs—

Harmon,
Hegleson,
LaMoure,
Lawrence,

Messrs—

McBride,
Sandager,
Swanston.

Messrs. Appleton, Bell, Helgeson, LaMoure and McBride being excused.

So the bill passed, and

The question being as to its title,

Its title 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 muskets for use of students for drill purposes,

Was read the third time.

Mr. McCormack moved

That the report of the committee on House Bill No. 100 be adopted,

Which motion prevailed, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 19, nays none.
 Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Slotten,
Barlow,	McCormack,	Stevens,
Belyea,	Randall,	Svensrud,
Cowan,	Robinson,	Winship,
Dodds,	Rowe,	Worst,
Fisher,	Smith,	Yager.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Little,
Bell,	Helgeson,	McBride,
Diesem,	LaMoure,	Sandager,
Haggart,	Lawrence,	Swanston.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

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.

Mr. Svensrud moved

That the report of the committee on House Bill No. 103 be adopted.

Mr. Swanston moved

As a substitute that the report of the committee be not adopted,
 Which substitute motion prevailed.

Mr. Worst moved

That House Bill No. 103 be recommitted,
 Which motion prevailed.

House Bill No. 214,

A bill for an act to provide for the support of married women,
 Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 214 be adopted,

Which motion prevailed.

Mr. Stevens moved

To amend the bill by striking out Section 5,
 Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Slotten,
Barlow,	Little,	Svensrud,
Belyea,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Rowe,	Worst,
Dodds,	Smith,	Yager.
Fisher,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Appleton,	Helgeson,	McBride,
Bell,	LaMoure,	Robinson,
Haggart,	Lawrence,	Sandager.
Harmon,		

Messrs. Fuller and Stevens voting in the negative.

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Swanston moved

That the report of the committee be adopted,

Which motion was lost.

Mr. Little moved

That the bill be recommitted,

Which motion was lost.

And the question recurring on the final passage of the bill,

The roll being called there were ayes 4, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	McCormack,	Stevens.
Hartman,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Svensrud,
Barlow,	Little,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Rowe,	Worst,
Dodds,	Smith,	Yager.
Fisher,	Slotten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Helgeson,	McBride,
Bell,	LaMoure,	Robinson,
Haggart,	Lawrence,	Sandager.
Harmon,		

Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill was lost.

Mr. Svensrud moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND THIRD DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Helgeson, LaMoure, McBride and Sandager who were excused.

Mr. Swanston moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same.

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Cowan and Hartman.

PETITIONS, COMMUNICATIONS, ETC.

The following communication was received from the Attorney General:

OFFICE OF THE ATTORNEY GENERAL,
Bismarck, March 1, 1890.

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

GENTLEMEN: The following resolution was received by this office yesterday.
"That the communication received from the Special Committee appointed by

the Senate to investigate certain rumors, be referred to the Attorney General, and his opinion requested in writing as to the manner in which this Senate shall proceed to compel the attendance of witnesses and the giving of testimony."

Wishing to express no opinion beyond the terms of your request, I have the honor to say that it would be best to compel the attendance of witnesses and the giving of testimony by due process of law.

Respectfully submitted,

GEO. F. GOODWIN,

Attorney General.

REPORTS OF STANDING COMMITTEES.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

Senate Bill No. 130,

A bill for an act in relation to printing and binding for the State.

Also,

Senate Bill No. 108,

A bill for an act authorizing the Governor, Treasurer and Secretary of State to provide furniture and supplies for the various State offices and making an appropriation therefor.

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. 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.

Were delivered to his Excellency, the Governor, for his approval at the hour of 4:05 o'clock p. m., February 28, 1890.

J. O. SMITH,

Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bond.

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. 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.

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,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal to whom was referred

Senate Bill No. 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 be amended as follows:

Amend Section 9 by striking out all after the word "act" in line 5 of said bill.

And when so amended recommend that said bill do pass.

D. S. DODDS,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate Bill No. 197,

A bill for an act to authorize counties to use any funds or surplus funds that they may have on hand to procure seed grain for needy farmers, and to amend an act of the First Legislative Assembly of the State of North Dakota, entitled "An Act to authorize counties to issue bonds to procure seed grain for needy farmers resident therein,"

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

Also,

Senate Bill No. 200,

A bill for an act providing for the disorganization of civil townships,

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

Also,

House Bill No. 105,

A bill for an act requiring the registration of births and deaths, Have had the same under consideration and recommend that said bill be referred to the Committee on Public Health.

Also,

House Bill No. 291,

A bill for an act to provide for the changing and relocation of county seats,

Have had the same under consideration and recommend that said bill be amended as follows:

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 railroad.

And when so amended recommend that said bill do pass.

F. G. BARLOW,

Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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,

Have had the same under consideration and recommend that said bill be indefinitely postponed.

C. B. LITTLE,

Chairman.

Mr. Dodds moved

To adopt the report of the committee on House Bill No. 105,
Which motion prevailed.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your Committee on Agriculture respectfully report without recommendation Senate Bills Nos. 20, 40, 50, 70 and 92, the provisions of which have been incorporated in other bills reported to the Senate.

S. A. FISHER,

Chairman.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your committee appointed to revise and correct the Journal of February 28th, respectfully report the following corrections:

On page 5 of the Journal, in Mr. Haggart's motion, strike out the word "eight" and insert the word "right" in lieu thereof.

On page 4—Motions and Resolutions—Mr. Swanston moved the adoption of the following resolution, should read Mr. Haggart moved the adoption of the following resolution.

On page 19 of the Journal Mr. Svensrud moved to adjourn, should read Mr. Cowan moved to adjourn.

R. D. COWAN,
Chairman.

Which report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Winship moved

That Senate Bill No. 74 be recalled, and that it be re-committed to the Committee on Appropriations,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Allin introduced—

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section 3156 of the Compiled Laws,

Which was read the first time.

Mr. McCormack introduced—

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Little moved

That the Senate do now concur in the House amendments to Senate Bill No. 161,

Which motion prevailed.

Mr. Fuller introduced the following resolution:

Be it resolved, That the Secretary of the Senate be instructed to comply with the instructions of the resolution passed February 25th, directing him to furnish a list of bills in the hands of committees.

Mr. Swanston moved

The adoption of the resolution,

Which motion prevailed.

Mr. Belyea asked consent to make a report,

Which consent was granted, and

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 196,

A bill for an act to amend an act entitled "An Act providing for a charter for the City of Jamestown, Territory of Dakota, (now North Dakota),

Have had the same under consideration and recommend that said bill be referred to the Judiciary Committee.

E. H. BELYEA,
Chairman.

Mr. Swanston moved

To adopt the report of the committee on Senate Bill No. 196,
Which motion prevailed.

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 second time, and referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 1, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has appointed Messrs. Walsh, Milsted and Roney as a Conference Committee to confer with a like Committee of the Senate on House Bill No. 14.

Also,

To return herewith Senate Bill No. 168 as requested by the Senate.

Also,

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 irrigation companies and to aid the same,

Which the House has passed unchanged.

Also,

I have the honor to transmit herewith
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,

Which the House has passed with the following amendments:

Strike out the word "in" before the words "such term" in line 4 of the original bill and insert the word "upon" in lieu thereof,

And your concurrence therein is respectfully requested.

Also,

I have the honor to transmit herewith, in accordance with the request of the Senate, the engrossed copy of House Bill No. 158.

A bill for an act requiring railroad companies to build and maintain highway crossings.

J. G. HAMILTON,
Chief Clerk.

Mr. McCormack moved

That the rules be suspended, and that the vote by which Senate Bill No. 168 was passed be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of 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,

Mr. McCormack moved

To amend Section 1, line 6, by striking out all after the word "be" down to the words "per annum" and inserting in lieu thereof the words "salaries of president and instructional force, \$16,500."

Mr. Haggart moved

That Senate Bill No. 168 be recommitted to the Committee on Appropriations,

Which motion was lost, and

The question being on the adoption of the amendment,

Mr. Haggart moved

That the bill be made a special order for next Tuesday at 2:30 o'clock p. m.,

Which motion was lost, and

The question being on the adoption of the amendment to Section 1 of Senate Bill No. 168,

Roll call demanded.

The roll being called there were ayes 11, nays 5.

Those who voted in the affirmative were:

Messrs—

Allin,
Belyea,
Dodds,
Fisher,

Messrs—

McCormack,
Randall,
Rowe,
Slotten,

Messrs—

Stevens,
Swanston,
Winship.

Those who voted in the negative were:

Messrs—

Diesem,
Haggart,

Messrs—

Robinson,
Smith,

Messrs—

Svensrud.

Absent and not voting:

Messrs—

Appleton,
Barlow,
Bell,
Cowan,
Fuller,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence.

Messrs—

Little,
McBride,
Sandager,
Worst,
Yager.

Messrs. Appleton, Bell, Harmon, Helgeson, LaMoure, Lawrence, McBride and Sandager being excused.

So the amendment was adopted.

Mr. Stevens moved

To amend Section 1, line 3, by striking out the figures "21,100" and inserting the figures "24,500" in lieu thereof.

Mr. Dodds moved

As a substitute by striking out the sum of "24,500" and inserting "23,900" in lieu thereof.

Mr. Dodds withdrew his substitute by consent.

Mr. Dodds moved

As a substitute that the figures "24,500" be stricken out and that the figures "24,300" be inserted in lieu thereof.

Mr. Diesem moved

As a substitute that the figures "24,500" be stricken out and insert "23,900" in lieu thereof.

Mr. President ruled Mr. Diesem's substitute out of order, for the reason that another substitute was before the Senate.

Mr. Diesem moved a call of the Senate.

Mr. McCormack moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed, and

The question being on the adoption of the substitute of Mr. Doods,

Roll call was demanded.

The roll being called there were ayes 14, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Svensrud,
Belyea,	McCormack,	Swanston,
Dodds,	Randall,	Winship,
Fisher,	Slotten,	Worst.
Fuller,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Robinson,	Smith,
Diesem,	Rowe,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Lawrence,
Bell,	Helgeson,	McBride,
Cowan,	LaMoure,	Sandager.
Harmon,		

Messrs. Appleton, Bell, Harmon, Helgeson, LaMoure, Lawrence, McBride and Sandager being excused.

So the substitute was adopted.

Mr. Winship moved

That the eleventh item in Section 1 be reduced from "\$500" to "\$400."

Which amendment was adopted.

Mr. McCormack moved

That the vote by which the total sum of "\$24,300" was inserted, be reconsidered,

Which motion prevailed.

Mr. McCormack moved

That "23,900" be inserted in this bill in lieu of "24,300,"

Which motion prevailed, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 14, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Svensrud,
Barlow,	Randall,	Swanston,
Belyea,	Rowe,	Winship,
Dodds,	Slotten,	Worst.
Fisher,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haggart,	McCormack,	Smith,
Little,	Robinson,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Lawrence,
Bell,	Hartman,	McBride,
Cowan,	Helgeson,	Sandager.
Diesem,	LaMoure,	

Messrs. Appleton, Bell, Harmon, Helgeson, LaMoure, Lawrence, McBride and Sandager being excused.

So the bill was lost.

Mr. McCormack moved

That the vote by which Senate Bill No. 168 was lost be reconsidered,

Which motion prevailed, and

The question before the Senate being on the final passage of the bill,

Mr. Dodds moved

That the bill be made a special order for next Saturday at 3 o'clock p. m.,

Which motion was lost.

Mr. Swanston moved

That the bill be made a special order for next Monday at 3 o'clock p. m.,

Which motion prevailed.

Mr. President announced his signature to
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.

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. 5,

A bill for an act to attach certain townships to the Third Legislative District.

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,

Mr. Diesem was excused for the balance of the day on account of sickness.

The Conference Committee on House Bill No. 14 made the following report:

MR. PRESIDENT:

Your Committee of Conference to whom was referred the amendments to House Bill No. 14, as transmitted to the House,

Have had the same under consideration and recommend that the Chief Clerk of the House be requested to transmit to the Senate a certified copy of the amendments as transmitted by the Senate.

W. E. SWANSTON,
F. G. BARLOW,
R. D. COWAN.

THIRD READING OF SENATE BILLS.

Senate Bill No. 113,

A bill for an act to provide for the incorporating and regulating of life endowment and casualty insurance companies, corporations or societies other than co-operative or assessment life endowment or casualty associations or societies,

Was read the third time.

Mr. Little moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. McCormack moved

That the further consideration of the bill be made a special order for next Monday at 2:30 o'clock p. m.,

Which motion prevailed.

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 placed upon its final passage.

Mr. Haggart moved

That Senate Bill No. 152 be made a special order for Wednesday at 3 o'clock p. m.

Mr. Rowe moved

As a substitute that the roll be called on the final passage of the bill,

Which motion prevailed.

Mr. Worst moved

To amend Section 1, line 4, by inserting after the word "tuners" the words "together with a schedule of prices for tuning pianos."

Which amendment was adopted.

Mr. McCormack moved

To amend Section 1, line 2, by striking out the word "tuners" and inserting in lieu thereof the word "players,"

Which amendment was lost.

Mr. Worst moved

That the word "for" be stricken out of the title of the bill,

Which amendment was adopted.

Mr. Worst moved

That in Section 6, line 2, all be stricken out after the words "North Dakota."

Which amendment was adopted.

Mr. Worst moved

The following amendment:

Amend the title by adding after the word "and" the words "to provide for issuing;" and by adding after the word "license" the words "to those who pass an"; also, strike out the words "after passing."

Which amendment was adopted.

Mr. Barlow moved

To amend the bill by striking out the enacting clause,

Which amendment was lost.

Mr. Robinson moved

To amend Section 2, line 1, by striking out the word "tuning" and inserting the word "playing" in lieu thereof,

Which amendment was lost,

Mr. Belyea moved

To amend Section 2, line 4, after the word "board" by inserting the words "said fees to be used by the Piano Tuning Board to pay the expenses of examining said piano tuner,"

Which amendment was lost, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 19, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Slotten,
Barlow,	Hartman,	Stevens,
Belyea,	Little,	Svensrud,
Cowan,	McCormack,	Swanston,
Dodds,	Randall,	Worst,
Fisher,	Robinson,	Yager.
Fuller,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Appleton,	Helgeson,	McBride,
Bell,	LaMoure,	Sandager.
Diesem,	Lawrence,	Smith.
Harmon,		

Messrs. Rowe and Winship voting in the negative.

Messrs. Appleton, Bell, Diesem, Helgeson, LaMoure, Lawrence, McBride and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little asked unanimous consent to to the return eighth order of business,

Consent was granted, and

Mr. Little introduced—

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts,

Which was read the first time.

The hour having arrived for the consideration of Special Orders on the message from the House on

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,

Mr. Allin moved

That the request of the House be complied with, and that Senate Bill No. 133 be returned to the House.

Mr. Rowe moved

As a substitute that a conference committee of three be appointed to confer with a like committee from the House on Senate Bill No. 133 and report on the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Rowe, Allin and Yager.

Mr. Swanston moved

That the rules be suspended, and that House Bill No. 158 be placed upon its final passage as amended,

Which motion prevailed, and

House Bill No. 158,

A bill for an act requiring railway companies to build and keep in repair highway crossings,

Was placed upon its final passage,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Hartman,
Little,
McCormack,
Randall,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Harmon,
Helgeson,
LaMoure,

Messrs—

Lawrence,
McBride,
Sandager.

Messrs. Appleton, Bell, Diesem, Helgeson, LaMoure, McBride and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Stevens moved

That the rules be suspended, and that House Bill No. 291 be 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 the position of county seats,

Was read the third time.

Mr. Swanston moved

That the report of the Committee on House Bill No. 291 be adopted,

Which motion prevailed.

Mr. Haggart moved

To amend the bill by adding the words "or wherein the court house and jail now erected in any county exceeds in value the sum of thirty-five thousand dollars,"

Which amendment was adopted.

Mr. Worst moved

To amend Section 1, lines 11 and 16, by striking out the words "three-fifths" where they appear and insert the words "two-thirds" in lieu thereof,

Which amendment was lost.

Mr. Worst moved

To amend Section 1, line 4, by inserting after the words "one-third in number;" also, insert in line 5 after the word "county" the words "as shown by the vote,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Hartman,
Little,
McCormack,
Randall,
Robinson,
Smith,

Messrs—

Slotten,
Stevens.
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,

Messrs—

Harmon,
Helgeson,
LaMoure,

Messrs—

Lawrence,
McBride,
Sandager.

Mr. Rowe voting in the negative.

Messrs. Appleton, Bell, Diesem, Harmon, Helgeson, LaMoure, Lawrence, McBride and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston moved

That the vote by which the bill was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 202,

A bill for an act forbidding the mortgaging of crops before the seed thereof shall have been sown or planted,

Was read the third time.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 202 be adopted.

Mr. Swanston moved

As a substitute that the report of the committee be not adopted,

Which amendment was lost, and

The question recurring on the motion to adopt the report of the committee,

The report was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 13, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Dodds,
Fisher,
Fuller,
Randall,

Messrs—

Robinson,
Rowe,
Smith,
Slotten,

Messrs—

Stevens,
Svensrud,
Winship,
Worst.

Those who voted in the negative were:

Messrs—

Barlow,
Belyea,

Messrs—

Cowan,
Hartman,

Messrs—

McCormack,
Swanston.

Absent and not voting:

Messrs—

Appleton,
Bell,
Diesem,
Haggart

Messrs—

Harmon,
Helgeson,
LaMoure,
Lawrence,

Messrs—

Little,
McBride,
Sandager,
Yager.

Messrs. Appleton, Bell, Diesem, Harmon, Helgeson, LaMoure, Lawrence, McBride and Sandager being excused.

So the bill was lost.

Mr. Barlow asked consent to return to the eighth order of business,

Which consent was granted, and

Mr. Barlow presented the following Joint Resolution:

JOINT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring: That the Governor is hereby authorized to appoint a committee of five citizens of North Dakota, 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.

Said committee shall be allowed such expenses as may be necessarily incurred in the performance of their duty.

The State Auditor and Governor are hereby authorized to hear and determine the claims of the several members of said committee in accordance with the foregoing provisions of this resolution, and the Auditor shall draw his warrant in their favor for such amounts as may be due them, and the Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

Mr. Barlow moved

That it be read the first and second times, and referred to the proper committee,

Which motion prevailed, and Senate Bill No. 214 a Joint Resolution, was read the first and second times, and referred to the Committee on Agriculture.

Mr. Robinson presented the following resolution:

WHEREAS, The Special Committee of this Senate, appointed February 10, 1890, to investigate the nomination and election of the State officers, the election of United States Senators, and the passage of Senate Bill No. 167, and further authorized and empowered by resolution of this Senate, adopted February 13, 1890, did, upon February 20, 1890, report to this body that Hon. James McCormick, a member of the House of Representatives of the State of North Dakota, having been duly subpoenaed to appear before said committee, refused to be sworn, and also refused to testify before said committee; and

WHEREAS, This Senate, by resolution adopted February 21, 1890, did refer said report and communication of said Special Committee to the honorable Attorney General of this State, requesting his opinion in writing, "as to the manner in which this Senate shall proceed to compel the attendance of witnesses and the giving of testimony;" and,

WHEREAS, This Senate, by resolution adopted February 28, 1890, did again request the honorable Attorney General "to render his opinion to the Senate as to the proper manner of proceeding to compel the attendance of witnesses and the giving of testimony before the Senate investigating committee;" and,

WHEREAS, The said Attorney General has sent the following communication to this Senate, namely:

"Wishing to express no opinion beyond the terms of your request, I have the honor to say that it would be best to compel the attendance of witnesses and the giving of testimony by due process of law;" *Therefore be it Resolved by the Senate of the State of North Dakota*, That the honorable Attorney General of the State of North Dakota be and he is hereby requested to advise this Senate, in writing, as the law officer of this State, fully and definitely what are the prerogatives and powers of this Senate in the premises, and what authority or power this Senate has to compel a person subpoenaed to appear and testify before said special committee or any committee of this Senate (empowered to issue subpoenas and to examine witnesses) to so appear and testify under oath or affirmation, and what power or authority is vested in or possessed by this Senate to punish any person refusing to appear in obedience to a subpoena issued by such committee and duly served upon such person, or refusing to be sworn or affirmed or refusing to testify before such committee, and in what manner and by what means and proceedings, and in what form the Senate should proceed, and may legally proceed, to enforce any such prerogative, authority or power vested in or possessed by it as a body constituting the Senate of the State of North Dakota.

Mr. Smith moved

To adopt the resolution,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and the Senate proceed to the first and second reading of House bills,

Which motion prevailed.

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 first and second times, and referred to the Committee on Counties.

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 first and second times, and referred to the Committee on Agriculture.

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 first and second times, and referred to the Committee on Agriculture.

Mr. President announced his signature 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.

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,

A Memorial to Congress in regard to the Blair Educational Bill.

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.

Mr. Stevens moved

That the Joint Resolution authorizing the Governor to appoint

a committee of five to procure seed wheat be referred to the Seed Wheat Committee instead of the Committee on Agriculture,
Which motion prevailed.

Mr. Fuller moved a call of the House.

The Secretary reported the following members as absent without excuse:

Messrs. Belyea, Haggart, Little, Swanston and Yager.

The Sergeant-at-Arms brought the absent members before the bar.

Mr. Rowe moved that further proceedings under call of the House be dispensed with,
Which motion prevailed.

Mr. Rowe moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND FIFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Fuller, Haggart, Helgeson, McBride, Robinson and Sandager who were excused.

Mr. Swanston moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same.

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Allin and Bell.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following majority report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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,

Have had the same under consideration and a majority of said committee recommend that said bill do pass.

C. B. LITTLE,
W. S. SWANSTON,
EDW. L. YAGER,
C. D. COWAN,
J. LAMOURE.

A minority report on Senate Bill No. 195 was presented by Measrs. Barlow and Dodds of the Committee on Judiciary.

Mr. Belyea moved

That the minority report on Senate Bill No. 195 be laid upon the table, and the report expunged from the record,

Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 159,

A bill for an act 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.

Have had the same under consideration and recommend that said bill be amended as follows:

Add to Section 1 the following:

Provided, further, That nothing in this act shall authorize any person or corporation who has paid into the treasury of any county, city or village, any taxes on railroad grant lands, covered by the provisions of this act, to recover back the said taxes so paid.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 263,

A bill for an act to amend Sections 171, 172 and 173 of the Probate Code,

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

C. B. LITTLE,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Special Committee on Seed Wheat made the following report:

MR. PRESIDENT:

Your Special Committee on Seed Wheat to whom was referred Senate Bill No. 214,

A Joint Resolution for the purpose of appointing a committee of five to devise means for procuring seed grain and feed for destitute farmers,

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

ANTON SVENSRUD,
Chairman.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of March 1st, respectfully report the following corrections:

On page 9 of the Journal in Mr. Dodds' motion for a special order, strike out the word "Saturday" and insert in lieu thereof the word "Tuesday."

On page 14, strike out the words "Mr. Little moved to adopt the report of the committee, which motion prevailed."

ROGER ALLEN,
Chairman.

Which report was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 3, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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 chattel mortgages.

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. 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. 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. 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. 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,

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

I have the honor to inform the Senate that the House has appointed as the conference committee on Senate Bill No. 133, Messrs. Thompson of Cass, Selby and Currier.

Also,

That the Senate has concurred in the Senate amendments to House Bill No. 291, and has passed the bill as amended.

Also,

I have the honor to inform the Senate that the House has concurred in the Senate amendments to

House Bill No. 28,

A bill for an act providing for the retention and disposal of estrays.

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.

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. 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. 129,

A bill for an act to repeal Chapter 144 of the Session Laws of 1885.

I also have the honor to transmit herewith

House Bill No. 282,

A bill for an act to prescribe punishment for any person who points or aims firearms at another,

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

J. G. HAMILTON,
Chief Clerk.

MOTIONS, RESOLUTIONS, ETC.

Mr. Stevens moved

The adoption of the following resolution:

WHEREAS, A committee representing the State of North Dakota is about to meet with a like committee from the State of South Dakota for the purpose of settling the outstanding accounts and affairs of the late Territory of Dakota; therefore, be it

Resolved by the Senate, That the Senate Committee on Federal Relations be requested to furnish any information or data they may be enabled to secure, for the purpose of enabling such Joint Committee to make a speedy and equitable settlement of the differences between the two Dakotas.

Which resolution was adopted.

Mr. Winship moved

That the vote by which House Bill No. 228 was defeated be reconsidered.

Mr. LaMoure moved

That the rules be suspended and that the vote by which House Bill No. 228 was lost be reconsidered,

Which motion was lost.

Mr. LaMoure moved a call of the Senate.

Mr. Swanston moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The President *pro tem* in the Chair.

Mr. LaMoure moved

That the rules be suspended and that the vote taken on House Bill No. 228 be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of

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,"

Mr. Winship moved

That House Bill No. 228 be made a special order for next Friday at 3 o'clock p. m.,

Which motion prevailed.

Mr. Belyea moved

That the vote by which Senate Bill No. 202 was lost be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of

Senate Bill No. 202,

A bill for an act forbidding the mortgaging of crops before the seed thereof shall have been sown or planted,

Mr. Belyea moved

That it be made a special order for to-morrow at 2:30 o'clock p. m.,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack moved

That Senate Bills Nos. 215 and 216 be read the first and second times, and referred to the proper committees,

Which motion prevailed.

Mr. Little introduced—

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,

Which was read the first and second times, and referred to the Committee on Judiciary.

Mr. McCormack introduced—

Senate Bill No. 216,

A bill for an act to provide for the purchase of books for the State Library,

Which was read the first and second times, and referred to the Committee on State Libraries.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. LaMoure moved

That the Senate concur in the House amendments to Senate Bill No. 125,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section 3156 of the Compiled Laws,

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

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities,

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

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts,

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

Mr. Diesem asked permission to return to the eighth order of business,

Consent granted, and

Mr. Diesem presented the following Concurrent Resolution:

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.

Mr. Stevens moved

That the resolution be referred to the Committee on Statistics,
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 197,

A bill for an act to authorize counties to use any funds or surplus funds that they may have on hand to procure seed grain for needy farmers, and to amend an act of the First Legislative Assembly of the State of North Dakota, entitled "An Act to authorize counties to issue bonds to procure seed grain for needy farmers resident therein,"

Was read the third time.

Mr. Smith moved

That the report of the committee on Senate Bill No. 197 be adopted,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
March 3, 1890. }

To the President of the Senate:

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

Senate Bill No. 108,

An act authorizing the Governor, Treasurer and Secretary of State to provide furniture and supplies for the various State offices and making an appropriation therefor.

Also,

Senate Bill No. 91,

An act requiring the Secretary of State to give bonds.

Also,

Senate Bill No. 130,

An act in relation to printing and binding for the State.

Also,

Senate Bill No. 77,

An act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases.

Also,

Senate Bill No. 105,

An act requiring the payment of fees into the State Treasury by corporations upon filing articles of incorporation or upon increase of capital stock,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

The question recurring on the final passage of Senate Bill No. 197,

Mr. Worst moved

To amend the title of the bill by striking out the words "funds or" before the words "surplus funds," and add after the word "funds" the words "in the county general funds or in the sinking fund not required for immediate use."

Mr. Little moved

To amend the amendment by striking out the words "general funds."

Mr. Stevens moved

As a substitute to adopt that part of the amendment offered relating to the use of the "general fund."

Mr. LaMoure moved

That the bill be recommitted to the committee for correction,
Which motion prevailed.

Mr. President announced his signature to

House Bill No. 73,

A bill for an act to enable counties to regulate the number of county commissioners.

Also,

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.

The President announced that the hour having arrived for the special consideration of

Senate Bill No. 113,

A bill for an act to provide for the incorporating and regulating of life endowment and casualty insurance companies, corporations or societies other than co-operative or assessment life endowment or casualty associations or societies,

It was taken up.

Mr. Little moved

That the further consideration of Senate Bill No. 113 be indefinitely postponed,

Which motion was lost, and

The question recurring on the final passage of Senate Bill No. 113,

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

Those who voted in the affirmative were:

Messrs—

Barlow,
Diesem,
Harmon,
Hartman,
Lawrence,

Messrs—

McCormack,
Randall,
Rowe,
Slotten,
Stevens,

Messrs—

Svensrud,
Swanston,
Winship,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Belyea,
Bell,

Messrs—

Cowan,
LaMoure,
Little,

Messrs—

Smith,
Yager.

Absent and not voting:

Messrs—

Appleton,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Helgeson,

Messrs—

McBride,
Robinson,
Sandager.

Messrs. Appleton, Fuller, Haggart, Helgeson, McBride, Robinson and Sandager being excused.

So the bill was lost, not having received the necessary constitutional majority.

Mr. Svensrud moved

That the rules be suspended, and that

Senate Bill No. 214, a Joint Resolution, be read the third time, and placed upon its final passage,

Which motion was lost.

The hour having arrived for the special consideration of Senate Bill No. 168,

Mr. Stevens asked unanimous consent to return to the eighth order of business.

Consent granted.

Mr. Stevens moved

That Rule 30 be amended be striking out the words "two-thirds of the members-elect" and inserting the words "two-thirds of the members present" in lieu thereof,

Which motion was lost.

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 considered.

Mr. LaMoure moved

That the bill be made a special order for next Thursday at 2:30 o'clock p. m.,

Which motion was lost.

Mr. LaMoure moved

To amend Section 1, line 6, by striking out the figures "16,500" and inserting in lieu thereof the figures "15,500," also by inserting the words "and the salary of the president of the University shall be \$2,000 per annum."

Mr. Winship moved

As a substitute to amend the amendment by inserting the figures "\$16,000," and the words "the salary of the president of the University shall be \$2,500 per annum,"

Which substitute motion was adopted.

Mr. McCormack moved

To amend Section 1, line 3, by striking out the figures "\$23,900" and inserting the figures "\$23,400" in lieu thereof,

Which amendment was adopted, and

The question recurring on the final passage of Senate Bill No. 168 as amended.

The roll being called there were ayes 16, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Bell,
Diesem,
Hartman,
Little,

Messrs—

McCormack,
Randall,
Rowe,
Slotten,
Stevens,

Messrs—

Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Belyea,
Cowan,

Messrs—

Harmon,
LaMoure.

Messrs—

Lawrence,
Smith.

Absent and not voting:

Messrs—

Appleton,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Helgeson,

Messrs—

McBride,
Robinson,
Sandager.

Messrs. Appleton, Fuller, Haggart, Helgeson, McBride, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Allin 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. 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 third time.

Mr. Cowan moved

That the report of the committee on Senate Bill No. 187 be adopted,

Which motion prevailed.

Mr. Swanston moved

That Senate Bill No. 187 be indefinitely postponed.

Motion withdrawn by consent.

Mr. McCormack moved

To amend Section—, line 6, after the word "wife," insert the words, "or any wife shall willfully abandon her husband,"

Which amendment was lost.

Mr. Stevens moved

The following substitute to Section 6:

SEC. 6. WHEREAS, An emergency exists in that there are reported to be men who are now neglecting their families, therefore this act shall be in force and effect immediately.

Which amendment was lost.

Mr. Swanston moved

That the bill be recommitted to the committee,

Which motion was lost.

Mr. Swanston moved

That the bill be made a special order for one week from to-day at 3 o'clock p. m.,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,

Messrs—

Harmon,
Hartman,
Little,
McCormack,
Randall,
Rowe,

Messrs—

Smith,
Slotten,
Svensrud,
Worst,
Yager.

Those who voted in the negative were:

Messrs—
LaMoire,

Messrs—
Stevens,

Messrs—
Swanston.

Absent and not voting:

Messrs—
Appleton,
Dodds,
Fisher,
Fuller,

Messrs—
Haggart,
Helgeson,
Lawrence,
McBride,

Messrs—
Robinson,
Sandager,
Winship.

Messrs. Appleton, Fuller, Haggart, Helgeson, McBride, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved
That the vote just taken be reconsidered, and that the vote to
reconsider be laid upon the table,
Which motion prevailed.

Mr. Little moved
That the Senate take a recess,
Which motion prevailed, and
The Senate took a recess.

The Senate reassembled.

Mr. Swanston asked unanimous consent to return to the eighth
order of business,
Consent granted, and
Mr. Swanston moved
That the Secretary transmit the report of the Conference Com-
mittee on House Bill No. 14 to the House,
Which motion prevailed.

Senate Bill No. 35,

A bill for an act providing for the regulation of buying, selling
and handling of grain in the State of North Dakota, and for the
regulation of other matter pertaining to the business of public
warehousemen,

Was read the third time.

Mr. Rowe moved
That the report of the committee on Senate Bill No. 35 be
adopted.

Mr. Swanston moved
That Senate Bill No. 35 be indefinitely postponed,
Which motion prevailed.

Senate Bill No. 162,

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 warehouse commission in relation thereto,

modifying the requirements as to bonds and providing for a license fee upon every public warehouse,"

Was read the third time.

Mr. Stevens moved

That Senate Bill No. 162 be indefinitely postponed,

Which motion prevailed.

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.

Mr. Slotten moved

That the report of the committee on Senate Bill No. 14 be adopted,

Which motion prevailed.

Mr. Bell moved

To amend Section 1, line 4, by striking out the words "one-fifth" and inserting the words "one-fourth" in lieu thereof,

Which amendment was adopted.

Mr. Svensrud moved

To amend Section 2 by striking out all after the word "money" in line 10 and inserting in lieu thereof the words "not to exceed 15 cents per bushel."

Mr. Stevens offered the following substitute to Section 2 to be added after the word "price" in line 12:

Provided, further. That if grain is ground for a money value, the price charged shall not exceed 15 cents per bushel for such grinding.

Which substitute was adopted.

Mr. Little moved

To amend Section 2, line 11, by striking out the words "one-fifth" and inserting in lieu thereof the words "one-fourth,"

Which amendment was adopted.

Mr. Worst moved

To amend Section 4 by striking out all of line 5 after the word "court," all of line 6 and line 7 up to the word "and,"

Which amendment was adopted.

Mr. Worst moved

To amend Section 1, line 5, by striking out the words "four-fifths" and inserting in lieu thereof the words "three-fourth," and in line 4 of Section 2 by striking out the words "four-fifths and inserting the word "three-fourths,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 4.

Those who voted in the affirmative were:

Messrs—
 Allin,
 Belyea,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,

Messrs—
 Harmon,
 Hartman,
 Little,
 McCormack,
 Randall,
 Rowe.

Messrs—
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Worst,
 Yager.

Those who voted in the negative were:

Messrs—
 Barlow,
 LaMoure,

Messrs—
 Smith,

Messrs—
 Winship.

Absent and not voting:

Messrs—
 Appleton,
 Fuller,
 Haggart,

Messrs—
 Helgeson,
 Lawrence,
 McBride,

Messrs—
 Robinson,
 Sandager.

Messrs. Appleton, Fuller, Haggart, Helgeson, McBride, Robinson and Sandager being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Winship moved

That the rules be suspended, and that House Bill No. 290 be read the third time, and placed upon its final passage,
 Which motion prevailed, and
 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,

Was read the third time.

Mr. Worst moved

That the report of the committee on House Bill No. 290 be adopted,

Which motion prevailed, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 22, nays none.
 Those who voted in the affirmative were:

Messrs—
 Allin,
 Barlow,
 Belyea,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,

Messrs—
 Harmon,
 Hartman,
 LaMoure,
 McCormack,
 Randall,
 Rowe,
 Smith,

Messrs—
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Appleton,
 Fuller,
 Haggart,

Messrs—
 Helgeson,
 Lawrence,
 Little,

Messrs—
 McBride,
 Robinson,
 Sandager.

Messrs. Appleton, Fuller, Haggart, Helgeson, McBride, Robinson and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President 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. 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. 151,

A bill for an act to provide for a lien upon threshing engines and separators for repairing the same.

Mr. Dodds asked unanimous consent to make a report.
Consent granted.

Mr. Barlow asked the same privilege,
Which was granted.

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal to whom was referred

House Bill No. 173,

A bill for an act to 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 be amended as follows:

Amend the title by striking out after the word "laborers" where it appears in said title the words "in and about coal mines and manufactories" and inserting the words "and mechanics" in lieu thereof.

Also, amend Section 1, line 48 by striking out the word "farmers" and inserting in lieu thereof the word "employers."

And when so amended recommend that said bill do pass.

D. S. DODDS,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties 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 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."

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 said 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 when so amended recommend that said bill do pass.

F. G. BARLOW,
Chairman.

Mr Swanston moved
That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND SIXTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Haggart, Helgeson, McBride and Robinson, who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same.

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Slotten and Smith.

The President *pro tem.* in the Chair.

PETITIONS, COMMUNICATIONS, ETC.

A communication was received from the Attorney General on the subject of compelling the attendance of witnesses and the giving of testimony before the investigating committee,

Which was partially read, when

Mr. LaMoure moved

That the further reading of that "stuff" be dispensed with,

Which motion prevailed.

Mr. Swanston moved

That that "stuff" be expunged from the record,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 4, 1890. }

MR. PRESIDENT:

In accordance with the request of the Senate I have the honor

to transmit herewith a certified copy of the Senate message to the House, transmitting the amendments to

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 relating thereto.

Also,

I have the honor to transmit herewith

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,

Which the House has passed with the following amendments:

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."

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.

Also,

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and personal property situate in unorganized counties,

Which the House has passed with the following amendments.

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."

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,

Which the House has passed with the following amendments:

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 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, Subdivision (c) by striking out the word "fifteen" and inserting in lieu thereof the word "twelve."

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."

Amend 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.

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 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."

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."

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."

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 of decisions of the commission shall be and remain in full force and effect.

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."

Strike out the word "Legislature" wherever it occurs in the bill and insert in lieu thereof the words "Legislative Assembly."

Amend by striking out the word "he" in line 2 of Section 9 and substituting therefor the word "they."

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."

And your concurrence therein is respectfully requested.

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.

Also,

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. 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. 227,

A bill for an act establishing a legal holiday,

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

Also,

I have the honor to transmit herewith

Substitute for 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.

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,

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

J. G. HAMILTON,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred

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.

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

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.

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

S. A. FISHER,
Chairman.

The Committee on Judiciary made the following report:

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Senate Bill No. 213,

A bill for an act to provide for an election to increase the jurisdiction of county courts,

Have had the same under consideration and recommend that said 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,

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

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,

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

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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.

Also,

Senate Bill No. 91,

A bill for an act requiring the Secretary of State to give bond.

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. 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,

Were delivered to his Excellency, the Governor, for his approval at the hour of 5:30 o'clock p. m., March 1, 1890.

Also,

Senate Bill No. 151,

A bill for an act providing for a lien upon threshing engines and separators for repairing the same.

Also,

Senate Bill No. 161,

A bill for an act authorizing private corporations to change the place where its principal business is transacted.

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.

Were delivered to his Excellency, the Governor, for his approval at the hour of 4:45 o'clock p. m., March 4, 1890.

J. O. SMITH,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 152,

A bill for an act to establish an examining board to examine piano tuners and to provide for issuing a license to those who pass an examination as herein provided.

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. 151,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

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,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties 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 amendments adopted by the House under consideration and recommend that the Senate do concur in said amendments.

(Said amendments may be found in Senate Journal of February 28th on page 10.)

And when so amended recommend that said bill do pass.

F. G. BARLOW.

Chairman.

Mr. Worst moved

That the report of the committee on Senate Bill No. 118 be adopted,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the minority report of the Committee on Judiciary be taken from the table,

Which motion prevailed, and

The question being on the minority report of the Judiciary Committee,

Mr. Swanston moved

That the further reading of the report be postponed until the bill is read.

Motion withdrawn by consent, and

The following minority report of the Judiciary Committee was read:

MR. PRESIDENT:

The minority of your Committee on Judiciary to whom was referred

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 newspapers in this State, and to provide for service of process when such publishers fail or neglect to appoint such resident agent.

Present the following minority report:

Believing the purpose of the bill, No. 195 Senate, to be a departure from the usual course of legislation and its passage is being urged, apparently, for the sole purpose of enabling the friends of the happily defunct lottery scheme, Senate Bill No. 167, to chastise certain eastern newspapers for the part they enacted in defeating that measure, and taking into consideration the fact that without doubt such publications, by timely exposure and scathing criticism, were instrumental in preserving the honor and good repute of our new State from prostitution at the hands of the despoilers, and its name from becoming a by-word and reproach throughout our proud sisterhood of States, and the most enlightened nations of the world, their utterances having rendered

us as a people, in our estimation, an invaluable service at a time when our State press, with a few honorable exceptions, were either criminally silent or wilfully negligent in the discharge of their high and paramount duties as conservators of the public morals, and guardians of the public welfare, at a time when organized corruption was busily engaged in perfecting a plot and pushing it to an unholy consummation by all the dark methods known to and practiced by unprincipled demagogues, political dead beats and shysters of every stamp and affiliation, under and in the guise of angels of mercy ministering to a distressed people and seeking to hoodwink, cajole and coerce this Legislature into enacting legalized infamy and the imprinting of a blot upon our statutes to which the brand of Cain would be a reward of merit in comparison, and, therefore, deeming the measure as being one whose enactment would be inimical to the public good and uncalled for, we recommend that the bill be indefinitely postponed.

F. G. BARLOW,
D. S. DODDS.

Mr. LaMoure moved
To adopt the minority report of the Committee on Judiciary on Senate Bill No. 195.

Mr. Stevens offered the following as a substitute for the motion to adopt the minority report of the Judiciary Committee:

WHEREAS, Senators Barlow and Dodds did at yesterday's session present a minority report upon Senate Bill No. 185, which as members of the committee to whom said bill was referred, they had an undoubted right to do, but

WHEREAS, Said report was entirely foreign to the bill under consideration and was couched in such language as could be construed only as an insult to a majority of this Senate and could have emanated only in the diseased brain of an imbecile or a villain, and

WHEREAS, By the presentation of said report they not only cast reflections upon the motives of more than two-thirds of the members of this Senate, but stultified themselves, disgraced the unfortunate constituencies whom they temporarily misrepresent, and over their signatures presented to this Senate a document unparalleled in the annals of American parliamentary usages, thereby showing themselves unworthy the confidence, respect or esteem of any but moral cowards, and unfit to associate with free, independent and patriotic American citizens; therefore,

Resolved, That the Senate pass a vote of censure upon Senators F. G. Barlow and D. S. Dodds and that we declare the office of President *pro tempore* vacant and that we proceed to elect a President *pro tempore*.

Mr. Smith asked for a division of the question.

The request was granted.

Mr. LaMoure moved
That the word "villian" be stricken out of the substitute,
Which amendment was adopted.

Mr. Bell moved
To strike out the preamble,
Which amendment was adopted, and
The question being on the resolution as amended,
Mr. LaMoure moved
The following as a preamble to the first division:

WHEREAS, Senator Dodds and Senator Barlow, a minority of the Judiciary Committee, in reporting to this body on Senate Bill No. 195, saw fit to go outside of the question under discussion and charged members of this body with being shysters, dead beats and political damagogues; Therefore, be it *Resolved*.

Which amendment was adopted, and

The question recurring on the adoption of the substitute as amended,

The first section of the substitute was adopted, and

The question recurring on the adoption of the second part of the substitute,

The second part of the substitute was adopted.

Mr. Swanston moved

That Mr. LaMoure be elected to the office of President *pro tem.* of the Senate.

There were no other nominations,

The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Cowan,
Diesem.
Dodds,
Fisher,
Fuller,

Messrs—

Harmon,
Hartman,
Lawrence,
Little,
McCormack,
Randall,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Haggart,
Helgeson,

Messrs—

McBride,

Messrs—

Robinson.

Messrs. Barlow and LaMoure voting in the negative.

Messrs. Haggart, Helgeson, McBride and Robinson being excused.

Mr. LaMoure having received a majority of all the votes cast, was declared duly elected President *pro tem.* of the Senate.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor

EXECUTIVE OFFICE,
March 4, 1890. }

To the President of the Senate:

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

Senate Bill No. 6,

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.

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

Respectfully,

JOHN MILLER,
Governor.

MOTIONS, RESOLUTIONS, ETC.

Mr. Swanston moved

The adoption of the following resolution:

Resolved, That no member of the Senate be excused from attendance hereafter till the end of the session except by unanimous consent to be so expressed by ayes and nays.

Which resolution was adopted.

The hour having arrived for the consideration of Special Orders,
Senate Bill No. 45,

A bill for an act to fix the salaries of certain State officers,
Was placed upon its final passage.

The question being on the adoption of the following amendment offered by Mr. Diesem as amended by Mr. Appleton:

Strike out all after the exacting clause and insert the following:

SECTION 1. That the salary of the Governor is hereby fixed at \$2,000 per annum.

2. The salary of the Lieutenant Governor is hereby fixed at \$10 per day, during the session of the Legislative Assembly or while engaged in any other State duties.

3. The salary of the Secretary of State is hereby fixed at \$1,800 per annum.

4. The salary of the State Auditor is hereby fixed at \$1,800 per annum.

5. The salary of the State Treasurer is hereby fixed at \$1,800 per annum.

6. The salary of the Superintendent of Public Instruction is hereby fixed at \$1,600 per annum.

7. The salary of the Commissioner of Insurance is hereby fixed at \$1,500 per annum.

8. The salary of each of the Commissioners of Railroads is hereby fixed at \$1,000 per annum.

9. The salary of the Attorney General is hereby fixed at \$1,000 per annum.

10. The Judges of the Supreme Court shall each receive a salary of \$3,000 per annum.

11. The judges of the district court shall each receive a salary of \$2,500 per annum.

SEC. 2. The salaries of the several State officers, hereinbefore mentioned, shall commence as to each officer from the date upon which he qualifies as such officer; *Provided, however*, That the present incumbents shall each receive the stipulated salary as provided by the Constitution of the State of North Dakota, from the date upon which said officer qualified as such officer until after the passage and taking effect of this act.

SEC. 3. The judges of the Supreme and district courts shall be paid their respective salaries quarterly. All other officers herein named shall receive their salaries monthly.

SEC. 4. Whereas, it is necessary that officials should be lawfully authorized to draw their salaries when such salaries become due, and at a date prior to July 1, 1890; now, therefore, for reasons aforesaid, this act shall take effect and be in force from and after its passage.

Mr. Diesem moved

To amend the amendment as follows:

Amend the amendment to have Section 4 read:

SEC. 4. There is hereby annually appropriated out of any funds in the State Treasury not otherwise appropriated a sum sufficient to pay the salaries herein provided.

Also, to renumber Section 4 in the amendment to read as Section 5.

Which amendment was adopted.

Mr. Swanston moved

To amend Section 2 by striking out all after the word "qualifies,"

Which amendment was adopted.

Mr. Stevens moved

To amend as follows:

Strike out Subsection 11 of Section 1.

Mr. Diesem moved

As a substitute to the amendment that Subsections 10 and 11, of Section 1, be amended by striking out the figures "\$3,000" and inserting the figures "\$4,000" in lieu thereof; also, amend Section 11 by striking out the figures "\$2,500" and inserting the figures "\$3,000" in lieu thereof,

Which substitute was adopted.

Mr. Svensrud moved

That the amendment of Senator Appleton be amended as follows:

Add after the word "each" the following:

Provided, That the salary of the Commissioner of Agriculture shall be \$2,000 for this year.

Mr. Swanston moved

As a substitute that the sum of "\$2,000" be stricken out and the sum of "\$1,800" be inserted in lieu thereof,

Which substitute was lost.

The President *pro tem* took the Chair.

The question recurring on the amendment to the amendment, It was adopted.

Mr. Belyea moved

That the vote just taken on the amendment to the amendment be reconsidered.

Mr. Svensrud raised the point of order that Mr Belyea did not vote with the prevailing side and, therefore, could not mave a consideration of the vote.

Mr. President ruled the point of order well taken, and

The question recurring on the amendment of Mr. Diesem as amended,

Mr. Allin moved

That further consideration of the amendment of Mr. Diesem as amended be indefinitely postponed,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 45,

Mr. McCormack moved

The adoption of the following amendment:

Add to line 22, Section 1, the following:

The salary of the Commissioner of Agriculture is hereby fixed at \$2,000 per annum.

Which amendment was adopted, and
The question recurring on the final passage Senate Bill No. 45
as amended,

The roll being called there were ayes 14, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Slotten,
Appleton,	LaMoure,	Svensrud,
Barlow,	McCormack,	Winship,
Bell,	Rowe,	Yager.
Dodds,	Sandager,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	Smith,
Cowan,	Lawrence,	Stevens,
Diesem,	Little,	Swanston,
Fuller,	Randall,	Worst.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	McBride,	Robinson.
Helgeson,		

Messrs. Haggart, Helgeson, McBride and Robinson being excused.

So the bill was lost, not having received the constitutional majority.

Mr. Swanston moved

That the rules be suspended and that House Bill No. 306 be 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.

Mr. Little moved

That the report of the committee on House Bill No. 306 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Appleton,	Hartman,	Stevens,
Barlow,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McCormack,	Winship,
Dodds,	Randall,	Worst,
Fisher,	Sandager,	Yager.
Fuller,	Smith,	

Absent and not voting:

Messrs—
Belyea,
Bell,
Haggart,

Messrs—
Helgeson,
LaMoure,
McBride,

Messrs—
Robinson,
Rowe.

Messrs. Haggart, Helgeson, McBride and Robinson being excused

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved

That the rules be suspended and that House Bill No. 309 be read the third time and placed upon its 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.

Mr. President announced his signature to
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 Dakota Territory.

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 use of students for drill purposes.

Also,
House Bill No. 129,

A bill for an act to repeal Chapter 144 of the Sessions 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 relocating the position of county seats.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE
March 4, 1890.

To the Senate:

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
Bismarck 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.

JOHN MILLER,
GOVERNOR.

EXECUTIVE OFFICE,
March 4, 1890.

To the Senate:

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 thereon.

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.

The Secretary of the Senate presented the following report:

MR. PRESIDENT:

Pursuant to instructions from the Senate, I herewith present a complete list of bills which have been in possession of the various Committees ten days or more.

C. C. BOWSFIELD, Secretary.

SENATE BILLS.

No.	Introduced by.	Committee.
2	Mr. Little	Elections
3	Mr. Robinson	Judiciary
10	Mr. Fuller	Counties
54	Mr. Barlow	Judiciary
61	Mr. Barlow	Ways and Means
65	Mr. Cowan	Elections
74	Mr. Little	Joint Com. on Territorial Affairs
76	Mr. McCormack	Education
87	Mr. McCormack	Education
96	Mr. Stevens	Elections
98	Mr. Fuller	Counties
100	Mr. Worst	Judiciary
103	Mr. Fuller	Counties
107	Mr. Allin	Irrigation
112	Mr. Stevens	Elections
114	Mr. Barlow	Ways and Means
120	Mr. McCormack	Cities and Mun. Corporations
121	Mr. McCormick	Counties
122	Mr. Yager	Judiciary
124	Judiciary Committee	Joint Com. State Library
134	Mr. Stevens	Railroads
139	Mr. Harmon	Judiciary
149	Mr. Lawrence	Judiciary
158	Mr. Stevens	Education
160	Mr. Belyea	Coal Mines
171	Mr. Yegar	Seed Wheat
173	Mr. McCormack	Ways and Means
178	Mr. McBride	Counties
186	Mr. Allin	Judiciary
188	Mr. Fuller	Judiciary
189	Mr. Appleton	Judiciary
195	Mr. Harmon	Judiciary
196	Mr. Fuller	Municipal Corporations

HOUSE BILLS.

No.	Committee.	No.	Committee.
37	State Affairs	161	Judiciary
39	Judiciary	164	Ways and Means
47	State Affairs	167	State Affairs
96	Counties	173	Corp'ns other than Municipal
97	State Affairs	181	Judiciary
102	Judiciary	201	Judiciary
124	Judiciary	211	Judiciary
126	Judiciary	216	Judiciary
135	Judiciary	217	Judiciary
142	Irrigation	229	Judiciary
155	Judiciary	237	Judiciary

Mr. Swanston moved

That the Senate do now adjourn.

Mr. Stevens moved

As a substitute that the Senate adjourn to meet at 10 o'clock a. m. to-morrow,

Which substitute was lost, and

The motion to adjourn prevailed.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND SEVENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 5, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. McBride, Robinson and Rowe who were excused.

Mr. Haggart moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Appleton and Haggart.

Mr. Haggart moved

That the rules be suspended, and that the Senate turn to the eighth order of business,

Which motion prevailed.

Mr. Haggart moved

That Senate Bill No. 11 be recalled from the Governor for correction,

Which motion prevailed.

Mr. Worst arose to a question of privilege, and said:

In my remarks of yesterday I find that I have my some mistake been misquoted, and placed in an unenviable light. I find in this morning's Tribune the following language attributed to me:

"These men are mean, infernal scoundrels, and I want to serve notice upon that class of men to-day, that they will find us fighting to the last, etc."

Any person reading this extract would naturally suppose that I referred to my fellow Senators in that language. When I used the language referred to, I said: "These infernal scoundrels who have no characters to sustain." I stated then, specifically, that I referred to the reporters of the St. Paul dailies (as they have so misrepresented us from time to time), and I wish it understood that I referred to no member of this Senate."

UNFINISHED BUSINESS.

The third reading of
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 continued.

Mr. Svensrud moved

That the report of the committee on House Bill No. 309 be adopted,

Which motion prevailed.

Mr. Barlow moved

The adoption of 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.

Which amendment was adopted, and

The question recurring on the final passage of House Bill No. 309 as amended,

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Sandager,
Appleton,	Haggart,	Smith,
Barlow,	Harmon,	Slotten,
Belyea,	Hartman,	Stevens.
Bell,	Helgeson,	Svensrud,
Cowan,	Lawrence,	Swanston,
Diesem.	Little,	Winship,
Dodds,	McCormack,	Worst,
Fisher,	Randall,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
McBride,	Robinson,	Rowe.

Mr. LaMoure voting in the negative.

Messrs. McBride, Robinson and Rowe being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor

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 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,

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.

Mr. LaMoure moved

That the communication from the Governor on Senate Bill No. 82 be made a special order for Friday at 2:30 o'clock p. m.,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of Long's Legislative Hand Book for the year 1889.

Have had the same under consideration and recommend that said bill be amended as follows:

In Section 1, lines 6, 7 and 8, strike out the words "seven hundred and fifty dollars" and insert in lieu thereof the words "six hundred and fifty dollars."

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 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,

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

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 14,

A bill for an act regulating the taking of toll and exchange in grist mills or flouring mills, and providing for penalties for the violation of the same.

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,

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 the professors of the same,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on State Library made the following report:

MR. PRESIDENT:

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 be amended as follows:

In Section 3, line 1, strike out the letter "a" and insert the word "the" in lieu thereof; make "account" to read "accounts;" same section, line 4, change the word "amount" to the word "amounts."

And when so amended recommend that said bill do pass.

Also,

Senate Bill No. 124,

A bill for an act establishing a State Library,

Have had the same under consideration and recommend that said bill do not pass,

As Senate Bill No. 216 on same subject has been recommended favorably.

Also,

House Bill No. 108,

A bill for an act regulating the State Library,

Have had the same under consideration and recommend that said bill do not pass, as Senate Bill No. 216 was introduced as a substitute, embodying the amendments to House Bill No. 108.

EDW. L. YAGER,
Chairman.

REPORTS OF SELECT COMMITTEES.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your committee appointed to revise and correct the Journal of March 3d respectfully report the same correct.

ANDREW SLOTTEN,
Chairman.

Which report was adopted.

The Joint Committee on Conference on Senate Bill No. 133 made the following report:

MR. PRESIDENT:

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, on 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. Smith moved

That the report of the Conference Committee on Senate Bill No. 133 be adopted,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Belyea moved

That Senate Bill No. 160 be recalled from the Committee on Coal Mines, and that the further consideration thereof be indefinitely postponed.

Mr. Stevens moved

To amend by adding Senate Bill No. 134,
Which amendment was adopted, and
The question being on the motion as amended,
The motion prevailed.

Mr. Harmon moved

That Senate Bill No. 139 be recalled from the Judiciary Committee and indefinitely postponed.
Which motion prevailed.

Mr. Fisher moved the adoption of the following resolution:

WHEREAS, It is possible that the accusations made in the preamble to the resolution adopted by the Senate yesterday censuring Senators Barlow and Dodds may not have been warranted by the language of the minority report on Senate bill No. 195; therefore, be it

Resolved, That a committee consisting of Senators LaMoure, Worst, Bell, Allen and Slotten be appointed for the purpose of comparing said preamble with said minority report, and report to this body whether in their opinion said report can bear the construction alleged.

Mr. LaMoure moved

That the name of "LaMoure" be stricken from the resolution.

Mr. McCormack moved

That the resolution be laid upon the table,
Which motion prevailed, and
The resolution was laid upon the table.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 5, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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

J. G. HAMILTON,
Chief Clerk.

Mr. Diesem moved

A suspension of the rules and that the vote by which Senate Bill No. 113 was lost be reconsidered,

Which motion was lost.

Mr. Swanston moved

The adoption of the following resolution:

Resolved, That the Secretary of the Senate be instructed to transmit to the House a certified copy of all amendments adopted by the Senate to House Bill No. 14.

Mr. Smith moved

That the vote by which Senate Bill No. 45 was lost be reconsidered.

Roll call demanded.

The roll being called there were ayes 13, nays 14.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Helgeson,
LaMoure,
Smith,

Messrs—

Slotten,
Svensrud,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Diesem,

Messrs—

Harmon,
Hartman,
Lawrence,
Little,
McCormack,

Messrs—

Randall,
Sandager,
Stevens,
Swanston.

Absent and not voting:

Messrs—

McBride,
Robinson,

Messrs—

Rowe,

Messrs—

Worst.

Messrs. McBride, Robinson and Rowe being excused.

So the motion was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little introduced—

Senate Bill No. 217,

A bill for an act adopting the General Laws of the Territory of Dakota, relating to private corporations, and continuing the same in force,

Which was read the first time.

Mr. Smith (by request) introduced—

Senate Bill No. 218,

A bill for an act to prohibit and punish any interference with the right of any buyer or seller of any article of merchandise, or manufacture, of buying from or selling to any other party whatsoever,

Which was read the first time.

Mr. Smith introduced—

Senate Bill No. 219,

A bill for an act to authorize counties to use the funds in the county treasury to purchase seed grain,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 220,

A bill for an act to abolish the office of city treasurer in cities not organized under the general law,

Which was read the first time.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Lawrence moved

That the Senate do now concur in the House amendments to Senate Bill No. 166,

Which motion prevailed.

Mr. Swanston moved

As the decision of the Senate that all amendments to House Bill No. 14 which were adopted by the Senate should be transmitted to the House,

Which motion prevailed.

Mr. Lawrence moved

That the Senate do now concur in the House amendments to Senate Bill No. 172,

Which motion prevailed.

Mr. Allin moved

That the Senate do now concur in the House amendments to Senate Bill No. 41.

Mr. LaMoure moved

To amend the motion by referring the House amendments to Senate Bill No. 41 to the Railroad Committee,

Which substitute motion prevailed.

Mr. Diesem asked consent to make a motion.

Consent was granted, and

Mr. Diesem moved

That the Senate do now concur in the House amendments to Senate Bill No. 118,

Which motion prevailed.

The hour having arrived for the consideration of the Governor's veto message on Senate Bill No. 31,

Mr. McCormack moved

That the veto message on Senate Bill No. 31 be made a special order for Monday at 3 o'clock p. m.,

Which motion prevailed.

SECOND READING OF SENATE BILLS.

Mr. Smith moved

That all Senate bills receive their second reading and reference,

Which motion prevailed, and

Senate Bill No. 217,

A bill for an act adopting the General Laws of the Territory of Dakota, relating to private corporations, and continuing the same in force,

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

Senate Bill No. 218,

A bill for an act to prohibit and punish any interference with the right of any buyer or seller of any article of merchandise, or manufacture, of buying from or selling to any other party whatsoever,

Was read the second time, and referred to the Committee on Corporations Other Than Municipal.

Senate Bill No. 219,

A bill for an act to authorize counties to use the funds in the county treasury to purchase seed grain,

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

Senate Bill No. 220,

A bill for an act to abolish the office of city treasurers in cities not organized under the general law,

Was read the second time, and referred to the Committee on Cities and Municipal Corporations.

THIRD READING OF SENATE BILLS.

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 third time.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 94 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,

Messrs—

Hegleson,
LaMoure,

Messrs—

Smith,
Slotten,

Messrs—

Barlow,
Cowan,
Dodds,
Haggart,
Harmon,

Messrs—

Lawrence,
McCormack,
Randall,
Sandager,

Messrs—

Stevens,
Svensrud,
Worst,
Yager.

Absent and not voting:

Messrs—

Belyea,
Bell,
Diesem,
Fisher,

Messrs—

Fuller,
Hartman,
Little,
McBride,

Messrs—

Robinson,
Rowe,
Swanston,
Winship.

Messrs. McBride, Robinson and Rowe being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Senate Bill No. 200,

A bill for an act providing for the disorganization of civil townships,

Was read the third time.

Mr. Harmon moved

That the report of the committee on Senate Bill No. 200 be adopted,

Which motion prevailed.

Mr. Stevens moved

To adopt the following amendment to be added after the word "time" in Section 1:

Provided, further, That any township having fifty or more electors shall not be entitled to disorganize under the provisions of this act.

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,

Messrs—

Fisher,
Fuller,
Haggart,
Harmon,
Lawrence,
Little,
McCormack,
Randall,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Hartman,
Helgeson,
LaMoure,

Messrs—

McBride,
Robinson,

Messrs—

Rowe,
Swanston.

Messrs. McBride, Robinson and Rowe being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The hour having arrived for the consideration of Senate Bill No. 185,

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,"

Mr. Belyea moved

To amend the bill by striking out the substitute to Section 5, and inserting the original Section 5 as printed in the bill,

Which motion was adopted.

Mr. Stevens moved

The adoption of the following amendment:

Amend Section 5, line 3, by striking out the words "one-half" and inserting in lieu thereof the words "two-thirds."

Which amendment was adopted.

Mr. Diesem moved

To amend Section 5 as follows:

Strike out the word "main" in line 7, and insert after the word "track" the words "of the main line and its branches."

Which amendment was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 5, 1890. }

MR. PRESIDENT:

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,

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

Also, to inform the Senate that the House has adopted the report of the Conference Committee on Senate Bill No. 133 and has passed the bill as amended.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the vote by which the amendment to Section 5 changing one-half to two-thirds was adopted be reconsidered,

Which motion prevailed, and

The motion was reconsidered, and the question recurring on the adoption of the amendment it was lost.

Mr. Haggart moved

That further consideration of the bill be postponed until tomorrow at 4 o'clock p. m.,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 16, nays 12.

Those who voted in the affirmative were:

Messrs—

Belyea,
Diesem,
Haggart,
Harmon,
Helgeson,
LaMoure,

Messrs—

Lawrence,
Little,
McCormack,
Randall,
Sandager,

Messrs—

Smith,
Stevens,
Svensrud,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,

Messrs—

Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Hartman,
Slotten,
Winship,
Yager.

Absent and not voting:

Messrs—

McBride,

Messrs—

Robinson.

Messrs—

Rowe.

Messrs. McBride, Robinson and Rowe being excused.

So the bill passed, with the emergency clause lost, and

The question being as to its title,

Its title was agreed to.

Mr. LaMoure moved

That all persons be denied the right to examine papers on the Secretary's desk except those who have been sworn in as clerks, and whose names appear on the pay roll,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and House Bill No. 261 be given its third reading, and final passage,

Which motion was lost, and

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.

Mr. McCormack moved

To amend the bill by striking out Section 3,

Which motion prevailed.

Mr. Winship moved

To amend Section 2, line 8, by striking out all after the word "type,"

Which amendment was adopted.

Mr. Smith moved

To amend Section 1, line 5, by striking out the words "German and Norwegian,"

Which amendment was lost.

Mr. Worst moved

To amend Section 2, line 1, by striking out the word "each" and inserting the word "any" in lieu thereof,

Which amendment was adopted.

Mr. Barlow moved

To amend Section 1 by adding as follows:

Provided, This newspaper shall have been published for six months.

Mr. Dodds moved

To amend the amendment by inserting the words "one year,"

Which amendment to the amendment was adopted, and

The question recurring on the amendment as amended,

The amendment was adopted.

Mr. Barlow moved

To amend as follows:

Strike out the words "twenty-five cents per square of nonpariel type or its equivalent in any other type," and insert in lieu thereof the words "thirty dollars for such publication."

Mr. Winship moved

That Senate Bill No. 146 be recommitted to the Committee on Printing.

Mr. Appleton moved

As a substitute that the further consideration of this bill be indefinitely postponed.

The substitute motion was withdrawn by consent, and

The motion to recommit prevailed.

Mr. Slotten moved

That the rules be suspended, and that the Senate take up the reading of House bills.

The motion was withdrawn by consent.

Senate Bill No. 214,

A Joint Resolution for the purpose of appointing a committee of five to devise means for procuring seed grain and feed for destitute farmers,

Was read the third time.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 214 be adopted,

Which motion prevailed.

Mr. Belyea moved

The adoption of the following amendments:

Strike out Section 1 and insert the following in lieu thereof:

Be it Resolved by the Senate, the House of Representatives Concurring: That the Governor, Lieutenant Governor, Attorney, General Super-

intendent of Public Instruction, and Chairman of the Board of Commissioners or Railroads are hereby appointed a committee to devise means for procuring seed grain and feed for destitute farmers of the State of North Dakota.

Mr. McCormack moved

As a substitute to the amendment the following:

Strike out all of line 2, and the words "citizens of North Dakota," in line 3, and insert in lieu thereof: "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.

Roll call was demanded on the substitute,

The roll being called there were ayes 17, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Randall,
Barlow,	Harmon,	Sandager,
Belyea,	Hartman,	Stevens,
Bell,	LaMoure,	Swanston,
Cowan,	Lawrence,	Worst.
Fuller,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Svensrud,
Dodds,	Smith,	Winship,
Fisher,	Slotten,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	McBride,	Rowe.
Little,	Robinson,	

Messrs. McBride, Robinson and Rowe being excused.

So the substitute was adopted.

Mr. McCormack moved

To amend by striking out all after line 14 relating to paying the committees' expenses,

Which amendment was adopted.

Mr. Swanston moved

To amend by striking out the words "Joint Resolution" and inserting the words "Concurrent Resolution" in lieu thereof,

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 19, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Randall,
Belyea,	Hartman,	Sandager.
Bell,	LaMoure,	Smith,
Cowan,	Lawrence,	Stevens,
Diesem,	Little,	Swanston,
Fuller,	McCormack,	Worst.
Haggart		

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Dodds,

Messrs—

Fisher,
Slotten,
Svensrud,

Messrs—

Winship,
Yager.

Absent and not voting:

Messrs—

Helgeson,
McBride,

Messrs—

Robinson,

Messrs—

Rowe.

Messrs. McBride, Robinson and Rowe being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Slotten moved

That the rules be suspended, and that all House bills receive
their first and second readings and reference,
Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

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,

Was read the first and second times, and referred to the Com-
mittee on Public Buildings.

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 and second times, and referred to the Com-
mittee on Public Buildings.

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. 227,

A bill for an act establishing a legal holiday,

Was read the first and second times, and referred to the Com-
mittee on Education.

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 in-
clusive, 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 first and second times, and referred to the Com-
mittee on Judiciary.

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 first and second times, and referred to the Committee on Railroads.

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,

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 247,

A bill for an act to amend Section 1748 of the Civil Code, relating to chattel mortgages,

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

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 first and second times, and referred to the Committee on Public Printing.

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. 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,

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

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 and second times, and referred to the Committee on Judiciary.

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 referred to the Committee on Ways and Means.

Substitute for House Bill No. 24,

A bill for 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 first and second times, and referred to the Committee on State Affairs.

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.

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 first and second times, and referred to the Committee on Public Health.

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 first and second times, and referred to the Committee on Insurance.

Mr. Little moved

That the Senate do now adjourn.

Mr. McCormack moved

To amend by adjourning until 9:30 o'clock a. m.,

Which amendment was lost, and

The question being on the motion to adjourn,

The motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND EIGHTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 6, 1890.

The Senate met at 2 o'clock p. m., pursuant to adjournment.
The Lieutenant Governor presiding.
Prayer by the Chaplain.
Roll called.

All members present except Mr. Robinson, who was excused.

Mr. Worst moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Cowan and Diesem.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Buildings made the following report:

MR. PRESIDENT:

Your Committee on Public Buildings to whom was referred

House Bill No. 305,

A bill for an act for the establishment, government and maintenance of a Soldiers' Home,

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

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,

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

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,

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

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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1, line 2, by inserting the word "State" after the words "using coal."

And when so amended recommend that said bill do pass.

JOHN E. HAGGART,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

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,

Have had the same under consideration and recommend that said bill be amended as follows:

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 when so amended recommend that said bill do pass.

F. G. BARLOW,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

Senate Bill No. 211,

A bill for an act repealing Section 556 of the Civil Code, being Section No. 3156 of the Compiled Laws of 1887,

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

C. B. LITTLE,
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred

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,

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

JUDSON LAMOURE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
House Bill No. 155,

A bill for an act to amend Section 2 of Chapter 88 of Session Laws of 1889,

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

C. B. LITTLE,
Chairman.

The Committee on State Affairs made the following report

MR. PRESIDENT:

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 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 when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

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 find that the House amendments thereto where inserted will make complete sense, and that the same are correctly printed in the Senate Journal of March 4th, pages 2 and 3.

ROGER ALLIN,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 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. 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. 200,

A bill for an act providing for the disorganization of civil townships,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred

Senate Bill No. 146,

A bill for an act for the publication of the Session Laws of the State of North Dakota,

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. It shall be the duty of the Commissioners of Printing immediately after the adjournment *sine die* of the Legislative Assembly to advertise for two weeks in at least one each of the daily papers of Fargo, Grand Forks, Jamestown and Bismarck for proposals to print 75,000 copies of the Session Laws in newspaper supplement form.

SEC. 2. The maximum rate for composition shall be 60 cents per 1,000 ems; the maximum rate for press work shall be 50 cents per token, and maximum rate for paper shall be 7 cents per pound. Bidders shall be required to state the per centage below the maximum rates herein fixed at which they will do the printing authorized by this act.

SEC. 3. Each proposal shall be in writing, sealed and addressed to the Secretary of State, and shall be accompanied by a bond with two sureties satisfactory to the Commissioners of Printing, in the penal sum of \$1,000, conditioned for the faithful performance of said printing within thirty days from the date the commissioners of printing shall award the contract and furnish the copy of the laws. No bid unaccompanied by such bond shall be considered by said Commissioners of Printing, and no bid shall be considered except from regularly established printing houses of the State, as is provided in the general printing law. The Commissioners of Printing shall let the printing required in this act to the lowest responsible bidder, and shall have the right to reject any or all bids if in their judgment the best interests of the State would be subserved thereby.

SEC. 4. Each newspaper published in the State shall make a requisition

on the Secretary of State for the number of supplements he requires for circulation with his paper, and the Secretary of the State shall arrange for the packing and shipping of the supplements so required by the various newspaper publishers of the State for the circulation of such supplements, each newspaper having been regularly published for a period of six months prior to the meeting of each biennial session of the Legislative Assembly shall, upon filing with the State Auditor a proper affidavit setting forth that the supplements were circulated in a regular edition of said paper, be entitled to the sum of \$15.

Sec. 5. It is hereby made the duty of the State Auditor, when satisfied that the accounts presented to him for printing and circulating said supplements as herein provided, are just and correct, to draw his warrant or warrants on the State Treasurer for such sum or sums as may be found due; and there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, such sum as may be necessary to meet the requirements of this act.

Sec. 6. There being an emergency in that there is no law requiring the publication of the Session Laws as herein provided, 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.

N. C. LAWRENCE,
Chairman

The Special Committee on Journal Correction reported as follows:

MR. PRESIDENT:

Your Committee appointed to revise and correct the Journal of March 5th, respectfully report the following errors: In line 14, page 1, insert "re" before the word "turn." Also, line 6, page 6, insert the name H. J. Rowe before that of Roger Allin. And also, on page 13, last line, strike out the comma after "Attorney" and insert it after the word "General."

R. D. COWAN,
Chairman.

Which report was adopted.

Mr. President announced his signature to
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. 290,

A bill for an act making an appropriation for the payment of the stationery and supplies 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 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.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the vote by which Senate Bill No. 185 was passed be reconsidered for the purpose of striking out the emergency clause,

Which motion prevailed, and

The question recurring on the final passage 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,"

Mr. Little moved

To amend by striking out the emergency clause,

Which motion prevailed.

Mr. McCormack moved

That the vote just taken by which the emergency clause was stricken out be reconsidered,

Which motion prevailed, and

The question recurring on the motion to strike out the emergency clause,

The motion was withdrawn, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 9.

Those who voted in the affirmative were:

Messrs—

Belyea,
Diesen,
Dodds,
Haggart
Harmon,
Helgeson,

Messrs—

LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Sandager,

Messrs—

Smith,
Stevens,
Svensrud,
Swanston,
Worst.
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Barlow,

Messrs—

Bell,
Cowan,
Fisher,

Messrs—

Fuller,
Hartman,
McBride.

Absent and not voting:

Messrs—

Robinson,
Rowe,

Messrs—

Slotten,

Messrs—

Winship.

Mr. Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1890. . }

MR. PRESIDENT:

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 House has passed with the following amendments:

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.*"

Also, amend the title to read "A Bill for an act providing for the attaching of certain townships to Ramsey county."

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.

Which the House has passed with the following amendment:

Insert after the word "clerk" in line 5, original bill, the words "of any county."

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,

Which the House has amended by adding as Section 6 an emergency clause, and your concurrence therein is respectfully requested.

Also,
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.

Also,
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 House 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 Session Laws of 1881, relating to sheep husbandry.

Also,

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

All of which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Haggart moved

That the report of the committee on Senate bill No. 41 be adopted,

Which motion prevailed.

Mr. Little moved

That the Senate do not concur in the House amendments to Senate Bill No 41, and that a conference committee be appointed.

Mr. Allin moved

As a substitute that the Senate do concur in the House amendments to Senate Bill No. 41,

Which motion was lost, and

The question recurring on the motion of Mr. Little,

The motion was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Winship introduced—

Senate Bill No. 221,

A bill for an act to transfer the unexpended balances of the bond funds of the State institutions to the general fund,

Which was read the first time.

Mr. Little introduced—

Senate Bill No. 222,

A bill for an act to prevent unlawful waste on mortgaged premises,

Which was read the first time.

Mr. Stevens introduced—

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 was read the first time.

Mr. Little moved

That the bills just read the first time, be read the second time and referred,

Which motion prevailed, and

Senate Bill No. 221,

A bill for an act to transfer the unexpended balances of the bond funds of the State institutions to the general fund,

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

Senate Bill No. 222,

A bill for an act to prevent unlawful waste on mortgaged premises,

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

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 second time, and referred to the Committee on Appropriations.

THIRD READING OF SENATE BILLS.

Senate Bill No. 202,

A bill for an act forbidding the mortgaging of crops before the seed thereof shall have been sown or planted,

Was read the third time.

Mr. Little moved

That the report of the Committee on Senate Bill No. 202 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 14, nays 7.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Dodds,
Fisher,
Harmon,

Messrs—

Little,
Randall,
Rowe,
Smith,
Slotten,

Messrs—

Stevens,
Svensrud,
Winship,
Worst.

Those who voted in the negative were:

Messrs—

Barlow,
Hartman,
LaMoure,

Messrs—

McBride,
McCormack,

Messrs—

Sandager,
Yager.

Absent and not voting:

Messrs—

Allin,
Bell,
Cowan,
Diesem,

Messrs—

Fuller,
Haggart,
Helgeson,

Messrs—

Lawrence,
Robinson,
Swanston.

Mr. Robinson being excused.

So the bill was lost, not having received a constitutional majority.

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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 6, 1890. }

MR. PRESIDENT:

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 House has passed with the following amendment:

Amend by inserting after the word "four" in line 6 of Section 1 of printed
bill, the words "and one-half."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Barlow moved

That the report of committee on Senate Bill No. 190 be adopted,
Which motion prevailed.

Mr. President 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. 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.

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.

The question recurring on the final passage of Senate Bill No.
190,

Mr. Sandager moved

To amend Section 5 by striking out all after the word "act" in
line 3,

Which amendment was adopted.

Mr. Swanston moved

To amend Section 1, lines 5 and 6 by striking out the words

“and all other similar benevolent or charitable fraternities or associations.”

Mr. Little moved

As a substitute to amend line 6 by striking the words “benevolent or charitable fraternities or,”

Which substitute motion was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 6.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Diesem,
Dodds,

Messrs—

Fisher,
Haggart,
Helgeson,
LaMoure,
Little,
McCormack,
Randall,

Messrs—

Rowe.
Sandager,
Smith,
Slotten,
Svensrud,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Cowan,
Harmon,

Messrs—

Lawrence,
McBride,

Messrs—

Stevens,
Swanston.

Absent and not voting:

Messrs—

Fuller,
Hartman,

Messrs—

Robinson,

Messrs—

Winship.

Mr. Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Haggert moved

That the Senate take a recess for 30 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

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.

Mr. Worst moved

That the report of the committee on Senate Bill No. 213, be adopted,

Which motion prevailed.

Mr. Diesem moved

To amend Section 1, line 4, by inserting:

Provided, That a majority of the voters of any county (as designated by the last preceding election) petition said county board for said election.

Which amendment was lost.

Mr. Little moved

To amend the title as follows:

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 21, nays 8.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,

Messrs—

Haggart,
Harmon,
Hartman,
Lawrence,
Little,
McCormack,
Sandager,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Bell,
Diesem,
Helgeson,

Messrs—

LaMoure,
McBride,
Randall,

Messrs—

Rowe,
Smith.

Messrs. Fuller and Robinson being absent and not voting.

Mr. Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 192,

A bill for an act defining the class of newspapers in which legal notices shall be published,

Was read the third time.

Mr. Worst moved

That the report of the committee on Senate Bill No. 192 be adopted,

Which motion prevailed.

Mr. McCormack moved

To amend Section 1, line 7, by striking out all after the word "affidavit,"

Which amendment was withdrawn by consent.

Mr. Winship moved

To amend Section 1, line 8, by striking out all after the word "subscribers,"

Which amendment was adopted.

Mr. Stevens moved

To amend Section 1, line 6, by striking out the words "stating such intervals either daily or,"

Which amendment was lost.

Mr. Bell moved

To amend Section 1, line 6, by striking out the word "six" and substituting the word "three,"

Which amendment was lost, and
The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Allin,	Haggart,	Rowe,
Appleton,	Harmon,	Sandager,
Barlow,	Hartman,	Smith,
Belyea,	Helgeson,	Slotten,
Bell,	LaMoure,	Stevens,
Cowan,	Lawrence,	Svensrud,
Diesem,	Little,	Swanston,
Dodds,	McBride,	Winship,
Fisher,	McCormack,	Worst,
Fuller,	Randall,	Yager.

Mr. Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 third time.

Mr. Swanston moved

That the reading of the report of the committees on Senate Bill No. 195 be dispensed with,

Which motion prevailed.

Mr. Little moved

To amend Section 1, line 1, by striking out the words "person, partnership, association, or,"

Which amendment was adopted.

Mr. Worst moved

To amend Section 2, line 1, by striking out all the words after the word "any" up to the word "corporations," and in line 5 by striking out all after the word "such,"

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 21, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	McCormack,
Belyea,	Hartman,	Randall,
Bell,	Helgeson,	Sandager,
Cowan,	LaMoure,	Stevens,
Diesem,	Lawrence,	Swanston,
Fuller,	Little,	Worst,
Haggart,	McBride,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Slotten,
Barlow,	Rowe,	Winship.
Dodds,	Smith,	

Messrs. Robinson and Svensrud being absent and not voting.

Mr. Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Appleton moved

That the report of the committee on Senate Bill No. 215 be adopted.

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	McCormack,
Barlow,	Haggart,	Sandager,
Belyea,	Harmon,	Smith,
Bell,	LaMoure,	Slotten,
Cowan,	Lawrence,	Worst,
Dodds,	Little,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	McBride,	Svensrud,
Diesem,	Randall,	Swanston
Fisher,	Rowe,	Winship.
Helgeson,	Stevens,	

Mr. Hartman being absent and not voting.

Mr. Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 204,

A bill for an act to amend Section 4. Chapter 60, Laws of 1881, Was read the third time.

Mr. Dodds moved

That the report of the Committee on Senate Bill No. 204 be adopted,

Which motion prevailed.

Mr. Swanston moved

To amend Section 1, line 2, by striking out the word "ten" and inserting the word "twelve" in lieu thereof.

Mr. Stevens moved
 To lay the amendment upon the table.
 Which motion was lost, and
 The question recurring on the amendment,
 The amendment was lost.

Mr. Haggart moved
 To amend Section 1, line 4, by striking out the word "that" and
 inserting the word "who" in lieu thereof,
 Which amendment was lost, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 23, nays 6.
 Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Slotten,
Barlow,	Helgeson,	Stevens,
Belyea,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Haggart,	Sandager,	Yager.
Harmon,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	Lawrence,
Bell,	LaMoure,	Rowe.

Mr. Robinson being excused.
 Mr. Fuller being absent.
 So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of
 Long's Legislative Hand Book for the year 1889,
 Was read the third time.

Mr. Sandager moved
 That the report of the committee on Senate Bill No. 74 be
 adopted.

Mr. Barlow moved
 That the report be made to read "\$750,"
 Which amendment was adopted, and
 The report of the committee as amended was adopted.

Mr. Winship moved
 To amend Section 1, line 1, by inserting after the word "Long"
 the words "compiler, and the Bismarck Tribune Company printed
 and,"

Which amendment was adopted.

Mr. Winship moved
 To amend Section 1, line 11, by inserting after the word "Long"
 the words "and the Bismarck Tribune Company,"

Which amendment was adopted.

Mr. Rowe moved

To amend Section 1, line 11 by striking out the word "his" and inserting the word "their" in lieu thereof,

Which amendment was adopted.

Mr. Winship moved

To amend Section 1, line 2, by inserting after the word "Long" the words "and the Bismarck Tribune Company,"

Which amendment was adopted.

Mr. Diesem moved

To amend lines 5 and 6 by striking out the words "to said T. K. Long,"

Which amendment was adopted.

Mr. Winship moved

To amend the title by striking out the words "T. K. Long for the publication of" and inserting the words "compiler and printer of" in lieu thereof,

Which amendment was adopted.

Mr. Diesem moved

To amend line 1 by inserting after the word "funds" the words "in the Treasury of North Dakota not otherwise appropriated."

Mr. Swanston moved

As a substitute that the bill be recommitted,

Which motion was lost.

Mr. McCormack moved

That the Senate do now adjourn,

Which motion was lost.

Mr. President appointed as a conference committee on Senate Bill No. 41 Messrs, Little, Allin and McCormack.

Mr. Swanston moved

That the Senate do now adjourn,

Which motion was lost.

Mr. McCormack moved

That the bill be recommitted,

Which motion was lost.

Mr. LaMoure moved

That the bill be referred to the Engrossing Committee to engross and report the same with the amendments adopted, and that it be taken up as unfinished business tomorrow,

Mr. Smith moved

To amend by referring it to a special committee of three to be appointed by the Chair,

Which amendment was lost,

Mr. Belyea moved

That the Senate adjourn to meet at 9:30 o'clock a. m. to-morrow,

Which motion was lost.

Mr. LaMoure withdrew his motion by consent.

Mr. Dodds moved

To amend line 1, Section 1, by striking out the word "the" before the word "fund" and inserting the word "any" in lieu thereof, Which amendment was adopted.

Mr. LaMoure moved

That the bill be referred to the Engrossing Committee, The motion was lost.

Mr. LaMoure moved

That when the Senate adjourn it be to meet at 10 o'clock a. m., to morrow.

Roll call demanded.

The roll being called there were ayes 20, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Stevens,
Appleton,	Little,	Svensrud,
Belyea,	McBride,	Swanston,
Diesem,	Randall,	Winship,
Dodds,	Sandager,	Worst,
Fisher,	Smith,	Yager.
Hartman,	Slotten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Haggart,	Lawrence,
Bell,	Harmon,	Rowe.
Cowan,	Helgeson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Robinson.

Mr. Swanston moved a call of the Senate.

Mr. Belyea raised the point of order that a call of the Senate was not in order pending a roll call.

Mr. President decided the point of order well taken.

Mr. Stevens moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Swanston moved

That the vote taken on the motion to meet at 10 o'clock a. m. be reconsidered,

Mr. Little moved

That the Senate do now adjourn,

Which motion was lost, and

The question recurring on the motion to reconsider the vote taken on the motion to meet at 10 a. m. o'clock tomorrow.

The motion to reconsider prevailed, and

The question before the house being the motion to adjourn to a time fixed,

Mr. McCormack moved

That the Senate adjourn to meet at 2 o'clock p. m.

Mr. Diesem moved

As an amendment, that when the Senate adjourn it be to meet at 1:55 p. m. tomorrow.

Which motion prevailed, and

The question being on the motion as amended,

The motion prevailed.

Mr. Hartman moved

That the Senate do now adjourn,

Which motion was lost.

Mr. Diesem moved a call of the Senate,

Which motion prevailed.

The following members were reported absent without excuse: Messrs. Little, Bell and Swanston.

Mr. Dodds moved

That further proceedings under call of the House be dispensed with,

Which motion was lost.

The Sergeant-at-Arms presented Messrs. Bell, Little and Swanston at the bar of the Senate.

Mr. Svensrud moved

That further proceedings under the call be dispensed with,

Which motion prevailed.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 7, 1890.

The Senate met at 1:55 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Diesem, Svensrud and Sandager, who were excused.

Mr. Cowan moved

That the reading of the Journal be dispensed with and that a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed Messrs. Winship and Hartman as such committee.

UNFINISHED BUSINESS.

The consideration of
Senate Bill No. 74,

A bill for an act to reimburse T. K. Long for the publication of Long's Legislative Hand Book for the year 1889,

Was continued and placed upon its final passage.

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
McCormack,
Robinson,
Rowe,

Messrs—

Smith.
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting.

Messrs—

Diesem,
Fisher,
Fuller,

Messrs—

Lawrence,
Little,
McBride,

Messrs—

Randall,
Sandager,
Svensrud.

Messrs. Diesem, Sandlager and Svensrud being excused.
 So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
 House Bill No. 227,

A bill for an act establishing a legal holiday,

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

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 appropriations there-
 for,

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

J. H. WORST,
 Chairman.

The Committee on Engrossed and Enrolled Bills made the fol-
 lowing report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respect-
 fully report that

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.

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.

Also,

Senate Bill No. 172,

A bill for an act to provide for the taxation of real and per-
 sonal property situate in unorganized counties.

Were delivered to his Excellency, the Governor, for his ap-
 proval at the hour of 3:45 o'clock p. m., March 6, 1890.

J. O. SMITH,
 Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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.

Also,

Senate Bill No. 142,

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

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, And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Committees on Journal Correction made the following reports:

MR. PRESIDENT:

Your committee appointed to revise and correct the Journal of March 6th respectfully report the following errors:

In line 11, page 8, strike out the name "Mr. Haggart" and insert the name "Mr. Hartman."

On page 13, after line 34, insert the following:

Mr. Swanston moved

To amend by striking out Section 2,

Which amendment was lost.

Mr. Sandager moved

That Senate Bill No. 195 be recommitted to the Committee on Judiciary.

Which motion was lost.

GEO. B. WINSHIP,
Chairman

Which report was adopted.

MR. PRESIDENT:

Your Committee on Journal Correction for the one hundred and sixth day report that we have examined the same and corrected the typographical and other errors.

JOHN E. HAGGART,
Chairman.

Which report was adopted.

The President *pro tem.* in the Chair.

MOTIONS AND RESOLUTIONS.

Mr. McCormack moved

The adoption of the following resolution:

Resolved, That the Secretary of State be, and is hereby requested to furnish the Seed Wheat Committee with a certified copy of Concurrent Resolution authorizing their appointment; also, certified copies of all laws passed by this Legislature pertaining to seed wheat.

Which resolution was adopted.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Swanston moved

That the Senate concur in the House amendments to Senate Bill No. 39,

Which motion prevailed, and

The Senate concurred in the House amendments to Senate Bill No. 39.

Mr. Smith moved

That the Senate concur in the House amendments to Senate Bill No. 62,

Which motion prevailed, and

The Senate concurred in the House amendments to Senate Bill No. 62.

Mr. McCormack moved

That the Senate concur in the House amendments to Senate Bill No. 57,

Which motion prevailed, and

The Senate concurred in the House amendments to Senate Bill No. 57.

Mr. Dodds moved

That the roll be called on the final passage of Senate Bill No. 57 as amended by the House,

Which motion prevailed, and

The roll being called there were ayes 20, nays 5.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Bellevue,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Haggart
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Randall,
Stevens,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Robinson,

Messrs—

Rowe,
Smith,

Messrs—

Slotten.

Absent and not voting:

Messrs—

Diesem,
Fuller,

Messrs—

Hartman,
Sandager,

Messrs—

Svensrud,
Winship.

Messrs. Diesem, Sandager and Svensrud being excused.
 So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 7, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
 Senate Bill No. 140,

A bill for an act to provide for the establishment, erection and
 operation of the North Dakota Agricultural College and Agricul-
 tural Experiment Station at Fargo,

Which the House has passed with the following amendments:

HOUSE AMENDMENTS TO SENATE BILL NO. 140.

Amend Section 3 by striking out all of the section from the commence-
 ment thereof, down to and including the words "Legislative Assembly" where
 they first occur in said section, and by substituting in lieu thereof the follow-
 ing:

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 Mon-
 day in February during each session there shall be nominated by the Gov-
 ernor 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: "*Pro-
 vided, further.* That in all cases where the Governor has made an appoint-
 ment 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 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 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 Con-
 gress."

Amend Section 8 by inserting after the word "mathematics" in line 5 of
 said section the words "military tactics."

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 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."

Amend Section 15 by inserting the word "be" after the word "and," and before the word "known" in line 3 of the written bill.

Amend by adding 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.

Amend by numbering Section 18 of original bill Section 20.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Barlow moved

That the Senate concur in the House amendments to Senate Bill No. 116,

Which motion prevailed, and

The Senate concurred in the House amendments to Senate Bill No. 116.

Mr. Haggart moved

That the Senate do now concur in the House amendments to Senate Bill No. 140 and that the roll be called on the adoption of the amendment,

Which motion prevailed, and

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Helgeson,
LaMoure,
Little,
McBride,
McCormack,

Messrs—

Randall,
Robinson,
Smith,
Slotten,
Stevens,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Harmon,
Hartman,

Messrs—

Lawrence,
Rowe,
Sandager.

Messrs—

Svensrud,
Swanston,
Winship.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 7, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the Senate Concurrent Resolution providing for the appointment of a committee to procure seed grain and feed for destitute farmers

Also,

To transmit herewith
 Senate Bill No. 143,

A bill for an act to provide for a uniform system of free public schools throughout the State,

Which the House has passed with the following amendment:

Amend the title by adding the following: "And to prescribe penalties for the violation of the provisions thereof."

Amend Article 1, Section 1, by inserting after the word "elector" in line 5 of the printed bill the following 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."

Further amend said section by striking out all after the word "take" in line 8 and beginning with the word "and" down to and including the word "shall" in line 11, and insert in lieu thereof the following words: "The oath of civil officers and."

In Section 8 of Article 1 strike out all of said section after the word "issue" in line 6.

Amend Section 15 of said Article 1 by striking out the word "district" in line 6, and inserting the word "board" in lieu thereof.

Amend Section 5 of Article 2 by striking out the words "twice if such school is kept open four months or over," and inserting in lieu thereof the following: "Often if he shall deem it necessary to increase its usefulness."

Strike out all of Section 11, Article 2, and insert the following as Section 11:

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.

Amend Section 16, Article 2, by adding at the end thereof the following:

Provided, That not more than \$125 a year shall be paid by any county for office rent, books, stationery, postage and furniture; *Provided, further*, That where an office room is furnished by the county, it shall not be allowed to exceed more than \$50 a year for stationery and postage.

Amend Section 17, Article 2, by striking out the word and figures "fifteen (15)" and inserting in lieu thereof the word and figures "twelve (12)." In line 5 of same section strike out the word and figures "ten (10)" and insert in lieu thereof the word and figure "five (5)." In line 6 of same section strike out the figures "\$1,600" and insert in lieu thereof "\$1,200."

Amend Article 3, Section 2, by inserting after the word "district" in line 3 the word "school."

Add at the end of Section 2 the following words: "*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."

Amend Section 3 of Article 3 by adding after the word "number" in line 16 the word "of," and further amend said section by striking out all of the section after the word "lines" in line 22.

Amend Section 6 of Article 3, line 2, by striking out the period (.) and inserting a comma (,) after the word "act" and change the word "if" by spelling said word with a small letter "i" instead of a capital.

Amend Section 3, Article 4 by inserting the word "the" after the word "to" in line 6.

Amend Section 11 of Article 4 by inserting the word "they" at the end of line 1.

Amend Article 5, Section 3 by inserting at the end thereof the following words: "Each member of the school board shall be paid the sum of \$8 less \$2 for each regular meeting which he fails to attend."

Amend Section 5 of Article 5 by striking out all of said section after the word "board" in line 4, and inserting the following in lieu thereof: "He shall receive such compensation as shall be fixed by the board, not less than \$5 nor more than \$25 per annum."

Amend Section 12 of Article 5 by striking out the words and figures "forty (40)" and inserting in lieu thereof the words and figures "twenty-five (25)."

Amend Section 9 of Article 6, by striking out the words "fifteenth day of August" and inserting in lieu thereof the words "twentieth day of July."

Amend Section 10 of Article 6, by striking out all of the proviso at the end of the section and inserting the following words in lieu thereof: "Nor shall any furniture which is fastened to the floor be removed, 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 five dollars nor more than ten dollars for each offense. All fines imposed and collected under the provisions of this act shall be paid into the general school fund of the State."

Amend Section 13, Article 6, line 2, by striking out the word "twelve" and inserting in lieu thereof the word "nine." Further amend said section by inserting after the word "children" in line 8, the following: "Of 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."

Amend Section 14, Article 6, by striking out after the word "four" in line 11 beginning with the word "and" down to and including the word "case" at the end of line 13, and inserting in lieu thereof the following words: "And all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance."

Amend Article 7, Section 2, by striking out the words "State Treasurer, and," in line 7 and by striking out all of line 8, and inserting in lieu thereof the following words: "With the quarterly reports on the first of December, March, June and September."

Amend Section 3, Article 7, by striking out the word "May" in line 2 and inserting in lieu thereof the word "June," and striking out the word "November" in the same line and inserting the word "December."

Amend Section 7 of Article 7 by inserting after the words "county treasurer" in line 8 the words "and auditor." Further amend said Section by inserting after the word "treasurers" in line 10 the words "upon the order of the county auditor," and after the word "apportioned" in the same line insert the word "to."

Amend Section 10 of Article 7 by inserting after the word "apply" in line 1 the words "to the county auditor" and after the word "for" in the same line the words "an order" and insert after the word "him" in line 2 the words "on such order." Insert after the words "county superintendent" where they first occur in line 4 of Section 10 the following words: "And the county auditor shall issue such order." Further amend Section 10 by striking out the word "treasurer" in line 10 and inserting in lieu thereof the word "auditor." Further amend Section 10 by striking out the following words in lines 12 and 13 "excepting monies apportioned by the county superintendent" and by inserting after the word "clerk" in line 13 the words "of the school board."

Amend Section 12 of Article 7 by inserting at the beginning of line 4 the words "to him."

Amend Article 8, Section 1, by striking out the words "fifteenth day of August" and inserting in lieu thereof the words "twentieth day of July." Further amend Article 8, Section 1, as follows:

Add at end of Section 1, Article 8, 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.

Amend Article 11, Section 3, by inserting after the word "State" in line 11 the word "*provided*," and by inserting after the word "*provided*" in line 14 the word "*further*."

Amend Article 11, Section 6, Subdivision (b), by striking out the word "shall" in line 6 thereof.

Amend Article 12, Section 3, by inserting after the word "containing" in line 2 the following words, "the number of visits by the county superintendent and."

Amend Article 12, Section 6, by striking out the words "one-half" in line 10.

Amend Article 12, Section 9, by inserting after the word "its" in line 4 the words "nor be present in the school room during the reading thereof," and further amend said section by inserting after the word "labor" in line 8 the following words, "obedience to parents and due deference for old age."

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; *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.

Article 14 to be numbered 15.

Strike out all of Article 15.

Amend Article 16, Section 2, by striking out all of Section 2, beginning with the word "punished" in line 4 to the end of the section, and inserting in lieu thereof the following words: "deemed guilty of felony."

Amend Article 16, Section 3, by striking out the words "or sale" at the end of line 1 and the beginning of line 2, and by striking out the word "not" in line 4 and inserting the word "but."

Amend Article 17, Section 1, by inserting the word "present" after the word "district" where it first occurs in line 4.

Amend Article 17, Section 6, by striking out the words "ninety-five cents on the dollar of their face value and inserting in lieu thereof the word "par."

Amend Article 18, Section 1, by inserting after the word "cities" in line 1 the words "and incorporated."

Amend Article 18, Section 13, by inserting at the end of the third sub-

division the following words: "together with such additional causes as said board of education may thereafter deem advisable to establish."

Amend Article 18, Section 13, further by striking out the following words in Subdivision 8: "at its pleasure and in its opinion," and by inserting after the word "remove" in line 27, the words "for cause," and further amend said subdivision by adding at the end thereto the following words: "Any relative without the concurrence of the entire board."

Amend Article 18, Section 17, by striking out the words "fifteenth of day August" and inserting the words "twentieth day of July" in lieu thereof.

Amend Article 18, Section 19, by striking out all of said section after the word "thereof" in line 2.

Amend Article 18, Section 20, by striking out the word "monthly" in line 3, and inserting in lieu thereof the word "quarterly."

Amend Article 18, Section 22, by striking out the words "at once" in line 2, and inserting in lieu thereof the following words: "After the equalization herein provided for."

Amend Article 18, Section 23, by adding at the end thereof the words: "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."

Amend Article 18, Section 24, by striking out the words "by lot" in line 7 and inserting in lieu thereof the following: "In such manner as the board may decide." And further amend said section by inserting after the words "three years" in line 14 the following words: "Beginning with the second Tuesday of July following his election."

Amend Article 18, Section 33, by inserting at the end thereof the following words: "Except for a different amount and then only upon the written petition of a majority of the school voters of the special district."

Amend by numbering the sections of the bill continuously instead of numbering each article *seriatim*.

(These amendments are made according to the amended bill as printed by the House.)

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk,

Mr. Stevens moved

That the House amendments be printed in the Journal and referred to the Committee on Education,

Which motion prevailed.

Mr. Stevens moved

That the roll be called on the final passage of Senate Bill No. 140 as amended by the House,

Which motion prevailed, and

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Randall,
Robinson,
Smith,
Slotten,
Stevens,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Hartman,
Rowe,

Messrs—

Sandager,
Svensrud,

Messrs—

Swanston,
Winship.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack asked unanimous consent to make a motion.

Consent was granted, and

Mr. McCormack moved

That Senate Bill No. 135, relating to the establishment of an
independent school district, be recalled from the House,
Which motion prevailed.

Mr. Belyea asked consent to return to the seventh order of business.

Consent was granted, and the following reports were presented:

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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:

In line 14, Section 2, original bill, after the word "clerk" insert the words
"of the court"

And when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health to whom was referred
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,

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

E. H. BELYEA,
Chairman.

The Committee on Cities and Municipal Corporations made
the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 220,

A bill for for an act to abolish the office of city treasurer in all cities not organized under the General Laws and to provide for the county treasurer performing the duties of said office of city treasurer,

Have had the same under consideration and recommend that said bill be amended as follows:

Add to to Section 2 the following:

1. *Provided*, That no fees for the collection of city taxes shall be placed in the salary fund of the county, but the same shall belong to such city and be deposited in the city treasury to the credit of the city general fund.

Insert as Section 4 the following:

SEC. 4. Each city treasurer in cities affected by the provisions of this act shall, immediately upon the expiration of his present term of office, turn over and deliver to the proper county treasurer all books and records belonging to the office of such city treasurer.

Renumber Section 4 to read Section 5.

And when so amended recommend that said bill do pass.

ANDREW SANDAGER,
Chairman.

SECOND READING OF SENATE BILLS.

Senate Bill No. 208,

A bill for an act to establish reasonable maximum rates and charges for the transportation of freight and property on the different railroads of this State,

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

THIRD READING OF SENATE BILLS.

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.

Mr. McCormack moved

That the report of the Committee on Senate Bill No. 201 be adopted,

Which motion prevailed.

Mr. Barlow moved

To amend Section 1, by adding the words "providing said publication shall not exceed the sum of \$2.00 per volume."

The motion was withdrawn by consent, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,

Messrs—

Harmon,
LaMoure,

Messrs—

Rowe,
Smith,

Messrs—
 Belyea,
 Bell,
 Cowan,
 Dodds,
 Fisher,
 Haggart,

Messrs—
 Little,
 McBride,
 McCormack,
 Randall,
 Robinson,

Messrs—
 Slotten,
 Stevens,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Diesem,
 Fuller,
 Hartman,

Messrs—
 Helgeson,
 Lawrence,
 Sandager,

Messrs—
 Svensrud,
 Swanston.

Mr. Barlow voting in the negative.

Messrs. Diesem, Sandager and Swanston being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The hour having arrived for the consideration of the Governor's message on Senate Bill No. 82, the Governor's veto message on 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 considered.

Mr. McCormack moved

That Section 6 of Senate Bill No. 82 be passed, the objections of the Governor to the contrary notwithstanding.

The roll being called there were ayes 21, nays 7.

Those who voted in the affirmative were:

Messrs—
 Appleton,
 Belyea,
 Bell,
 Cowan,
 Fuller,
 Haggart,
 Harmon,

Messrs—
 Hartman,
 Helgeson,
 LaMoure,
 Lawrence,
 Little,
 McBride,
 McCormack,

Messrs—
 Randall,
 Robinson,
 Stevens,
 Swanston,
 Winship,
 Worst,
 Yager.

Those who voted in the negative were:

Messrs—
 Allin,
 Barlow,
 Dodds,

Messrs—
 Fisher,
 Rowe,

Messrs—
 Smith,
 Slotten.

Absent and not voting:

Messrs—
 Diesem,

Messrs—
 Sandager,

Messrs—
 Svensrud.

Messrs Diesem, Sandager and Svensrud being excused.,

So the motion prevailed, and Section 6 of Senate Bill No. 82 was passed, the objections of the Governor to the contrary notwithstanding.

The hour having arrived for the consideration of Special Orders,

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.

Mr. Winship moved

That House Bill No. 228 be recommitted to the Committee on Appropriations,

Which motion prevailed.

Senate Bill No. 159,

A bill for an act 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 placed on its third reading.

Mr. Harmon moved

That Senate Bill No. 159 be made a special order for to-morrow at 3:30 o'clock p. m.,

Which motion prevailed.

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.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 216 be adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 1, line 1, by striking out the words "this year" and inserting the words and figures "for the year 1890."

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Robinson,
Rowe,
Slotten,
Stevens,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Diesem,
Fuller,
S—55

Messrs—

Helgeson,
Sandager
Smith,

Messrs—

Svensrud,
Swanston.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Worst moved

That the report of the committee on Senate Bill No. 210 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Cowan,
Dodds,
Fisher,
Haggart,
Harmon,

Messrs—

Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Diesem,
Fuller,

Messrs—

Hegleson,
Sandager,

Messrs—

Smith,
Svensrud.

Mr. Belyea voting in the negative.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved

That the rules be suspended and that House Bill No. 261 be read the third time and placed upon its final passage,

Which motion prevailed, and
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 third time.

Mr. Swanston moved

That the report of the committee on House Bill No. 261 be adopted.

Mr. LaMoure moved

As an amendment that the report of the committee be amended

by striking out the words "Lieutenant Governor" and inserting the words "State Auditor" in lieu thereof.

Which amendment was adopted, and

The question recurring on the report of the committee as amended,

The report was adopted.

Mr. Little moved

To amend Section 2 to correspond with Section 1 as amended,

Which amendment was adopted.

Mr. Barlow moved to amend Section 2 as follows:

Amend by striking out of Section 1 the words "State Auditor, Secretary of State, Treasurer and Superintendent of Public Instruction" and inserting the words "shall appoint three citizens of North Dakota who shall."

Which amendment was lost, and

The question recurring on the final passage of House Bill No. 261 as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Robinson,
Appleton,	Hartman,	Rowe,
Barlow,	Helgeson,	Smith,
Belyea,	LaMoure,	Slotten,
Cowan,	Lawrence,	Stevens,
Dodds,	Little,	Swanston,
Fisher,	McBride,	Winship.
Fuller,	McCormack,	Worst,
Haggart,	Randall,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Sandager,	Svensrud.
Diesem,		

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved

That the vote by which this bill passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor

EXECUTIVE OFFICE, }
March 7, 1890. }

To the President of the Senate:

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

Senate Bill No. 151,

An act to provide for a lien upon threshing engines and separators for repairing the same.

Also,

Senate Bill No. 161,

An act authorizing a private corporation to change the place where its principal business is to be transacted.

Also,

Senate Bill No. 133,

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. 125,

An act providing for the collection of assets and payment of liabilities of civil townships heretofore illegally organized,

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 7, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in all the Senate amendments to House Bill No. 14 as messaged from the Senate March 6, 1890, except the following substitute for the first and fourth lines of Section 48:

"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."

And that the House has adopted a motion that the Speaker appoint a committee of three to confer with a like committee from the Senate upon said action, and that the Speaker has appointed as such committee on part of the House Messrs. Walsh, Bowen and Estabrook.

Also,

I have the honor to transmit herewith

Senate Bill No. 135,

A bill for an act establishing an independent school district for the City of Grand Forks, State of North Dakota,

As requested by the Senate.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the vote by which the Senate concurred in the House amendment to Senate Bill No. 39 be reconsidered,

Which motion prevailed, and

The question then being on the motion to concur in the House amendments to Senate Bill No. 39,

Mr. LaMoure moved

That the Senate do not concur in the House amendments to Senate Bill No. 39,

Which motion prevailed.

Mr. LaMoure moved

That a conference committee be appointed to confer with a like committee from the House on the House amendments to Senate Bill No. 39,

Which motion prevailed.

Mr. LaMoure moved

That the resolution fixing the salaries of the officers and employes be taken from the table,

Which motion prevailed.

Mr. Swanston moved

That the Senate take a recess,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. Swanston asked consent to make a motion,

Consent was granted, and

Mr. Swanston moved

That the message to the House on the concurrence of the Senate to Senate Bill No. 39 be recalled,

Which motion prevailed, and

The question being on the resolution to fix the salaries of the officers and employes of the Senate,

Mr. Swanston moved

To amend the resolution by making the salary of the Sergeant-at-Arms \$6 per day and the Watchman and Janitor \$4 per day each,

Which motion prevailed.

Mr. LaMoure moved

To amend the resolution by striking out the words "thirty days" and inserting the words "forty days" in regard to the writing up of the Journal,

Which motion prevailed, and

The question being on the adoption of the resolution,

The resolution was adopted.

Mr. President appointed as a conference committee on Senate Bill No. 39 Messrs. Swanston, Barlow and Haggart.

THIRD READING OF SENATE BILLS.

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.

Mr. Yager moved

That the report of the committee on Senate Bill No. 211 be adopted,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 211,

The roll being called there were ayes 18, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Robinson,
Appleton,	Helgeson,	Rowe.
Barlow,	Lawrence,	Slotten,
Belyea,	Little,	Winship,
Fisher,	McCormack,	Worst,
Fuller,	Randall,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Harmon,	Smith,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Hartman,	Sandager,
Cowan,	LaMoure,	Svensrud,
Diesem,	McBride,	Swanston.
Dodds,		

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 203 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Appleton,	Lawrence.	Slotten,
Barlow,	Little,	Stevens,

Messrs—

Bell,
Fisher,
Fuller,
Harmon,

Messrs—

McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Belyea,
Cowan,
Diesem,
Dodds,

Messrs—

Haggart,
Hartman,
LaMoure,
McBride,

Messrs—

Sandager,
Svensrud,
Swanston.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Little moved

That the report of the committee on Senate Bill No. 146 be
adopted,

Which motion prevailed.

Mr. Winship moved

To amend Section 2, line 2, after the word "and" by inserting
the word "the,"

Which amendment was adopted.

Mr. Winship moved

To amend Section 4, line 3, by striking out the word "the" after
the word "State,"

Which amendment was adopted.

Mr. Appleton moved

To amend Section 1, line 5, by striking out the word "supple-
ment" and inserting the word "pamphlet" in lieu thereof.

Mr. Worst moved

As an amendment to the amendment, to strike out the word
"newspaper,"

Which amendment was accepted by Mr. Appleton, and

The amendment was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 9.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Dodds,
Fisher,
Helgeson,

Messrs—

LaMoure,
Lawrence,
McCormack,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Stevens,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McBride,
Bell,	Harmon,	Randall,
Cowan,	Hartman,	Swanston.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Little,	Svensrud.
Fuller,	Sandager,	

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed without the emergency clause, and

The question being as to its title,

Its title was agreed to.

The Senate, by consent, returned to the sixth order of business,

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Swanston moved

That a conference committee be appointed on House Bill No. 14.

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Swanston, Dodds and Rowe.

Senate Bill No. 124,

A bill for an act establishing a State Library,

Was placed on its third reading.

Mr. Yager moved

That Senate Bill No 124 be indefinitely postponed.

Which motiou prevailed.

Mr. Stevens moved

That the rules be suspended, and that House Bill No. 162 be read the third time and placed upon its final passage,

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.

Mr. Worst moved

That the report of the committee on House Bill No. 162 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Robinson,
Barlow,	Helgeson,	Smith,
Bell,	LaMoure,	Slotten,
Cowan,	Lawrence,	Stevens,
Fisher,	Little,	Winship,
Fuller,	McBride,	Worst,
Harmon,	Randall,	Yager.

Absent and not voting:

Messrs—

Belyea,
Diesem,
Dodds,

Messrs—

Haggart,
McCormack,
Rowe,

Messrs—

Sandager,
Svensrud,
Swanston.

Mr. Allin voting in the negative.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. LaMoure moved

That the rules be suspended and that House Bill No. 254 be
read the third time and placed upon its final passage,

Which motion prevailed, and
House Bill No. 254,

A bill for an act to license express companies,
Was read the third time.

Mr. LaMoure moved

That the report of the committee on House Bill No. 254 be
adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as
amended by the committee,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Fuller,
Harmon,

Messrs—

Hartman,
Hegleson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Smith,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Dodds,

Messrs—

Haggart,
Sandager,

Messrs—

Svensrud.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Harmon moved

That the rules be suspended and that House Bill No. 283 be
read the third time and placed upon its final passage,

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 third time.

Mr. Swanston moved

That the report of the committee on House Bill No. 283 be adopted.

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Randall,
Appleton,	Harmon,	Robinson,
Barlow,	Helgeson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Swanston
Cowan,	Little,	Worst,
Dodds,	McCormack,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	McBride,	Svensrud,
Fuller,	Rowe,	Winship.
Hartman,	Sandager,	

Mr. Smith voting in the negative.

Messrs. Diesem, Sandager and Svensrud being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The President *pro tem.* in the Chair.

Mr. Swanston moved

That the rules be suspended and that House Bill 305 be 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.

Mr. Swanston moved

That the report of the committee on House Bill No. 305 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Helgeson,	Smith.
Barlow,	LaMoure,	Slotten,
Belyea,	Lawrence,	Stevens,
Cowan,	Little,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Haggart,	Robinson,	Yager.

Absent and not voting:

Messrs—

Bell,
Diesem,
Fuller,

Messrs—

Hartman,
McBride,

Messrs—

Sandager,
Svensrud.

Messrs. Diesem, Sandager and Svensrud being excused.

So that bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Swanston moved

That the Senate concur in the following report of the Conference Committee on House Bill No. 14:

MR. PRESIDENT:

Your committee appointed to confer with a like committee of the House as to the differences on the amendments to House Bill No 14, respectfully report that we have performed the duty assigned us and recommend that the Senate recede from the Senate amendment to Section 48 of said bill.

W. E. SWANSTON,

D. S. DODDS,

H. J. ROWE,

On part of the Senate.

Which report was adopted.

Mr. Slotten moved

That the rules be suspended, and that House Bill No. 324 be read the third time, and placed upon its final passage,

Which motion prevailed.

Mr. Harmon moved

That the Senate adjourn,

Which motion was lost.

Mr. Harmon moved

That all House bills for third reading be taken up as unfinished business to-morrow,

Which motion prevailed.

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,

Was read the third time.

Mr. McCormack moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND TENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 8, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Barlow, Harmon and Sandager who were excused.

Mr. Little moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. McBride and Robinson.

UNFINISHED BUSINESS.

The third reading of
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,

Was continued.

Mr. Allin moved

That the report of the committee on House Bill No. 324 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Hartman,
Helgeson,
Lawrence,
McCormack,
Randall,

Messrs—

Smith,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Barlow,
Harmon,
LaMoire,

Messrs—

Little,
McBride,
Robinson,

Messrs—

Sandager
Svensrud.

Messrs. Diesem and Rowe voting in the negative.

Messrs. Barlow, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 8, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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 therein.

Also,

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State,

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

Also,

I have the honor to transmit herewith

House Bill No. 127,

A bill for an act to provide appropriations for the salaries of State and judicial officers.

Also,

House Bill No. 141,

A bill for an act restraining certain male animals from running at large.

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. 264,

A bill for an act to regulate the costs and disbursements in certain cases.

Also,

House Bill No. 244,

A bill for an act to amend and re-enact the insurance laws of the State of North Dakota.

All of which the House has passed and your favorable consideration thereof is respectfully requested.

Also,

I have the honor to inform the Senate that the House has concurred in the Senate amendments to House Bill No. 14, and has passed the bill as so amended.

Also,

I have the honor to inform the Senate that the Speaker of the House has appointed as the committee on the part of the House to confer with the Senate committee on

Senate Bill No. 39,

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

Messrs. McCormick, Olsgard and Montgomery.

J. G. HAMILTON,
Chief Clerk.

House Bill No. 195,

A bill for an act to legalize the acts of certain officers therein named,

Was read the third time.

Mr. Worst moved

That the report of the committee on House Bill No. 195 be adopted.

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Haggart,
Hartman,
Helgeson,
Lawrence,
McCormack,
Randall,
Rowe,

Messrs—

Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting

Messrs—

Barlow,
Fuller,
Harmon,
LaMoure,

Messrs—

Little,
McBride,
Robinson,

Messrs—

Sandager,
Smith,
Svensrud.

Mr. Diesem voting in the negative.

Messrs. Barlow, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President called Mr. Worst to the Chair.

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.

Mr. McCormack moved

That the report of the committee on House Bill No. 279 be adopted,

Which motion prevailed, and

Mr. Dodds moved

To amend Section 1, line 18, by inserting after the word "majority" the word "vote,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Hartman,

Messrs—

Helgeson,
LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Rowe,

Messrs—

Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Barlow,
Diesem,
Fuller,

Messrs—

Haggart,
Harmon,
McBride,
Robinson,

Messrs—

Sandager.
Smith.
Swanston.

Messrs Barlow, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President announced his signature to

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.

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. 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.

Mr. Dodds moved

That the report of the committee on House Bill No. 115 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Slotten,
Appleton,	Helgeson,	Stevens,
Belyea,	Lawrence,	Svensrud
Bell,	Little,	Swanston,
Cowan,	McCormack,	Winship.
Diesem,	Randall,	Worst,
Dodds,	Rowe,	Yager.
Fisher,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Robinson,
Fuller,	LaMoure,	Sandager.
Haggart,	McBride,	

Messrs. Barlow, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Little moved

That the report of the committee on House Bill No. 11 be not adopted,

Which motion prevailed.

Mr. Little moved

The following amendment:

In line 5 of Section 1 of printed bill, after the word "inhabitants" insert the words "or fraction thereof."

Mr. Diesem moved

As an amendment to amend Section 1, line 6, by inserting the word "major" before the word "fraction,"

Which amendment to the amendment was adopted, and

The amendment as amended was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 18, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Stevens,
Appleton,	Hartman,	Svensrud,
Belyea,	Lawrence,	Swanston,
Bell,	Little,	Winship,
Cowan,	Rowe,	Worst,
Dodds,	Slotten,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Diesem,	McCormack,	Randall.
Helgeson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Robinson,
Fuller,	LaMoure,	Sandager,
Haggart,	McBride,	Smith.

Messrs. Barlow, Harmon and Sandager being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced his signature to
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 Experimental 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.

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. 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

Mr. Swanston asked permission to make a motion.

Consent was granted, and

Mr. Swanston moved

The adoption of the following report:

MR. PRESIDENT:

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 the words "at the general election of 1890."

JAMES McCORMICK,
OLE E. OLSGARD,
J. MONTGOMERY,
On part of House.
W. E. SWANSTON,
JOHN HAGGART,
On part of Senate.

Which motion prevailed, and
The report of the Conference Committee on Senate Bill No. 39 was adopted.

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.

Mr. McCormack moved

That the report of the committee on House Bill No. 249 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Dodds,
Fisher,
Hartman,
Helgeson,

Messrs—

LaMoure,
Lawrence,
Little,
McCormack,
Randall,
Rowe,

Messrs—

Slotten,
Stevens,
Svensrud,
Worst,
Yager.

Absent and not voting:

Messrs—

Barlow,
Belyea,
Bell,
Cowan,
Diesem,

Messrs—

Fuller,
Haggart,
Harmon,
McBride,
Robinson,

Messrs—

Sandager,
Smith,
Swanston,
Winship.

Messrs. Barlow, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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 third time.

Mr. Stevens moved

That further action on the bill be postponed until next Monday,

Which motion prevailed.

Mr. Little moved

That the Senate proceed to the regular order of business,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing to whom was referred
House Bill No. 295,

A bill for an act making an appropriation to pay for publication
of the Constitution of North Dakota,

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

N. C. LAWRENCE,
Chairman.

The Committee on Irrigation made the following report:

MR. PRESIDENT:

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 do not pass.

A. F. APPLETON,
Chairman.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
House Bill No. 228,

A bill for an act to amend Section 9 of Chapter 40 of the Gen-
eral Laws of 1883, entitled "University of North Dakota,"

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. 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, mineralogy, 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 manœuvres
and tactics as are taught in military colleges.

And when so amended recommend that said bill do pass.

GEO. B. WINSHIP,
Chairman

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred
Senate Bill No. 222,

A bill for an act to prevent unlawful waste on mortgaged premises,

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

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 being restored to citizenship upon certain conditions,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out the word "section" and the figure "1" where they occur and insert the same after the enacting clause.

And when so amended recommend that said bill do pass.

Also,

House Bill No. 233,

A bill for an act to amend Section 1, Chapter 6 of the Revised Code of 1887, being Section 1397 of the Compiled Laws,

Have had the same under consideration and recommend that said 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,

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

Also,

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.

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 Levissee'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,

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

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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.

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 Agricultural Experiment Station at Fargo.

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. 213,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

Also,

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.

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. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions.

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. 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.

Also,

Senate Bill No. 135,

A bill for an act providing for the establishment of independent school districts within the incorporated limits of the State of North Dakota.

Also,

Senate Bill No. 59,

A bill for an act relating to the selection of jurors.

And find the same correctly engrossed and enrolled.

J. O. SMITH,

Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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.

Also,

House 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.

Also,

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.

Also,

Senate Bill No. 142,

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

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:05 o'clock p. m., March 8, 1890.

J. O. SMITH,

Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Swanston moved

That the rules be suspended, and that Senate Bill No. 39 be read the third time and placed upon its final passage as amended,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Rowe,
Appleton,	LaMoure,	Smith,
Belyea,	Lawrence,	Stevens,
Bell,	Little,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Haggart,	Robinson,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Sandager,
Cowan,	Hartman,	Slotten.
Fuller,		

Messrs. Barlow, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. LaMoure moved

That all Senate bills be read the first and second times, and referred to their proper committees,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Winship introduced—

Senate Bill No. 224,

A bill for an act to amend an act to provide for the annual exhibits of the agriculture, 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,

Which was read the first and second times, and referred to the Committee on Agriculture.

Mr. Fuller introduced—

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,

Which was read the first and second times, and referred to the Committee on Cities and Municipal Corporations.

Mr. Dodds introduced—

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 —, 1890,

Which was read the first and second times, and referred to the Committee on Ways and Means.

Mr. Robinson asked unanimous consent to make a report.

Consent was granted, and

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred
House Bill No. 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,

Have had the same under consideration and recommend that said bill do 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 same,

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

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 institution, and to appropriate miscellaneous receipts for the use of the said institutions,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out in Section 6, last six lines commencing with the word "provided" to end of section.

And when so amended recommend that said bill do pass.

W. H. ROBINSON,

Chairman.

REPORTS OF SPECIAL COMMITTEES.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Committee on Journal Correction for the one hundred and ninth day report that we have examined the same and recommend the following corrections:

In line 2, page 7, strike out the figure "7" and insert the figure "6."

In line 29, page 8, strike out the word "of" and insert the word "if."

In line 23, page 13, insert the words "and resources" after the word "product"; also, in line 25, same page, insert the words "except Section 6 of said bill" after the word "considered."

In line 2, page 17, strike out the word "and" and insert the word "or."

JOHN MCBRIDE,

Chairman.

Which report was adopted.

The hour having arrived for the special consideration of Senate Bill No. 159,

A bill for an act 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 third time.

Mr. Cowan moved

That the report of the committee on Senate Bill No. 159 be adopted,

Which motion prevailed.

Mr. Stevens moved

To amend the bill by striking out Section 1.

The motion was withdrawn by consent.

Mr. Stevens moved

To amend Section 1, line 2, by inserting the word "or" after the word "city" and before the word "the."

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoire,	Slotten,
Appleton,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Cowan,	McCormack,	Swanston,
Diesem,	Randall,	Winship,
Dodds,	Rowe,	Worst,
Fisher,	Smith,	Yager.
Helgeson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bell,	Fuller,	McBride.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Robinson,
Haggart,	Hartman,	Sandager.

Messrs. Barlow, Haggart, Harmon and Sandager being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Senate Bill No. 220,

A bill for for an act to abolish the office of city treasurer in all cities not organized under the General Laws and to provide for the county treasurer performing the duties of said office of city treasurer,

Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 220 be adopted,

The motion prevailed.

Mr. Smith moved

That Senate Bill 220 be indefinitely postponed.

Mr. Little moved

As a substitute that it be made a special order for Monday at 3 o'clock p. m.,

Which substitute motion was lost, and

The question recurring on the motion to indefinitely postpone,

Mr. Stevens moved

As a substitute that the bill be recommitted to the Committee on Cities and Municipal Corporations,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Belyea moved ♦

That the rules be suspended and all House bills receive their first and second reading and reference,

Which motion prevailed.

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

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

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.

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 sheep husbandry,

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

House Bill No. 292.

A bill for an act defining the boundaries of the Third judicial district,

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

House Bill No. 264,

A bill for an act to regulate the costs and disbursements of certain actions,

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

House Bill No. 141.

A bill for an act to prevent certain male animals from running at large,

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

House Bill No. 127,

A bill for an act to provide for the salaries of the State and Judicial officers,

Was read the first and second times, and referred to the Committee on Appropriations.

House Bill No. 303,

A bill for an act to provide for amending articles of incorporation of building and loan associations,

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

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.

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 for the same,

Was read the third time.

Mr. Swanston moved

That the report of the committee be adopted.

Which motion prevailed.

Mr. LaMoure moved

That the further consideration of the bill be postponed until Monday,

Which motion prevailed.

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.

Mr. Swanston moved

That the further consideration of House Bill No. 177 be indefinitely postponed,

Which motion was lost.

Mr. Swanston moved

That the bill be made a special order for Tuesday at 3 o'clock,

Which motion was lost, and

The question recurring on the adoption of the committee report,

Mr. McCormack moved

That the report of the committee be adopted.

Mr. Swanston moved

That the report of the committee be amended to read that "the bill do not pass,"

Which motion was lost, and

The question recurring on the motion to adopt the report,

The report was adopted.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }
March 8, 1890. }

To the President of the Senate:

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

Senate Bill No. 118,

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

Respectfully,
JOHN MILLER,
Governor.

EXECUTIVE OFFICE, }
March 8, 1890. }

To the Senate:

I herewith respectfully return

Senate Bill No. 172,

An act to provide for the taxation of real and personal property situate in unorganized counties,

Without my approval for the reason that Section 2 of said act, wherein it provides for the levy of a tax of one mill on the dollar valuation to cover the expenses of assessment and collection only, is in conflict with the ruling of the Supreme Court of Dakota as laid down in the case of Ferris vs. Vannier, Vol. 42, Northwestern Reporter, pp. 31 to 42.

The court says (p. 33): "It is contended by plaintiff that this act provides for the taxation of a community for purposes not public or local to it. If this proposition be true, this tax can hardly be sustained. Cooley, taxation, 105; 1 Desty, taxation, 285.

It is a fact admitted of record this tax was for the exclusive use and benefit of Stark county, and that the money raised by it was to be expended within Stark county, and that the county of Billings did not and will not receive any benefit from said tax, either directly or indirectly, but it was to be expended

for objects entirely local to Stark county and foreign to Billings county. If this be so, how can this tax be sustained? It is a well established doctrine that taxation, in order to be valid, must be of a public nature, or for a public purpose, and must also be local.

"It is the essence of taxation that it should compel the discharge of a burden by those upon whom it rests." An attempt to compel one county or municipality to pay a charge properly resting upon the inhabitants of another separate and distinct district or community would be an arbitrary and unauthorized exercise of power.

It would be taking private property for private uses, and in no proper sense could it be regarded as taxation, but rather in the nature of confiscation. Cooley, Taxation, c. 5, pp. 144, 145; 1 Desty, Taxation, 26, 27; Hammett v. Boston, 12 Allen, 223; In re Town of Flatbush 60 N. Y. 398.

"It is true that it is not necessary that the money raised by taxation should always be expended within the district where it is levied and collected, but it may be expended for objects outside of the district in which the residents of the district have in legal sense an interest. District interest is the test whether an object is or is not a proper subject of taxation. Cooley, supra; 1. Desty, supra. It seems to us that this law is an attempt on the part of the Legislature to tax one community for the benefit of another, and is therefore void, from the fact that all taxation must be public and local, and for objects in which those who pay the tax have, in a legal sense, some interest, and from which they may receive some benefit."

The above quoted decision, as will be seen, was based upon the restriction contained in Section 1925 of the Organic Act of Dakota Territory, which declares that the Legislature "shall not pass any law impairing the rights of private property, nor make any discrimination in taxing different kinds of property; but all property subject to taxation shall be taxed in proportion to its value."

It will however be seen by reference that Section 176 of the State Constitution which says "Laws shall be passed taxing by uniform rule all property according to its true value in money," is, while slightly different in language, the same in principle and must bring this section above referred to in direct conflict with the Constitution as interpreted by the Supreme Court decision above quoted.

Respectfully,

JOHN MILLER,
Governor.

Mr. Swanston moved

That the President appoint a committee of five to be known as the Veto Committee to consider vetoes.

The President decided that the motion was out of order.

Mr. Swanston moved

That the President appoint a committee of five to consider the veto message just received from the Governor.

Mr. Winship moved

As a substitute that the veto message be made a special order for Tuesday at 3 o'clock,

Which motion was lost, and

The question recurring on the original motion of Mr. Swanston,
The motion prevailed.

Mr. Smith offered the following amendment to House Bill No. 177, and moved its adoption:

Strike out in line 4 after the word "whatsoever" all up to the word "shall" in line 6 and insert the following in lieu thereof: "Shall on the wrapper con-

taining such a baking powder publish the correct formula by which said baking powder is manufactured, and in case of failure so to do."

Which amendment was adopted.

Mr. Diesem moved

To amend Section 13, line 7, by striking out the words "State Treasurer" and inserting the words "Royal Baking Powder Co." and in line 8 by striking out the words "State Auditor" and inserting the words "Dairy Commissioner."

Mr. Stevens moved

To lay the amendment upon the table.

Which motion prevailed.

Mr. Dodds moved

To recommit the bill.

Mr. Swanston moved

As a substitute that the further consideration of the bill be indefinitely postponed,

Which motion prevailed, and

The bill was indefinitely postponed.

Mr. President appointed as a special committee to consider the Governor's veto on Senate Bill No. 172, Messrs. Swanston, Dodds, McCormack, Worst and Yager.

Mr. Rowe moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND TWELFTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 10, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Barlow, Diesem and Harmon, who were excused.

Mr. McBride moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Haggart and Hartman.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
House Bill No. 127,

A bill for an act to provide for standing annual appropriations for salaries of State officers,

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

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,

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

GEO. B. WINSHIP,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

The 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 be amended as follows:

Strike out Section 3:

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,

Have had the same under consideration and report the same
back without recommendations.

S. A. FISHER,
Chairman.

The Committee on Engrossed and Enrolled Bills made the fol-
lowing report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have ex-
amined

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.

Also,

Senate Bill No. 39,

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

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.

Also,

Senate Bill No. 57,

A bill for an act to provide for borrowing money to defray the
extraordinary expenses of the State government.

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. 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. 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.

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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.

Also,

Senate Bill No. 59,

A bill for an act relating to the selection of jurors.

Were delivered to his Excellency, the Governor, for his approval at the hour of 3:30 o'clock p. m., March 10, 1890.

J. O. SMITH,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 143,

A bill for an act to provide for a uniform system of free public schools throughout the State,

Have had the same under consideration and recommend that inasmuch as a number of mistakes occur in the House amendments thereto the Senate do not concur in said amendments, and that a conference committee be appointed to examine the same and report thereon.

J. H. WORST,
Chairman.

Mr. Dodds moved

That the report of the Committee on Education be adopted,
Which motion prevailed.

Mr. President appointed as the Conference Committee, Messrs. Dodds, Bell and Worst.

MOTIONS, RESOLUTIONS, ETC.

Mr. Belyea moved

The adoption of the following resolution:

WHEREAS, It is currently rumored and constantly reiterated by certain newspapers that this Senate was bought and corrupted in the interests of and by the agents of the Louisiana State Lottery Company; and

WHEREAS, We have by the appointment of a committee to investigate said charges and rumors shown our readiness to assist in any manner possible to investigate said charges and rumors; and

WHEREAS, We have repeatedly requested the Attorney General of this State to give us his written opinion on matters pertaining to said investigation and the procuring of testimony relative thereto, and have received in reply only such advice and communications as were unworthy the consideration or entertainment of this Senate, showing his utter incompetency to render an opinion worthy the consideration of this Senate or the committee appointed to conduct said investigation; therefore, it becomes our imperative duty to proceed in such manner as seems to us most practicable and just to secure the testimony that said Attorney General by his indifference and apparent inability has failed to assist us in procuring; and,

WHEREAS, The chairman of said investigating committee has been unavoidably absent of late thereby retarding the progress of said investigation, and as the present session of the Legislative Assembly is drawing rapidly to a close; now, therefore, be it

Resolved, That said investigating committee are hereby authorized to proceed with said investigation and to proceed to compel the attendance of witnesses and giving of testimony, and to punish the refusal to testify in accordance with the provisions of Sections 4 and 8, Code 6323, 6324 and 6325 of the Compiled Laws of Dakota Territory.

Which resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Haggart introduced—

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,

Which was read the first time.

Mr. McCormack introduced—

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,

Which was read the first time.

Mr. McBride introduced—

Senate Bill No. 229,

A bill for an act to amend Sections 1, 5 and 6 of the Justice's Code relating to justices of the peace,

Which was read the first time.

Mr. Allin introduced—

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,"

Which was read the first time.

THIRD READING OF SENATE BILLS.

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 institution, and to appropriate miscellaneous receipts for the use of the said institutions,

Was read the third time.

Mr. McBride moved

That the report of the committee on Senate Bill No. 173 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Cowan,
Dodds,
Fisher,
Fuller,
Helgeson,
LaMoure,

Messrs—

Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,
Sandager,
Smith.

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Barlow,
Belyea,
Bell,

Messrs—

Diesem,
Haggart,
Harmon,

Messrs—

Hartman,
Lawrence,

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President 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. LaMoure moved
That House Bill No. 254 be recalled from the House for the purpose of correcting an error in engrossing,
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:
EXECUTIVE OFFICE, }
March 10, 1890. }

To the President of the Senate:

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

Senate Bill No. 62,

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. 140,

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. 116,

An act authorizing the counties in the State of North Dakota to raise and expend a fund for the destruction of goyehers.

Also,

Senate Bill No. 166,

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.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
Governor.

Senate Bill No. 222,

A bill for an act to prevent unlawful waste on mortgaged premises,

Was read the third time.

Mr. Worst moved

That the report of the committee on Senate No. 222 be adopted,
Which motion prevailed.

Mr. Appleton moved

To amend Section 1, line 6, by inserting after the word "firewood" the words "and for building purposes,"

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 13, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Cowan,	Randall,	Svensrud,
Dodds,	Robinson,	Worst,
Fisher,	Rowe,	Yager.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Little,	Smith,
Belyea,	McBride,	Stevens,
Bell,	McCormack,	Swanston
Helgeson,	Sandager,	Winship.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Haggart,	Hartman,
Diesem,	Harmon,	Lawrence.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill was lost, not having received the necessary constitutional majority.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 10, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has by motion requested the return by the Senate of House Bill No. 312.

Also,

I have the honor to transmit herewith

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,

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

Also,

Senate Bill No. 39,

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

Which the House has passed unchanged.

J. G. HAMILTON,
 Chief Clerk.

THIRD 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 third time.

Mr. Winship moved

That House Bill No. 103 be indefinitely postponed.

Roll call demanded,

The roll being called there were ayes 14, nays 11.

Those who voted in the affirmative were:

Messrs—

Appleton,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Helgeson,
LaMoure,
McBride,
McCormack,
Randall,

Messrs—

Robinson,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Belyea,
Fuller,
Little,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,

Messrs—

Stevens,
Svensrud,
Worst.

Absent and not voting:

Messrs—

Barlow,
Diesem,

Messrs—

Haggart,
Harmon,

Messrs—

Hartman,
Lawrence.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.
So the motion prevailed.

The hour having arrived for the special consideration of the Governor's veto message on Senate Bill No. 31,

Mr. Swanston moved

That the rules be suspended, and that the Governor's veto message on Senate Bill No. 31 be made a special order for next Wednesday at 3 o'clock p. m.,

Which motion prevailed.

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 third time.

Mr. Cormack moved

That the report of the committee on House Bill No. 181 be adopted,

Mr. Appleton moved

To amend Section 3, line 6, by striking out the word "three" and inserting the word "five" in lieu thereof,

Which amendment was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 10, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has by

motion recalled House Bill No. 309 from the Governor, and has reconsidered the vote by which the same was passed, and has withdrawn its concurrence to the Senate amendments to the same, and that the Speaker has upon motion appointed a conference committee consisting of Messrs. Cole, Bowen and McCormick, to confer with a like committee from the Senate upon the amendments to said House Bill No. 309.

J. G. HAMILTON,
Chief Clerk.

The question recurring on the final passage of House Bill No. 181, Mr. Winship presented the following amendment:

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.

Mr. Worst moved

The adoption of the amendment,

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 24, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Appleton,	LaMoire,	Slotten.
Bell,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Dodds,	McCormack,	Swanston,
Fisher,	Robinson,	Winship,
Fuller,	Rowe,	Worst,
Hartman,	Sandager,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Haggart,	Lawrence.
Diesem,	Harmon,	

Messrs. Belyea and Randall voting in the negative.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and

The question being as to its title,

Its title 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.

Mr. Rowe moved

That the report of the committee on House Bill No. 272 be adopted,

Which motion prevailed.

Mr. Swanston moved

To amend Section 1, line 6, by striking out the word "particular."

Which amendment was adopted,

Mr. Belyea moved

To amend Section 1, line 2, by striking out the word "July" and inserting the word "January."

Mr. Swanston moved to amend Section 1, line nine, by striking out the word "especially,"

Which amendment was adopted.

Mr. Worst moved

To amend the bill as follows:

Strike out the words "whose salaries to its officers has been," after the word "county" and insert the words "whereas the salaries of its officers have been."

Which amendment was adopted.

Mr. Dodds moved

To amend Section 1, line 4, by inserting after the word "officer" the words "for the ensuing term."

Mr. McBride moved

To amend Section 1, line 5, by inserting the word "the" between the words "by" and "board,"

Which amendment was adopted.

Mr. Rowe moved

To amend Section 1, line 7, by striking out the word "his,"

Which amendment was adopted.

Mr. McCormack moved

That House Bill No. 272 be made a special order for next Tuesdays at 3 o'clock p. m.

Which motion was lost, and

The question recurring on the final passage of the bill as amended

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hegleson,	Sandager,
Appleton,	LaMoure,	Slotten,
Bell,	Little,	Stevens,
Cowan,	McBride,	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Haggart,	Robinson,	Yager.
Hartman,	Rowe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Smith,
Diesem,	Lawrence,	Svensrud.
Fuller,		

Mr. Belyea voting in the negative.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Robinson asked consent to return to the ninth order of business (Introduction of Bills).

Consent was granted, and
Mr. Robinson (by request) introduced—
Senate Bill No. 231,

A bill for an act to provide for the copying of certain records, and making an appropriation therefor,
Which was read the first time.

Mr. Dodds moved
That Senate Bill No. 231 be read the second time and referred to its proper committee,
Which motion prevailed, and

Senate Bill No. 231 was read the second time, and referred to the Committee on Appropriations.

House Bill No. 208,
A bill for an act to authorize school boards to purchase United States flags,
Was read the third time.

Mr. Appleton moved
That the report of the committee on House Bill No. 208 be adopted,

Which motion prevailed, and
The question recurring on the final passage of the bill,
The roll being called there were ayes 18, nays 4.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Appleton,	LaMoure,	Slotten,
Dodds,	McCormack,	Stevens,
Fisher,	Robinson,	Winship.
Haggart,	Rowe,	Worst,
Hartman,	Sandager,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bell,	McBride,	Randall.
Cowan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Fuller,	Little,
Belyea,	Harmon,	Svensrud,
Diesem,	Lawrence,	Swanston.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

REPORTS OF SPECIAL COMMITTEES.

MR. PRESIDENT:

Your Special Committee appointed to correct the Journal beg leave to make the following report:

That they have examined the Senate Journal of the 110th day and recommend the following corrections:

In line 1, page 8, strike out the words "the word."

In line 10, Special Report, page 13, insert after the word "also" the words "on same page."

In third line from bottom of page 14, change the word "laws" to "law."

In line 1, in title of House Bill No. 233, page 15, after the word "act" insert the words "entitled an act."

In title of House Bill No. 177, page 16, strike out the words "vinegar" and "and to prevent fraud."

And that when so corrected the Journal be approved.

JOHN E. HAGGART,
Chairman.

Which report was adopted.

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.

Mr. Sandager moved

That the report of the committee on House Bill No. 215 be adopted,

Which motion was lost.

Mr. Worst moved

That the further consideration of House Bill No. 215 be indefinitely postponed,

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.

Mr. Little moved

That the report of the committee on House Bill No. 173 be adopted,

Which motion prevailed.

Mr. Swanston moved

That the further consideration of this bill be indefinitely postponed.

Mr. Little moved

As a substitute that the bill be made a special order for Wednesday at 3 o'clock p. m.,

Which substitute motion was lost, and

The question recurring on the motion to postpone,

The motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licenses,

Was read the third time,

Mr. Swanston moved

That the bill be recommitted to the Committee on Judiciary,

Which motion was lost.

Mr. Allin moved

That the report of the committee on House Bill No. 67 be adopted.

Mr. McCormack moved

That the bill be recommitted to the Committee on Judiciary,

Which motion prevailed.

Mr. McBride moved

That the Senate take a recess of ten minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. Haggart asked unanimous consent to make a motion.

Consent was granted, and

Mr. Haggart moved

That the rules be suspended, and that all Senate bills read the first time, receive their second reading and reference,

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

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.

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

Senate Bill No. 229,

A bill for an act to amend Sections 1, 5 and 6 of the Justice's Code, relating to justices of the peace,

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

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 second time, and referred to the Committee on Cities and Municipal Corporations.

House Bill No. 108,

A bill for an act regulating the State Library,

Was read the third time.

Mr. Yager moved

That further consideration of House Bill No. 108 be indefinitely postponed,

Which motion prevailed.

House Bill No. 39,

A bill for an act defining usury and the penalty for taking the same,

Was read the third time.

Mr. Swanston moved

That further consideration of this bill be postponed until tomorrow and that the bill be printed in the Journal,

Which motion prevailed.

A BILL

For an Act Defining Usury, and the Penalty for Taking the Same.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Interest for any legal indebtedness shall be at the rate of seven per centum per annum, unless a different rate is contracted for in writing, and all contracts shall bear the same rate of interest after they become due as before, unless it clearly appears therefrom that such was not the intention of the parties. And no contract for a greater rate of interest than twelve per centum per annum shall be valid.

SEC. 2. No person, company or corporation shall directly or indirectly take or receive or agree to take or receive in money, goods or things in action, or in any other way any greater sum or any greater value for the loan or forbearance of money, goods or things in action, than twelve per centum per annum, and in the computation of interest upon any bond, note or other instrument or agreement, interest shall not be compounded; but any contract to pay interest, not usurious, upon interest over due, shall not be construed to be usury.

SEC. 3. All bonds, bills of exchange, promissory notes, mortgages, contracts, and securities whatsoever, and all deposits or pledges of goods, wares, merchandise, or property of any kind, or things in action whereby or whereupon there shall be directly or indirectly taken, reserved or secured or agreed to be taken, reserved or secured any greater sum or value for the use, loan, or forbearance of money or things in action than is provided in Section 1 of this act, whether the sum or value so secured, reserved or taken or agreed to be taken, shall appear in or from such bond, bill, note, assurance, mortgage, contract or otherwise, shall be deemed usurious, and are hereby declared to be void from the beginning; *Provided*, That the provisions of this section shall not apply to nor invalidate the collection of any negotiable bill of exchange, or promissory note, purchased of the original holder in good faith for a valuable consideration before the maturity of the same; *And, Provided, further*, That the payment of interest in advance for any time not exceeding ninety days, at a rate not exceeding 12 per centum per annum, shall not be deemed to be usury within the meaning of this act.

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.

SEC. 5. In all cases where the original owner or receiver of any usurious bill of exchange, or promissory note, shall sell or part with the same before maturity thereof, or without giving notice to the purchaser or receiver of such bill of exchange or promissory note of its usurious character, the maker of such usurious negotiable bill, bill of exchange, or promissory note or his legal representatives or assigns, may recover of such original owner, or receiver, or from any broker, or agent or person who procured or aided or assisted in inducing and procuring the execution and delivery of the same, jointly or severally the full amount of the principal and interest named in and represented by such bill of exchange or promissory note. The interest in case of recovery to be computed to the time when such bill of exchange or promissory note shall become due and payable according to the terms thereof.

SEC. 6. The right of action to recover from the original owner or receiver or from any broker, agent or person who aided or assisted in inducing and procuring the execution and delivery by any person of a usurious negotiable bill of exchange, or promissory note, the amount of the principal sum named in such bill or note with interest thereon at the rate specified in such bill or note until the maturity thereof, shall arise and accrue and be complete to the maker of such usurious negotiable bill of exchange or promissory note or to his legal representatives or assigns on and after the sale before maturity of such bill of exchange or promissory note by such original owner or receiver. And in such action it shall not be necessary for the plaintiff to allege or prove the payment of such usurious negotiable bill of exchange or promissory note, nor shall the payment of such usurious bill of exchange or promissory note be a condition precedent to the collection from the original owner or receiver of such bill of exchange or note, or from any broker, agent or person in any wise a party to, or aiding and abetting in the soliciting or procuring of the execution and delivery of such bill of exchange or promissory note sold before maturity, of the full amount specified in such bill of exchange or promissory note, with interest as specified therein to the date of maturity thereof.

SEC. 7. The receipt of, or an agreement by any broker, loan agent or person, to receive from any person a sum of money or other consideration as a fee or compensation for obtaining a loan or forbearance of money, or an extension of time on an existing loan or forbearance of money, where such sum of money or other consideration received, or agreed to be received as a fee or compensation by such broker, loan agent or person, when added to the rate of interest expressed and reserved in the bond, bill of exchange, promissory note, mortgage, or other security made or given to evidence or to secure such loan, exceeds in the aggregate the rate of 12 per centum per annum interest shall be deemed and is hereby declared to be usury within the meaning of this act; and all and every bond, bill of exchange, promissory note, mortgage, or other contract or security, thus or in like manner tainted with usury or usurious purposes, shall be void from the beginning and subject to the same provisions and liabilities and provisos, and the maker of such usurious bill of exchange, promissory note, mortgage, security or other contract shall have the same remedy in the law against the original owner or receiver of any such usurious bond, bill, note, mortgage or other contract or security, or against any broker, agent or person who procured, or aided, or assisted in procuring the execution and delivery of any such usurious bond, bill, note, mortgage, or other contract or security as is provided for by the preceding sections of this act.

SEC. 8. Every person, company or corporation offending against this act, shall be compelled by order of court to answer on oath any complaint that may be exhibited or filed against him in the district court for the proper county, for the discovery of any sum of money, goods or things so taken, accepted or received in violation of any of the foregoing provisions.

SEC. 9. Whenever in any action in any court the question of usury shall be raised either by complaint or answer, either party to the action may be wit-

ness in his own behalf on the trial, except in actions in which the opposite party sues or defends as administrator or personal representative of a deceased person, except, also, actions in which the opposite party claims as assignee and the assignor is deceased.

SEC. 10. Whenever it shall satisfactorily appear to a court that any bond, bill, note, assurance, pledge mortgage, contract, security, or other evidence of debt has been received in violation of the provisions of this act, the court shall declare the same to be void and enjoin any proceedings thereon and shall order the same to be cancelled and delivered up.

SEC. 11. None of the provisions of this act shall apply to any building or loan association incorporated under the provision of any law of this State.

SEC. 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

House Bill No. 227,

A bill for an act establishing a legal holiday,

Was read the third time.

Mr. Appleton moved

That the report of the committee on House Bill No. 227 be adopted,

Which motion was lost.

Mr. Rowe moved

That further consideration of House Bill No. 227 be indefinitely postponed,

Which motion prevailed.

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,

Was read the third time.

Mr. Appleton moved

That the report of the committee on House Bill No. 234 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Fuller,
Hartman,

Messrs—

Hegleson,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Barlow,
Diesem,

Messrs—

Haggart,
Harmon,

Messrs—

Lawrence.

Mr. Smith voting in the negative.

Messrs. Barlow, Deisem, Harman and Lawrence being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

House Bill No. 155,

A bill for an act to amend Section 2 of Chapter 88 of Session
Laws of 1889,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 155 be
adopted.

Mr. Swanston moved

To amend the report of the committee to make it read "that the
bill do pass,"

Which amendment was adopted, and

The report of the committee as amended was adopted.

Mr. Allin moved

To amend by striking out the word "thirty days" and inserting
the words "ten days" in lieu thereof,

Which amendment was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 20, nays 6.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Hartman,
Helgeson,
McBride,
McCormack,
Randall,
Rowe,
Sandager,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
LaMoure,

Messrs—

Little,
Robinson,

Messrs—

Smith,
Yager.

Absent and not voting:

Messrs—

Barlow,
Diesem,

Messrs—

Haggart,
Harmon,

Messrs—

Lawrence.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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.

Mr. Little moved
That the report of the committee on House Bill No. 262 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 19, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Slotten,
Dodds,	McCormack,	Stevens,
Fuller,	Robinson,	Svensrud,
Haggart,	Rowe,	Winship,
Hartman,	Sandager,	Worst,
Helgeson,	Smith,	Yager.
LaMoure,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	Randall,
Belyea,	Fisher,	Swanston.
Bell,	McBride,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Lawrence.
Diesem,		

Hessrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

The President announced his signature to
Senate Bill No. 39,

A bill for an act providing for the attaching of certain townships to Ramsey county.

Also,

Senate Bill No. 57,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the State government.

The President *pro tem.* in the Chair.

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

The question recurring on the adoption of the report of the committee,

Mr. Haggart moved

The adoption of the report,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Appleton,	Helgeson,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Dodds,	McCormack,	Swanston,
Fisher,	Randall,	Winship.
Fuller,	Robinson,	Worst,
Haggart,	Rowe.	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Harmon,	Lawrence.
Diesem,		

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Stevens asked unanimous consent to introduce a bill, and have it read the first and second times, and consent being granted, introduced—

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,

Which was read the first and second times, and referred to the Committee on Agriculture.

Mr. McCormack asked consent to introduce a resolution, and consent being granted, introduced the following resolution:

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 was read.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 10, 1890. }

MR. PRESIDENT:

I have the honor to return herewith
Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

Which the House has returned for the reason that the Senate amendments to said bill were attached thereto and not engrossed in the bill.

Also,
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,

Which the House returns for the reason that the bill contains no title.

Also,

Senate Bill No. 78,

A bill for an act to amend Section 2, Chapter 58, of the Session laws of 1887,

Which the House has passed with the following amendments:

In the title of the bill strike out the words "to read as follows."

In line 14, Section 1, strike out the word "fifteen" 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 ruffed 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 your concurrence therein is respectfully requested.

Also,

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

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

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston asked consent to make a motion, and consent being granted,

Mr. Swanston moved

That the Senate do not concur in the House amendments to Senate Bill No. 79, and that a committee on conference be appointed,

Which motion prevailed, and

The Senate refused to concur in the House amendments.

And the question recurring on the resolution introduced by Mr. McCormack,

Mr. Dodds moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

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

The question recurring on the report of the committee,

Mr. Cowan moved

That the report be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Belyea,
 Bell,
 Cowan,
 Dodds,
 Fisher,
 Fuller,

Messrs—

Haggart,
 Hartman,
 Helgeson,
 Little,
 McBride,
 McCormack,
 Randall,

Messrs—

Robinson,
 Rowe,
 Sandager,
 Slotten,
 Stevens,
 Winship,
 Worst.

Absent and not voting:

Messrs—

Barlow,
 Diesem,
 Harmon,

Messrs—

Lawrence,
 Smith,

Messrs—

Svensrud,
 Yager.

Messrs. LaMoure and Swanston voting in the negative.

Messrs. Barlow, Diesem, Harmon and Lawrence being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

The President appointed as a conference committee on Senate
 Bill No. 78, Messrs. Swanston, Belyea and Rowe.

Mr. Swanston moved
 That the Senate do now adjourn,
 Which motion prevailed, and
 The Senate adjourned.

C. C. BOWSFIELD,
 Secretary.

ONE HUNDRED AND THIRTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 11, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Appleton, Bell, Diesem, Hartman, Helgeson, McBride, Randall, Robinson, Sandager and Yager.

Mr. Haggart moved

That the reading of the Journal be dispensed with and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Syensrud and Yager.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred
Senate Bill No. 231,

A bill for an act to provide for the copying of certain records, and making an appropriation therefor,

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

GEO. B. WINSHIP,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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,

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

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,

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

C. B. LITTLE,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

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 do pass.

ROGER ALLIN,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 37,

A bill for an act defining the office hours of public officers of North Dakota,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 2, line 2, by inserting after the word "officers" the words "except register of deeds and clerk of the court,"

And when so amended recommend that said bill do pass.

JUDSON LAMOURE,
Chairman.

REPORTS OF SELECT COMMITTEES.

The committee appointed to examine and consider the action of the Governor in vetoing Senate Bill No. 172 made the following report:

To the Senate of North Dakota:

Your committee report that they have examined and considered the reasons assigned by the Governor in his message vetoing Senate Bill No. 172, and find that each of such reasons is untenable and not supported by the authorities cited, nor by the principles invoked to maintain it.

It is assumed by the Governor that a tax collected from an unorganized county will be expended for the exclusive use and benefit of the organized county collecting the same; that the unorganized county will not receive any benefit, directly or indirectly, from such tax. Upon such assumption, cases decided by the courts are cited to the effect that a tax, such as the one in ques-

tion is assumed to be, is illegal. The law is undoubtedly as stated in the message, but the assumption upon which such law is cited is wholly unwarranted by the facts in the case.

The unorganized county does receive a direct benefit in numerous ways, from the tax levied and collected, viz.:

1. For all judicial purposes it is deemed to be within the limits and a part of the organized county. It, therefore, receives benefits from courts in preserving the peace, and protecting the persons and property of its citizens, and in partaking of all the remedies that follow from an administration of the law.

2. For other purposes it is also deemed to be within the limits and a part of the organized county. "Other purposes" is a phrase or term broad enough to include taxation; for its natural construction leads to the conclusion that it comprehends all those purposes to accomplish which a county is organized, and certainly one purpose is by proper methods of taxation to collect a revenue to defray necessary expenses.

In this connection we call attention to Section 535 of the Compiled Laws, Territory of Dakota, which reads, "Such portions of the territory not organized into counties as are annexed to any organized county, shall for judicial and other purposes be deemed to be within the limits and a part of the county to which they are annexed."

We also mention the recording of deeds and mortgages, and instruments of a similar nature, by residents of unorganized counties in the proper offices of organized counties as an instance of benefits received by such persons.

We have thus far proceeded on the theory that the taxes provided for in Senate Bill No. 172 included such taxes as are imposed on the residents of organized counties, and think that we have shown that if such is the fact the bill is not obnoxious to the objections urged in the message vetoing it. But the bill provides for the collection of taxes for "State purposes only." It will hardly be contended that persons residing in an unorganized county receive no benefit from the State, that its institutions, educational and charitable, its laws, and its judiciary are not benefits to such persons. The retort might be that it is the grossest injustice to permit men with vast wealth in the form of large herds of cattle to enjoy all the benefits indicated, without bearing their just share of the burden. We affirm the converse of the proposition to be true; that is, where a benefit is derived by the tax-payer, directly or indirectly, from the expenditure of the tax, then it may be lawfully levied and collected, and that the tax is expended locally when its disbursement supports the government, either state or municipal, under whose protection the tax-payer lives.

Had the veto been based on the ground that the proposed legislation is superfluous, there would have been some merit in the executive action, for the committee calls attention to the provisions of Section 1557, Compiled Laws, Territory of Dakota, viz.: "When any personal property is situated and kept in any unorganized county of this Territory, then such property shall be subject to taxation in the nearest organized county thereto, and shall be listed and assessed by the assessor of said nearest organized county; and when said unorganized county borders upon two or more organized counties, then said property shall be assessed and taxed in that organized county having the greatest extent of contiguous boundary line."

The section quoted would seem to answer of itself the veto of the executive, for it is doubly vulnerable to the objections of the Governor when compared with the bill under consideration, the points of difference being obvious.

It seems strange that, according to the view of the Executive, such grossly illegal legislation should have been permitted to cumber the statute books for the last five years unquestioned until now. In presenting our reasons why the Executive veto should not be sustained, we are in a condition similar to that of the mayor of the city welcoming Henry of Navarre. Said he

"I know it is the custom to greet renowned warriors like your Majesty with the thunder of cannon; but I have twenty-one reasons why we cannot comply with such custom:

"1. We never had a cannon in this city;

"2. We —"

"Hold," said the king, "your first is sufficient, we will dispense with the remaining twenty."

We might assign numerous reasons for our action in this matter, but an all-sufficient and controlling one to our minds, is that the proposed legislation is alike just and constitutional. Whether in view of the now existing law it is necessary, is another question. The section cited from the Territorial laws places the property in unorganized counties under the same burdens as that in counties organized, and provides for its taxation in the nearest organized county. Senate Bill No. 172 taxes such property for State purposes only, and provides for its taxation in that county to which the unorganized county is annexed for judicial purposes. It will be observed that the veto is not based upon either of the objections indicated, but upon an erroneous application of the law.

Your committee recommend such action as shall secure just and efficient taxation in unorganized counties, for all proper purposes, by such legislation as may be necessary therefor.

Respectfully submitted,

W. E. SWANSTON,
M. L. McCORMACK,
J. H. WORST,
EDW. L. YAGER.

Mr. McCormack moved

That the report just read be referred to the Committee on Judiciary,

Which motion prevailed.

REPORTS OF SPECIAL COMMITTEES.

The Conference Committee on Senate Bill No. 143 made the following report:

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House, as to the differences on the House amendments to

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 respectfully report as follows:

1. In Article 7, Section 2, strike out the words "to the" in line 7, reprinted copy, where they occur before the words "State Treasurer."

2. In Article 12, Section 6, line 10, strike out the word "of" where it occurs before the word "his."

3. 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.

4. 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 relative of any member of the board shall be employed as teacher without the concurrence of the entire board."

And as so amended your committee recommend that the Senate do concur in the House amendments to said bill.

D. S. DODDS,
J. H. WORST,
On part of Senate.
GEO. W. LILLY,
J. MONTGOMERY,
On part of House.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Committee on Journal Correction for the one hundred and twelfth day report that we have examined same and find it to be correct.

A. SVENSBUD,
Chairman.

Mr. McCormack moved

That the report be not acted upon until to-morrow,
Which motion prevailed.

MOTIONS, RESOLUTIONS, ETC.

Mr. Dodds moved

The adoption of the following resolution:

WHEREAS, The sad news has just been received that the hand of death has been laid upon one of the prominent officials of our State government, the Hon. William Mitchell, the late Superintendent of Public Instruction of our new State; therefore, be it

Resolved, That as a token of respect to the memory of the deceased the Senate do now adjourn, and that a committee of three be appointed to act in connection with a like committee of the House, and to take such steps as they may deem necessary in the premises.

Mr. Worst asked unanimous consent to introduce a bill and have it read the first and second times, and have it referred.

Consent was granted, and

Mr. Worst introduced—

Senate Bill No. 233,

A bill for an act to appropriate money to pay the expenses of the Senate Investigating Committee,

Which was read the first and second times, and referred to the Committee on Appropriations.

Mr. Stevens also asked unanimous consent to introduce a bill and have it read the first and second times and referred.

Consent was granted, and

Mr. Stevens introduced—

Senate Bill No. 234,

A bill for an act to name and describe the senatorial and representative districts of North Dakota,

Which was read the first and second times under suspension of the rules, and referred to the Committee on Apportionment, and

The question recurring on the resolution offered by Mr. Dodds, The resolution was adopted, and

Mr. President appointed as such committee Messrs. Dodds, Worst and Rowe,

And the Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND FOURTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 12, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Diesem and Robinson.

Mr. Robinson being excused.

The Journal was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 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,

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

ANDREW SANDAGER,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

The Committee on Agriculture to whom was referred

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,

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

S. A. FISHER,
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
Senate Bill No. 217,

A bill for an act adopting the General Laws of the Territory of Dakota relating to private corporations and continuing the same in force,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out Section 2.

And when so amended recommend that said 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 offices and making appropriations therefor, approved December 19, 1889,"

Have had the same under consideration 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1, line 3, by inserting after the word "Governor" the words "State Treasurer."

And when so amended 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 not pass.

JUDSON LAMOURE,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred

Senate Bill No. 87,

A bill for an act to amend Chapter 11 of the Acts of the Seventeenth Session of the Legislative Assembly,

Have had the same under consideration and find that the provisions of said bill are fully covered in Senate Bill No. 143.

Also,

Senate Bill No. 76,

A bill for an act requiring county treasurers to act as treasurers of school districts and school townships in certain cases,

Have had the same under consideration and find that its provisions are fully covered in Senate Bill No. 143.

J. H. WORST,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred

Senate Bill No. 219,

A bill for an act to authorize counties to use any funds in the county treasury not otherwise appropriated to purchase seed grain for needy farmers, and to amend an act of the First Legislative Assembly of the State of North Dakota, entitled "An Act to authorize counties to issue bonds to procure seed grain for needy farmers resident therein,"

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

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,

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

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,

Have had the same under consideration, and recommend that said bill do pass,

Also,

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities,

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

F. G. BARLOW,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed Enrolled and Bills have examined

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration.

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 institution, and to appropriate miscellaneous receipts for the use of the said institutions.

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the Senate do not adopt the report of the Conference committee on Senate Bill No. 143.

Mr. Rowe moved

As a substitute that the report of the Conference Committee be adopted.

Roll call demanded.

The roll being called there were ayes 15, nays 11.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Cowan,
Dodds,
Haggart,

Messrs—

Harmon,
Hegleson,
Rowe,
Sandager,
Smith,

Messrs—

Slotten,
Svensrud,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bell,
Fisher,

Messrs—

Hartman,
LaMoure,
McBride,
McCormack,

Messrs—

Randall,
Stevens,
Winship.

Absent and not voting:

Messrs—

Diesem,
Fuller,

Messrs—

Lawrence.
Little,

Messrs—

Robinson.

Mr. Robinson being excused.

So the substitute motion was adopted, and

The report of the Conference Committee on Senate Bill No. 143 was adopted.

Mr. Dodds moved

That the roll be called on the final passage of Senate Bill No. 143 as amended,

Which motion prevailed.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—

Barlow,
Belyea,
Cowan,
Dodds,
Haggart,
Harmon,

Messrs—

Helgeson,
Little,
Rowe,
Sandager,
Smith,

Messrs—

Slotten,
Svensrud,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bell,
Fisher,
Fuller,

Messrs—

Hartman,
LaMoure,
Lawrence,
McBride,

Messrs—

McCormack,
Randall,
Stevens,
Winship.

Messrs. Diesem and Robinson absent and not voting.

Mr. Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 12, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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. 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,

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

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 public printing and for use in the Legislature and State offices.

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. 267,

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

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. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

To inform the Senate that the House has adopted the report of the Conference Committee on Senate Bill No. 143, and has passed the bill as so amended.

J. G. HAMILTON,
Chief Clerk.

Mr. Worst presented the following resolution:

CONCURRENT RESOLUTION.

WHEREAS, The demonetization of silver reduced the supply of coined money to near one-half 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 hereby are 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.

Mr. Swanston moved

The adoption of the resolution.

Mr. Stevens moved

As a substitute that the resolution be printed in the Journal,
Which substitute motion was lost.

Mr. Winship moved

To amend by referring it to the Committee on State Affairs,
Which motion prevailed.

Mr. President called Mr. Swanston to the Chair.

The hour having arrived for the special consideration of
House Bill No. 39,

A bill for an act defining usury and the penalty for taking the
same,

It was read the third time.

Mr. McCormack asked unanimous consent to return to the
eighth order of business,

Which consent was granted, and

Mr. McCormack moved

That the report of the Seed Wheat committee be read,

Which motion prevailed, and

The following report was received from the Special Seed Wheat
Committee:

Hon. A. Dickey, President of the Senate:

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 des-
titute farmers of North Dakota," which is respectfully submitted.

WM. O'MULCAHY, Chairman.

JEFF M. MEYERS, Secretary.

To the Senate of the State of North Dakota:

We, the undersigned, members of the committee appointed by the author-
ity of a Concurrent Resolution of the House and Senate of North Dakota, re-
port:

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 pres-
ent Legislature providing means whereby persons furnishing grain may be se-
cured 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 con-
stitutionality 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 proposi-
tion in writing from Geo. E. Spencer, acting as the duly authorized agent of
the responsible parties behind him, which proposition is annexed to this re-
port and made a part hereof.

An examination of the proposition will show that, in consideration of cer-
tain 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 thrashing 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 LOTTERY 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 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, man-

age 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 stating 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 Treasurer, who shall deposit all said sums in the Treasury of the State. But in case the contract hereinafter provided 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 Treasury 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. Barlow moved

That the report of the Seed Wheat Committee be laid upon the table.

Roll call demanded.

Mr. McCormack moved a call of the House.

Mr. Swanston moved

That further proceedings under call of the House be dispensed with,

Which motion prevailed, and

The question recurring on the motion to lay upon the table,

The roll being called there were ayes 11, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Svensrud,
Barlow,	Rowe,	Winship,
Dodds,	Smith,	Yager.
Fisher,	Slotten,	

Those who voted in the negative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
LaMoure,
Lawrence.
Little,
McBride,

Messrs—

McCormack,
Randall,
Sandager,
Stevens,
Swanston,
Worst.

Messrs. Diesem and Robinson absent and not voting.

Messrs. Deisem and Robinson excused.

So the motion to lay upon the table was lost.

The question recurring on the final passage of House Bill No. 39,

Mr. Little moved

That House Bill No. 39 be recommitted to the Committee on State Affairs.

Mr. Svensrud moved

As a substitute that the report of the committee on House Bill No. 39 be adopted,

Which substitute motion prevailed, and

The report of the committee was adopted.

Mr. Bell moved

To amend the bill by striking out Section 11,

Which motion prevailed.

Mr. Stevens moved

To amend by striking out Section 1,

Which motion was lost, and

Mr. Winship moved

To amend Section 10 by adding the words "*Providing*, That the provisions of this act shall not apply to any building and loan associations,"

Which motion was lost, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 24, nays 4.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Fuller,
Haggart,
Harmon,
Hartman,
Helgeson,
Little,
McBride,
Randall,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Svensrud,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

LaMoure,
Lawrence,

Messrs—

McCormack,

Messrs—

Stevens.

Absent and not voting:

Messrs—
Diesem,

Messrs—
Robinson,

Messrs—
Worst.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Haggart moved
That the report of the Seed Wheat Committee be referred to
the Committee on State Affairs.

Mr. President ruled the motion out of order, for the reason
that the next order of business had been announced.

Mr. Haggart moved
That the Senate return to the eighth order of business,
Which motion prevailed, and
Mr. Haggart moved
That the report of the Seed Wheat Committee be referred to
the Committee on State Affairs,
Which motion prevailed, and
The report was so referred.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Dodds moved
That a Committee of Conference be appointed to act with the
committee of the House on House Bill No. 309,
Which motion prevailed, and
Mr. President appointed as such committee Messrs. Dodds,
Appleton and Sandager.

Mr. Appleton moved
That the Senate take a recess,
Which motion prevailed, and
The Senate took a recess.

The Senate reassembled.

Mr. Swanston moved a call of the Senate.

The following members were reported absent without excuse:
Messrs. Allin, Appleton, Dodds, Cowan, Belyea, Bell, Fuller,
Haggart, Hartman, Helgeson, Little, McBride, McCormack, Sand-
dager, Smith, Slotten, Stevens and Winship who were brought
before the bar of the Senate.

Mr. Harmon moved
That further proceedings under call of the Senate be dispensed
with,
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }
 March 12, 1890. }

To the President of the Senate:

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

Senate Bill No. 142,

An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Also,

Senate Bill No. 39,

An act defining the boundaries of Walsh and Ramsey counties.

Also,

Senate Bill No. 57,

An act to provide for borrowing money to defray the extraordinary expenditures of the State Government.

Also,

Senate Bill No. 59,

An act relating to the selection of jurors.

Also,

Senate Bill No. 141,

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.

And the said bills have been filed in the office of the Secretary of State.

Respectfully,

JOHN MILLER,
 Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 12, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the report of the Conference Committee on House Bill No. 309, and has passed the bill as so amended.

Also,

To return herewith

House Bill No. 254,

A bill for an act to license express companies,

As requested by the Senate.

J. G. HAMILTON,
 Chief Clerk.

Mr. Yager moved

That Senate Bill No. 150 be recommitted to the Committee on Judiciary,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Sandager introduced—

Senate Bill No. 235.

A bill for an act to amend Section 29 of Chapter 21 of the Political Code,

Which was read the first time.

Mr. Harmon introduced—

Senate Bill No. 236,

A bill for an act to repeal Section 27 of an act to provide for the organization and government of State banks, approved February 20, 1890,

Which was read the first time.

Mr. Haggart introduced—

Senate Bill No. 237,

A bill for an act to provide for a more economical management of the North Dakota Agricultural College,

Which was read the first time.

Mr. Barlow introduced—

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,

Which was read the first time,

Mr. Little moved

That the rules be suspended and that all bills introduced be read the second time, and referred to the proper committees,

The motion prevailed, and

Senate Bill No. 235,

A bill for an act to amend Section 29 of Chapter 21 of the Political Code,

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

Senate Bill No. 236,

A bill for an act to repeal Section 27 of an act to provide for the organization and government of State banks, approved February 20, 1890,

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

Senate Bill No. 237,

A bill for an act to provide a more economical management of the North Dakota Agricultural College,

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

Senate Bill No. 238 was read the second time, and referred to the Special Committee on Seed Wheat.

Mr. Dodds presented the following report on the Conference Committee on House Bill 309.

MR. PRESIDENT:

Your committee appointed to confer with a like committee of the House, as to the differences on the Senate amendment to House Bill No. 309, recommend that the Senate amendment to Section 1 be stricken from said section, and that said amendment be added to and after the end of Section 2.

D. S. DODDS,
ANDREW SANDAGER,
A. F. APPLETON,
On part of Senate.
R. F. COLE,
E. W. BOWEN,
JAMES McCORMICK,
On part of House.

Mr. Swanston moved
To adopt the report of the committee,
Which motion prevailed.

Mr. Dodds moved
That the roll be called on the final passage of House Bill No. 309.

Which motion prevailed, and
The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Hartman,	Sandager,
Barlow,	Helgeson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Swanston,
Cowan,	Little,	Winship,
Dodds,	McBride,	Worst,
Fisher,	McCormack,	Yager.
Haggart,	Randall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Robinson,	Svensrud.
Fuller,	Smith.	

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

THIRD READING OF SENATE BILLS.

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.

Mr. Worst moved

That the report of the committee on Senate Bill No. 221 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Rowe,
Sandager,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Fuller,

Messrs—

LaMoure,
Robinson,

Messrs—

Smith,
Svensrud.

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title 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.

Mr. Swanston moved that the report of the committee on Senate Bill No. 231 be adopted.

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Fuller,

Messrs—

Robinson,

Messrs—

Svensrud.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 third time.

Mr. Haggart moved

That the report of the committee on Senate Bill No. 227 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Hegleson,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Fuller,

Messrs—

Lawrence,
Robinson,

Messrs—

Swanston.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced his signature to
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. 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. 195,

A bill for an act to legalize the acts of certain officers therein named.

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."

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.

Mr. McBride asked unanimous consent to introduce a bill.

Consent granted, and

Mr. McBride introduced—

Senate Bill No. 239,

A bill for an act to provide for changing from the school township to the school district system,

Which was read the first time.

Mr. McBride moved.

That the rules be suspended and that Senate Bill No. 239 be read the second time and referred,

Which motion prevailed, and

Senate Bill No. 239 was read the second time, and referred to the Committee on Education.

Mr. Swanston asked unanimous consent to make a report,

Which consent was granted, and

The Conference Committee on Senate Bill No. 78 made the following report:

MR. PRESIDENT:

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.

JAMES McCORMICK,

E. D. MCINTYRE,

W. H. H. RONEY.

On part of House.

W. E. SWANSTON,

E. H. BELYEA,

H. J. ROWE.

On part of Senate.

Mr. Swanston moved

To adopt the report,

Which motion prevailed.

Mr. Dodds asked unanimous consent to make a report.

Consent was granted, and

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal to whom was referred

Senate Bill No. 218,

A bill for an act to prohibit and punish any interference or attempted interference with the right of any buyer or seller of any article of merchandise or manufacture, of buying from or selling to any other party whatsoever,

Have had the same under consideration and recommend the following bill as a substitute for said 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.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That any combination, contrivance, agreement or trust, made, contrived, entered into or formed between persons, copartnerships or corporations in the State of North Dakota, or by and between any persons, copartnerships or corporations within this State with any person, copartnership or corporation without this State, with intent and which shall in operation tend to prevent a free, fair and full competition in the production, manufacture or sale of any article or commodity of domestic growth, use or manufacture, or that tends to advance the price to the user or consumer of any article or commodity of domestic growth, use, production or manufacture beyond the reasonable cost of production or manufacture thereof, or that tends to advance the price to the user, purchaser, or consumer of farm machinery, implements, tools, supplies, and lumber, wood and coal, imported into this State from any other State, territory or country, beyond the reasonable cost of production and sale or manufacture, and sale of the same, or which tends to and does induce and accomplish a sale of wheat, corn, oats, barley, flax, cattle, sheep, hogs or other farm or agricultural products for less than such farm or agricultural products are really worth at the time of sale or for a less price than such farm or agricultural products would sell for in open market if such combination, contrivance, agreement or trust did not exist is hereby declared to be against public policy and unlawful and void; and any person or persons who shall be a party to any such unlawful combination, contrivance, agreement or trust, or who shall in any way assist, aid or abet any such combination, contrivance, agreement or trust either as principal, agent, attorney, employe or otherwise, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison for not less than two nor more than five years.

SEC. 2. Any person or persons who shall agree and undertake as agent, to sell, and shall sell in this State any of the articles, commodities, products or machinery, implements, tools, supplies or goods, wares and merchandise, mentioned in Section 1 of this act for a non-resident manufacturer of, or wholesale dealer in such articles, commodities, products, machinery, implements, tools or supplies of goods, wares and merchandise or supplies, while at the same time such non-resident, manufacturer or wholesale dealer, refuses to sell at wholesale or manufacturers' prices, such farm implements, tools or supplies (as are furnished to such agent for sale in this State) to responsible and reputable wholesale or retail dealers in this State, for sale by them to their customers, and to the people of this State, shall be deemed to have unlawfully combined and contrived and agreed within the meaning of Section 1 of this act, with such non-resident manufacturer

or wholesale dealer, with intent to prevent a full, free and fair competition in the sale in this State of any such farm machinery, implements, tools or supplies furnished to such agents as aforesaid, and refused to be sold to wholesale or retail dealers in this State as aforesaid, and with the intent to advance the price to the user and purchaser and consumer beyond the reasonable cost of manufacture and sale, as production and sale of such farm machinery, farm tools, farm implements and supplies refused to be sold as aforesaid to dealers in this State as aforesaid, and such agent or agents, upon conviction thereof, shall be punished by imprisonment in the State prison for not less than two years nor more than five years, and by fine not less than the costs of prosecution.

SEC. 3. Any non-resident corporation, copartnership or company or person, who shall ship or bring into this State for sale any of the articles, commodities, products or goods, wares or merchandise, machinery, tools or implements mentioned in Section 1 of this act, to be sold only and exclusively by an agent or agents or person or persons selected, appointed and controlled in the sale of such goods by such non-resident corporation, copartnership, company or person, in violation of the spirit, intent and purpose of this act, may be restrained by an injunctional order from any court of competent jurisdiction in this State, from selling or disposing of any such commodities, products, goods, wares or merchandise, machinery, tools, implements, or having the same sold in this State until the defendant in such order offer the same for sale or to be sold on like and equal terms, and without restrictions except price and terms of payment to reputable and responsible wholesale or retail dealers of this State, without regard to location, who may desire to purchase the same or any portion thereof, for sale again. The injunctional order mentioned in this section may be issued upon affidavits, which shall show to the satisfaction of the court or judge thereof to whom application is made, that the person or persons or copartnership or corporation named as defendant in the application and affidavit for an injunctional order, has violated some provisions of this act. The injunctional order issued upon such affidavits may be served in the manner now provided by law for the service of such orders, and in the absence of the defendant therein, or his agent or attorney, such injunctional order may be served on any or all persons in this State, having in possession and for sale or in his possession for the use or subject to the order or direction of the defendant or defendants in such proceeding any of said articles or commodities or goods, wares and merchandise mentioned in Section 1 of this act, the sale of which is restrained by such order. On the final hearing by the court, if the application for injunction be sustained by the court, the court shall render judgment against the defendant in such proceeding, and in favor of the plaintiff therein for all the costs incurred by the plaintiff therein including such attorney's fee as the court or judge thereof may deem just and proper, and execution shall issue as in case of final judgment in such court in ordinary civil actions, except that such execution shall issue forthwith and be levied upon so much of the property restrained from sale or other property of the defendant that may be found in the State as shall be sufficient to pay all costs of said proceeding and attorney's fees allowed by the court therein. Any judge of a district court or of the Supreme Court may in like manner enjoin and restrain any manufacturing, or wholesale or retail business being conducted or carried on in violation of any of the provisions or spirit and interest of this act from continuing such manufacturing, or wholesale or retail business in this State, and all final or restraining orders may be perpetual or for such period, and upon such terms and conditions as the court or judge thereof may determine. All laws, rules and regulations now in force relative to applications for and granting injunctional proceedings under the provisions of this act, so far as the same are not different from, or in conflict with the provisions of this act.

SEC. 4. It is hereby made the special duty of each and every states attorney of each and every county in this State, who shall have good reason to believe that any of the provisions of Section 1 of this act are being violated by any person or persons in his county, or upon affidavit of two or

more reputable persons made and delivered to him, showing or stating affirmatively that any person or persons in his county have violated any of the provisions of Section 1 of this act to make complaint and cause the arrest of such person or persons and prosecute him or them diligently to conviction if proved to be guilty, and also at the request of any citizen of his county, and, for good cause shown, apply for an injunctive or restraining order, as provided in this act; *Provided*, That the provisions of this section shall not be construed to prevent any person from making complaint to any court of competent jurisdiction for any violation of the provisions of this act, and in such case the court shall issue a warrant and proceed the same as though the State's attorney had made the complaint, and the court may also permit any attorney whom the complaint may employ to appear and prosecute such action at any stage of the proceedings therein, and such attorney fee in any such action as the court may allow to such attorney shall be deemed a part of the costs of prosecution, as mentioned in Section 1 of this act.

D. S. DODDS,
Chairman.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sandager moved

That the rules be suspended, and

That all House bills be read the first and second times and referred to the proper committee,

Which motion prevailed, and

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,

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

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationery supplies for the Legislative Assembly and the various State officers, and making an appropriation,

Was read the first and second times, and referred to the Committee on Appropriations.

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,

Was read the first and second times, and referred to the Committee on Public Health.

House Bill No. 246,

A bill for an act to provide for establishing an Industrial School and School of Manual Training at the city of Ellendale, and county of Dickey,

Was read the first and second times, and referred to the Committee on Education.

House Bill No. 267.

A bill for an act entitled "An Act to give publicity to chattel mortgage sales,"

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

House Bill No. 301,

A bill for an act to authorize the incorporation of detective associations to provide for boards of collection of fees and awards by, to describe their powers, duties and liabilities, prevent frauds by and punish false pretenders,

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.

Mr. Winship moved

That the rules be suspended and that Senate Bill No. 224 be read the third time, and placed upon its final passage,

Which motion prevailed, and

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,

Was read the third time.

Mr. Winship moved

That the report of the Committee on Senate Bill No. 224 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Lawrence,	Svensrud
Cowan,	Little,	Swanston,
Dodds,	McBride,	Winship.
Fisher,	McCormack,	Worst,
Fuller,	Randall,	Yager.
Haggart,	Rowe,	

Messrs. Diesem and Robinson absent and not voting.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Little moved
That the Senate do now adjourn.

Mr. Swanston moved
As an amendment that when the Senate adjourn it be to meet
at 7:30 o'clock p. m.,

Which amendment was adopted, and
The motion as amended was adopted, and
The Senate adjourned.

EVENING SESSION.

The Senate met at 7 p. m. pursuant to adjournment.

The President and President *pro tem.* being absent,

Mr. Worst moved

That Mr. McCormack act as President until the regular officers
arrive,

Which motion prevailed, and
Mr. McCormack took the Chair.

Roll called.

All members present except Messrs. Diesem and Robinson.

The President *pro tem.* in the Chair.

Third reading of House bills continued.

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.

Mr. Little moved

That the report of the committee on House Bill No. 96 be
adopted,

Which motion prevailed.

Mr. Worst moved

To amend Section 4, line 3, by striking out the word "evinced"
and inserting the word "evidence" in lieu thereof,

Which amendment was adopted, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Sandager,
Appleton,	LaMoure,	Smith,
Barlow,	Little,	Slotten,
Cowan,	McBride,	Stevens,
Dodds,	McCormack,	Winship,
Haggart,	Randall,	Worst,
Hartman,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Fuller,	Robinson,
Bell,	Harmon,	Svensrud.
Diesem,	Lawrence,	Swanston,
Fisher,		

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title 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.

Mr. Harmon moved

That the report of the committee on House Bill No. 275 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended by the committee,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Smith,
Appleton,	Harmon,	Slotten,
Barlow,	LaMoure,	Stevens,
Bell,	McBride,	Winship,
Cowan,	Randall,	Worst,
Dodds,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Helgeson,	Robinson,
Diesem,	Lawrence,	Sandager,
Fuller,	Little,	Svensrud,
Haggart,	McCormack,	Swanston.
Hartman,		

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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.

Mr. Worst moved

That the report of the committee on House Bill No. 303 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 1.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Cowan,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
McBride,
McCormack,

Messrs—

Randall,
Rowe,
Smith,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Belyea,
Bell,
Diesem,
Fuller,

Messrs—

Lawrence,
Little,
Robinson,
Sandager,

Messrs—

Slotten,
Svensrud,
Swanston.

Mr. Stevens voting in the negative.

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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 for the same,

Was read the third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 221 be adopted,

Which motion prevailed.

Mr. McCormack moved

That the bill be made a special order for next Saturday at 3 o'clock p. m.,

Which motion prevailed.

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 third time.

Mr. Sandager moved

That the report of the committee on House Bill No. 256 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Appleton,	LaMoire,	Smith,
Barlow,	Lawrence,	Slotten,
Belyea,	Little,	Stevens,
Bell,	McBride,	Svensrud,
Cowan,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Harmon,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Haggart,	Robinson,
Dodds,	Helgeson,	Swanston.
Fuller,		

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

House Bill No. 141.

A bill for an act to prevent certain male animals from running at large,

Was read the third time.

Mr. Barlow moved

That the report of the committee on House Bill No. 141 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended by the committee,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Smith,
Appleton,	Harmon,	Slotten,
Barlow,	Hartman,	Stevens,
Belyea,	McBride,	Svensrud,
Bell,	McCormack,	Winship,
Cowan,	Randall,	Worst.
Fisher,	Rowe,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
LaMoire,	Sandager,	Yager.
Lawrence,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Helgeson,	Robinson,
Dodds,	Little,	Swanston.
Fuller,		

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 third time.

Mr. Swanston moved

That the report of the committee on House Bill No. 142 be adopted,

Which motion prevailed.

Mr. McBride moved

That further consideration of House Bill No. 142 be indefinitely postponed,

Which motion prevailed.

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.

Mr. Harmon moved

That the report of the committee on House Bill No. 170 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager
Barlow,	Helgeson,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Dodds,	McBride,	Swanston,
Fisher,	McCormack,	Winship,
Haggart,	Randall,	Worst,
Harmon.	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Fuller,	Robinson.

Mr. Appleton voting in the negative.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.
Mr. Little moved

That the Senate do now adjourn,
Which motion was lost.

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.

Mr. Lawrence moved

That the report of the committee on House Bill No. 124 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Rowe,
Barlow,	Helgeson,	Sandager,
Belyea,	LaMoure,	Smith,
Cowan,	Lawrence.	Slotten,
Dodds,	Little,	Stevens,
Fisher,	McBride,	Svensrud,
Haggart,	McCormack,	Winship,
Harmon,	Randall,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Swanston,
Bell,	Robinson,	Worst.
Diesem,		

Messrs. Diesem and Robinson being excused.

So the bill passed, and

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

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.

Mr. Winship moved

That the report of the committee on House Bill No. 292 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow,	LaMoure.	Slotten,
Cowan,	Little,	Stevens,

Messrs—
 Dodds,
 Fisher,
 Haggart,
 Harmon,
 Hartman,

Messrs—
 McBride,
 Randall,
 Rowe,
 Sandager,

Messrs—
 Svensrud,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Appleton,
 Belyea,
 Bell,

Messrs—
 Diesem,
 Fuller,
 Lawrence,

Messrs—
 McCormack,
 Robinson,
 Swanston.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

House Bill No. 295,

A bill for an act making an appropriation to pay for publica-
 tion of the Constitution of North Dakota,
 Was read the third time.

Mr. McBride moved

That the report of the committee on House Bill No. 295 be
 adopted.

Mr. Rowe moved

As a substitute that the report be not adopted,
 Which substitute motion was adopted.

Mr. Rowe moved

That further consideration of House Bill No. 295 be indefinitely
 postponed,

Which motion prevailed.

Mr. McCormack moved

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

C. C. BOWSFIELD,
 Secretary.

ONE HUNDRED AND FIFTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 13, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Diesem, Fuller and Robinson, who were excused.

Mr. Belyea moved

That the reading of the Journal be dispensed with, and a committee appointed to correct the same,

Which motion prevailed, and

Mr. President appointed Messrs. Winship and Sandager as such committee.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred
House Bill No. 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 do pass.

Also,

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 said bill do pass.

JUDSON LAMOURE,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education to whom was referred
House Bill No. 246,

A bill for an act to provide for establishing an Industrial School and School of Manual Training at the city of Ellendale, and county of Dickey,

Have had the same under consideration and recommend that said bill be referred to the Senate without recommendation.

J. H. WORST,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

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:

Amend Section 3, line 3, in written bill, by inserting the word "are" between the words "sheep" and "locality."

And as so amended recommend that said bill do pass.

Also,

House Bill No. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Have had the same under consideration and report the same back without recommendation.

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,

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

S. A. FISHER,
Chairman.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance to whom was referred
House Bill No. 244,

A bill for an act to amend and re-enact the Insurance Laws of the State of North Dakota,

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

Also,

House Bill No. 293,

A bill for an act to regulate the writing of insurance of whatsoever kind in this State,

Report the same back without recommendation.

JUDSON LAMOURE,
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads to whom was referred

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,

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

Also,

Senate Bill No. 207,

A bill for an act to regulate railroad corporations and other common carriers in this State, and to increase the powers and further define the duties of the Board of Railroad Commissioners in relation to the same, and to prevent and punish extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads in this State, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal all laws in force in direct conflict with the provisions of this act,

Have had the same under consideration and beg leave to report the same back without recommendation.

Also,

Senate Bill No. 208,

A bill for an act to establish reasonable maximum rates and charges for the transportation of freight and property on the different railroads of this State,

Have had the same under consideration and report the same back without recommendation.

ROGER ALLIN,
Chairman.

MOTIONS, RESOLUTIONS, ETC.

Mr. Stevens moved

That the vote by which House Bill No. 292 was passed yesterday be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of

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. Stevens moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 15, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Bell,	LaMoure,	Stevens,
Cowan,	Lawrence.	Swanston,
Fuller,	McBride,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hegleson,	Slotten,
Barlow,	Rowe,	Svensrud,
Dodds,	Smith,	Yager.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Little,	Sandager,
Hartman,	Robinson.	Winship.

Messrs. Diesem and Robinson being excused.

So the further consideration of the bill was indefinitely postponed.

Mr. Belyea moved

That the report of the committee on House Bill No. 246 and also the bill be indefinitely postponed.

Mr. Belyea withdrew his motion.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 13, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 286,

A bill for an act entitled "An Act to amend Section 6818, and to repeal Section 6819, of the Compiled Laws of 1887, relative to the wearing of Grand Army badges.

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. 335,

A bill for an act to encourage the manufacture of binding twine in the State of North Dakota.

Also,

House Bill No. 149,

A bill for an act to revise the law in relation to justices and constables,

Which was amended by striking out the words "the people of" wherever they occur in said bill.

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. 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. 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.

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

A Concurrent Resolution for a Memorial to Congress,

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

Also,

That the House has concurred in Senate amendments to House Bill No. 254, and passed the bill as so amended.

Also,

To transmit herewith

Senate Bill No. 213,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

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,

Both of which the House has passed unchanged.

J. G. HAMILTON.

Chief Clerk,

Mr. Swanston moved

That Senate Bill No. 31 be taken from Special Orders set for Saturday at 3 o'clock p. m. and considered,

Which motion prevailed, and

The question recurring on the consideration of the Governor's veto message in reference 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,

Mr. Swanston moved

That Senate Bill No. 31 do pass the objections of the Governor to the contrary notwithstanding.

Mr. Swanston moved a call of the House.

Mr. McBride moved

That further proceeding under call of the House be dispensed with,

Which motion prevailed, and

The question recurring on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

The roll being called there were ayes 18, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Randall,
Belyea,	LaMoure,	Sandager,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Fuller,	McBride,	Swanston,
Haggart,	McCormack,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Slotten,
Barlow	Helgeson,	Winship,
Dodds,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Robinson,	Smith.
Hartman,		

Messrs. Diesem and Robinson being excused.

So the veto of the Governor was sustained, there not being the constitutional number to carry the bill over the veto.

Mr. Sandager moved

That the Hon. H. S. Moore, and the Hon. A. O. Whipple members of the Constitutional Convention be invited within the bar of the Senate, and extended the courtesies of the floor,

Which motion prevailed.

Mr. Haggart moved

That the vote by which House Bill No. 170 passed be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 170,

A bill for an act to preserve the waters of the Red, Missouri and James rivers,

Mr. Haggart moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Belyea moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 16, nays 9.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Fuller,
Haggart,

Messrs—

Harmon,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Randall,
Stevens,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Fisher,

Messrs—

Helgeson,
Rowe,
Smith,

Messrs—

Slotten,
Svensrud,
Yager.

Absent and not voting:

Messrs—

Diesem,
Dodds,

Messrs—

Hartman,
Robinson,

Messrs—

Sandager,
Winship.

Messrs. Diesem, and Robinson being excused.

So the motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND SIXTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 14, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The President pro tem. presiding.

Roll called.

Prayer by the Chaplain.

All members present except Messrs. Diesem and Robinson, who were excused.

The Lieutenant Governor in the chair.

Mr. Winship moved

That the reading of the Journal be dispensed with, and a committee be appointed to correct the same.

Which motion prevailed, and

Mr. President appointed Messrs. Svensrud and Yager as such committee.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations to whom was referred

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

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

GEO. B. WINSHIP,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred

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,

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

Also,

House Bill No. 332,

A bill for an act relating to terms, phrases, names or titles adopted by the Constitution,

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

C. B. LITTLE,
Chairman.

The Committee on Education made the following report:

MR. PRESIDENT:

The Committee on Education to whom was referred

Senate Bill No. 239,

A bill for an act to provide for changing from the school township to the school district system,

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

J. H. WORST,
Chairman.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 220,

A bill for for an act to abolish the office of city treasurer in all cities not organized under the General Laws and to provide for the county treasurer performing the duties of said office of city treasurer,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend Section 1 to read as follows:

SEC. 1. The office of city treasurer in all cities in which the county seat of any county is located, and not having more than 5,000 inhabitants and not organized under the General Law, is hereby abolished.

And when so amended recommend that said bill do pass,

ANDREW SANDAGER,
Chairman.

The Committee on Apportionment made the following report:

MR. PRESIDENT:

Your Committee on Apportionment to whom was referred

Senate Bill No. 234,

A bill for an act to name and describe the senatorial and representative districts of the State of North Dakota,

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

J. E. STEVENS,
W. E. SWANSTON,
A. F. APPLETON,
G. W. HARMON.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 233,

A bill for an act to appropriate money to pay the expenses of the Senate Investigating Committee,

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

To the Senate 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, theaters, 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 No. 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. MYERS,
WM. BUDGE,
ALEXANDER MCKENZIE,
R. E. FLEMING.
GEO. E. SPENCER.

Mr. Swanston moved

That the communication be laid upon the table.

Mr. Winship moved

As a substitute, that the resignation be accepted.

Mr. President ruled the substitute motion out of order, and

The question recurring on the motion to lay upon the table,

The motion prevailed, and the report of the committee was laid upon the table.

Mr. Little moved

That Senate Bill No. 233 be recalled from the Committee on Appropriations and placed in regular orders,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 14, 1890. }

MR. PRESIDENT:

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,

Which the House has passed with the following amendments:

Strike out the word "Territory" wherever it occurs in the bill and insert the word "State."

Strike out Section 2 of the bill and insert the following as 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 subdivisions 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.

In lines numbered 16 and 17, Section 10 of the written bill, strike out the following words: "In type of the same style and."

In Section 18, line 27 of the written bill strike out all of the section after the word "precinct."

In Section 20 strike out the words "county clerk," and insert the word "sheriff."

In Section 64, line numbered 30 of the written bill, after the word "naturalization," insert the following words: "Not less than one year nor more than six years prior to this election."

And your concurrence therein is respectfully requested.

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. 317,

A bill for an act exempting practicing pharmacists from jury duty.

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,

To inform the Senate that the House has concurred in the Senate amendments to House Bills Nos. 96, 234, 272 and 181 and have passed the bills as so amended.

Also,

To inform the Senate that the House refuses to concur in the Senate amendments to House Bill No. 39, and that the Speaker has, on motion adopted, appointed Messrs. Selby, Currier and Thompson of Cass, as a committee to confer with a like committee from the Senate upon the amendments to said bill.

Also,

House Bill No. 38,

A bill for an act to provide for the licensing of public warehouses.

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 the funding bond fund, road and bridge fund or penalty and interest fund to the general fund,"

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved

That the action of the Senate on the veto message on Senate Bill No. 31 be expunged from the record,

Which motion prevailed.

Mr. President 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, establish and maintain the North Dakota Academy of Science, and to provide for the government thereof.

Also,

House Bill No. 152,

A bill for an act to provide for the effect of judgment in an action of foreclosure 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.

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.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. LaMoure moved

That the concurrent resolution to Congress to appropriate certain lands for educational and charitable purposes be laid upon the table.

Roll call demanded.

The roll being called there were ayes 15, nays 12.

Those who voted in the affirmative were:

Messrs—

Appleton,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Hartman,
Helgeson,
LaMoure,
McBride,
McCormack,

Messrs—

Randall,
Rowe,
Smith,
Svensrud,
Winship.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Belyea,
Fuller,

Messrs—

Harmon,
Lawrence,
Little,
Sandager,

Messrs—

Slotten,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Diesem,
Haggart,

Messrs—

Robinson,

Messrs—

Stevens.

Messrs. Diesem and Robinson being excused.

So the motion prevailed, and

The concurrent resolution was laid upon the table.

Mr. Swanston moved

That a conference committee be appointed to confer with a like committee on House Bill No. 39,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Lawrence, Bell and Slotten.

THIRD READING OF SENATE BILLS.

Mr. Little moved

That the rules be suspended, and that Senate Bill No. 233 be read the third time and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 233.

A bill for an act to appropriate money to pay the expenses of the Senate Investigating Committee,

Was read the third time.

Mr. Little moved

That the enacting clause be amended by adding the words "the State of,"

Which amendment was adopted.

Mr. Winship moved

That the further consideration of Senate Bill No. 233 be indefinitely postponed,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 10.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Randall,
Sandager,
Stevens,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Dodds,
Fisher,

Messrs—

Helgeson,
Rowe,
Slotten,

Messrs—

Svensrud,
Winship,
Yager.

Absent and not voting:

Messrs—

Diesem,

Messrs—

Robinson,

Messrs—

Smith.

Messrs. Diesem and Robinson being excused,

So the bill passed, and

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

Mr. Little moved

That the vote just taken be reconsidered, and that the motion to
reconsider be laid upon the table,
Which motion prevailed.

Mr. Svensrud moved

That the Senate return to the seventh order of business,
Which motion prevailed, and
The Committee on Seed Wheat made the following report:

MR. PRESIDENT:

Your Committee on Seed Wheat to whom was referred
Senate Bill No. 238,

A bill for an act to extend the time in which petitions and ap-
plications may be made to county commissioners for seed grain as
provided by law,

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

A. SVENSRUD,
Chairman.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture to whom was referred
Senate Bill No. 237,

A bill for an act to provide for a more economical management
of the North Dakota Agricultural College,

Have had the same under consideration and recommend that
said bill be amended as follows:

In line 1 strike out the word "Governor" and insert in lieu thereof the
words "Commissioner of Agriculture."

In line 7 strike out the word "Governor" and insert in lieu thereof the
words "Commissioner of Agriculture."

And when so amended recommend that said bill do pass.

S. A. FISHER,
Chairman.

Mr. Stevens moved

That Senate Bill No. 237 be read the third time, and placed
upon its final passage,

Which motion prevailed, and
Senate Bill No. 237,

A bill for an act to provide a more economical management of
the North Dakota Agricultural College,

Was read the third time.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 237 be
adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 27, nays none.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Belyea,	LaMoure,	Stevens,
Cowan,	Little,	Svensrud,
Dodds,	McBride,	Swanston,
Fisher,	McCormack,	Winship,
Fuller,	Randall,	Worst,
Haggart,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Lawrence,	Robinson.
Diesem,		

Messrs. Diesen and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved

That Senate Bill No. 234 be read the third time and placed
upon its final passage,

Which motion prevailed, and
Senate Bill No. 234,

A bill for an act to name and describe the senatorial and repre-
sentative districts of North Dakota,
Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 234 be
adopted,

Which motion prevailed.

Mr. Winship moved

The adoption of the following amendment:

In Section 1 strike out all between line 22 and line 39, and insert the fol-
lowing:

The Fifth district shall consist of the townships of Gilby, Johnstown,
Straban, Wheatfield, Hegton, Arvilla, Avon, Northwood, Lind, Grace, Lari-
more, and the city of Larimore, Elm Grove, Agnes, Inkster, Elkmeunt, Oak-
wood, Niagara, Moraine, Logan and Loretta, in the county of Grand Forks, and
be entitled to one Senator and two Representatives.

The Sixth district shall consist of the Third, Fourth, Fifth and Sixth
wards of the city of Grand Forks, as now constituted, and the townships of
Falconer, Harvey, Turtle River, Ferry, Rye, Blooming, McKinock, Lakeville
and Levant, in the county of Grand Forks, and be entitled to one Senator and
two Representatives.

The Seventh district shall consist of the First and Second wards of the
city of Grand Forks, as now constituted, and the townships of Grand Forks,
Brenna, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Benton,
Americus, Michigan, Union and Washington, in the county of Grand Forks,
and be entitled to one Senator and two Representatives.

Which amendment was lost.

Mr. Allin moved

To amend Section 1, line 16, by striking out the figures "58" and inserting the figures "59" in lieu thereof,

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 17, nays 11.

Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McCormack,

Messrs—

Randall,
Sandager,
Stevens,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Barlow,
Dodds,
Fisher,

Messrs—

Hegleson,
Rowe,
Smith,
Slotten,

Messrs—

Svensrud,
Winship,
Yager.

Absent and not voting:

Messrs—

Diesem,

Messrs—

McBride,

Messrs—

Robinson.

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Haggart asked consent to return to the eighth order of business.

Consent granted.

Mr. Haggart moved

That the vote by which Senate Bill 237 passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Swanston moved

That the vote by which Senate Bill No. 234 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. McBride moved

That Senate Bill No. 239 be read the third time and placed upon its final passage,

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 third time.

Mr. McCormack moved

That the report of the committee be adopted,
Which motion prevailed, and
The question recurring on the final passage of the bill,
The roll being called there were ayes 23, nays 3.
Those who voted in the affirmative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Barlow,

Messrs—

Rowe,

Messrs—

Worst.

Absent and not voting:

Messrs—

Allin,
Diesem,

Messrs—

Hegleson,
Lawrence,

Messrs—

Robinson.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Committee on Journal Correction for the one hundred and fifteenth day, have examined same and find it correct.

A. SVENSRUD,
Chairman.

Which report was adopted.

Mr. Smith moved

That Senate Bill No. 218 be read the third time and placed upon its final passage,

Which motion prevailed, and
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,

Was read the third time.

Mr. Little moved

That further consideration of the bill be postponed until Monday at 3 o'clock p. m.,

Which motion was lost, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Sandager,
Appleton,	Haggart,	Smith,
Barlow,	Harmon,	Slotten,
Belyea,	Helgeson,	Stevens,
Bell,	LaMoure,	Swanston,
Cowan,	McBride,	Winship,
Dodds,	McCormack,	Worst.
Fisher,	Rowe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Little,	Svensrud,
Hartman,	Randall,	Yager.
Lawrence,	Robinson,	

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved

That Senate Bill No. 212 be given its third reading and final passage,

Which motion prevailed, and
Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities,

Was read the third time.

Mr. McCormack moved

The adoption of the report of the committee,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Rowe,
Barlow,	Hartman,	Sandager,
Belyea,	Helgeson,	Smith,
Bell,	LaMoure,	Slotten.
Cowan,	Lawrence.	Stevens,
Dodds,	Little,	Swanston,
Fisher,	McBride,	Winship,
Fuller,	McCormack,	Worst.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Randall,	Svensrud,
Diesem,	Robinson,	Yager.

Messrs. Diesem and Robinson being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved

That the vote just taken be reconsidered and the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Smith moved

That the vote taken on Senate Bill No. 218 be reconsidered and the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. LaMoure moved

That the concurrent resolution laid upon the table be taken from the table.

Roll call demanded on the motion to take from the table.

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Swanston,
Winship,
Worst.

Absent and not voting:

Messrs—

Allin,
Diesem,

Messrs—

Helgeson,
Randall,

Messrs—

Robinson,
Svensrud.

Mr. Yager voting in the negative.

Messrs. Diesem and Robinson being excused.

So the motion prevailed, and

The question recurring on the Concurrent Resolution,

Mr. LaMoure moved

That the Concurrent Resolution be adopted,

Which motion prevailed, and

The following Concurrent Resolution was adopted:

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; also, Section 16 in the township 134 north, range 56 west, in Ransom county for the benefit of the Soldiers' Home at Lisbon; *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 institutions.

Mr. Appleton moved
That Senate Bill No. 189 be read the third time and placed upon its final passage,
Which motion prevailed, and
Senate Bill No. 189,
A bill for an act to amend Section 37, Chapter 6, of the Code of Civil Procedure,
Was placed upon its final passage.

Mr. Appleton moved
That the printed bill be substituted for the written bill.

Mr. President ruled the motion out of order.

Mr. Stevens moved
That Senate Bill No. 232 be read the third time and placed upon final passage,
Which motion prevailed, and
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,
Was read the third time.

Mr. McCormack moved
That the report of the committee on Senate Bill No. 232 be adopted,
Which motion prevailed.

Mr. Stevens moved
The adoption of the following amendment:
Amend Section 3, line 3, by striking out the words "the same" and insert in lieu thereof the words "and prepare the same for crops the."

Which amendment was adopted, and
The question recurring on the final passage of the bill,
The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	LaMoure,	Slotten,
Belyea,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Dodds,	McBride,	Swanston,
Fisher,	McCormack,	Worst,
Fuller,	Rowe,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Helgeson,	Robinson,
Diesem,	Randall,	Winship.

Messrs. Diesem and Robinson being excused.

So the bill passed, and

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

Mr. Svensrud moved

That Senate Bill No. 238 be read the third time and placed upon its final passage,

Which motion prevailed, and
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,

Was read the third time.

Mr. Svensrud moved

That the report of the committee on Senate Bill No. 238 be adopted,

Which motion prevailed.

Mr. Barlow moved

The adoption of the following amendment:

Amend the title by striking out the words "Chapter — of the Laws" and inserting in lieu thereof the words "an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein, approved February 14, 1890."

Amend Section 1 by striking out the words "Chapter — of the Laws" and inserting in lieu thereof the words "an act authorizing counties to issue bonds to procure seed wheat for poor and needy farmers resident therein, approved February 14, 1890."

Which amendment was adopted.

Mr. McCormack moved

To amend Section 1, lines 3 and 4, by striking out the word "April" and inserting the word "May" in lieu thereof,

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Dodds,
Fisher,
Fuller,
Helgeson,

Messrs—

LaMoure,
Lawrence,
McBride,
McCormack,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Yager.

Absent and not voting:

Messrs—

Bell,
Cowan,
Diesem,
Haggart,

Messrs—

Harmon,
Little,
Randall,

Messrs—

Robinson,
Winslip,
Worst.

Messrs. Belyea and Hartman voting in the negative.

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McBride moved

That the vote just taken on Senate Bill No. 238 be reconsidered,

Which motion prevailed, and

The question recurring on the final passage of Senate Bill No. 238,

Mr. Barlow moved to adopt the following amendment:

WHEREAS, An emergency exists for the reason that those needing seed grain require longer time in which to petition for the same, therefore, this act shall take effect from and after its passage and approval.

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Dodds,
Fisher,

Messrs—

Helgeson,
LaMoure,
McBride,
Randall,
Rowe,
Sandager,
Smith,

Messrs—

Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Yager.

Absent and not voting:

Messrs—

Belyea,
Diesem,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Lawrence,
Little,

Messrs—

McCormack,
Robinson,
Worst.

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Appleton asked unanims consent to return to the eighth order of business.

Consent granted, and

Mr. Appleton moved

That Senate Bill No. 178 be recalled from the committee and placed in general orders,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 217 be read the third time and placed upon its final passage.

Which motion prevailed, and

Senate Bill No. 217,

A bill for an act adopting the General Laws of the Territory of Dakota relating to private corporations and continuing the same in force

Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 217 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 21, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Slotten,
Appleton,	Helgeson,	Stevens,
Barlow,	LaMoure,	Svensrud.
Bell,	Little,	Swanston.
Cowan,	Randall,	Winship,
Dodds,	Sandager,	Worst,
Fisher,	Smith,	Yager.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Harmon,	McBride,	Rowe.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	McCormack,
Diesem,	Lawrence,	Robinson.
Fuller,		

Messrs. Diesem and Robinson being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved

That the vote just taken be reconsidered.

Mr. Dodds moved

To lay the motion upon the table,

Which motion was lost, and

The question being on the motion to reconsider,

The motion prevailed, and

The question being on the final passage of the bill,

Mr. Little moved

To amend by reinserting the emergency clause as in the printed bill.

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 15, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Lawrence,	Smith,
Cowan,	Little,	Stevens,
Fuller,	McCormack,	Svensrud,
Haggart,	Randall,	Swanston,
Harmon,	Sandager,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Rowe,
Appleton,	Helgeson,	Slotten,
Bell,	LaMoure,	Winship,
Dodds,	McBride,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	Robinson.
Diesem,		

Messrs. Diesem and Robinson being excused.

So the bill was lost, not having received the necessary constitutional majority.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 14, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
House Bill No. 116.

A bill for an act authorizing and requiring the county commissioners of the several counties of the State of North Dakota to designate depositories for the public funds of their respective counties.

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, approved January 13, 1890.

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.

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. 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. 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,"

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

Also,

Senate Bill No. 22,

A bill for an act to prescribe the bond, oath and duties of the Attorney General,

Which the House has passed with the following amendment:

Strike out all of the bill after the enacting clause and insert the following:

A BILL

For an Act to Prescribe the Bond, Oath and Duties of the Attorney General.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That before entering upon the duties of his office, the Attorney General shall be commissioned by the Governor, and shall take 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 Attorney General to the best of my ability;" and shall execute a bond to the State of North Dakota with good and sufficient securities, in the penal sum of \$5,000 to be approved by the Governor and filed in the office of the Secretary of State; such bond shall be conditioned for the faithful discharge of the duties of said office, and the paying over of all moneys coming into his hands as provided by law.

SEC. 2. ADDITIONAL BOND.] Whenever the Governor shall deem any bond filed by the Attorney General insufficient, the Governor may require another bond to be furnished with sufficient sureties to be approved by him, as specified in Section 1 of this act.

SEC. 3. FAILURE TO GIVE BOND OR TAKE OATH.] If any person elected to the office of Attorney General shall fail to give bond or take the oath required by law within twenty days after the first Monday in January following his election, or if elected to fill a vacancy, within twenty days after he is declared elected, the office shall be deemed vacant; and if being required to give additional bond, as provided in Section 2 of this act, he fails to do so within twenty days after notice of such requirement, his office may, in the discretion of the Governor, be declared vacant and be filled as provided by law.

SEC. 4. DUTIES OF ATTORNEY GENERAL.] The duties of the Attorney General shall be:

1. To appear for and represent this State before the Supreme Court in all cases in which the State is interested as a party.
2. To institute and prosecute all actions and proceedings in favor of, or for the use of this State, which may be necessary in the execution of the duties of any State officer.
3. To defend all actions and proceedings against any State officer in his official capacity, in any of the courts of this State, or of the United States.
4. To consult with and advise the several state's attorneys in matters relating to the duties of their office; and when in his judgment the interest of this State require it, he shall attend the trial of any party accused of crime, and assist in the prosecution.
5. To consult with and advise the Governor and all other State officers, and give, when requested, written opinions upon all legal or constitutional questions relating to the duties of such officers respectively.

6. To prepare, when necessary, proper drafts for contracts and other writings relating to subjects to which the State is interested.

7. To give written opinions, when requested by either branch of the Legislative Assembly, upon constitutional or legal questions.

8. To enforce the proper application of funds appropriated to the public institutions of this State, prosecute breaches of trust in the administration of such funds, and when necessary, prosecute corporations for failure or refusal to make the reports required by law.

9. To keep in proper books, a register of all cases prosecuted or defended by him, in behalf of the State or its officers, and of all proceedings had in relation thereto, and to deliver the same to his successor in office.

10. To keep in his office a book in which he shall record all the official opinions given by him during his term of office, which book shall be by him delivered to his successor in office.

11. To pay into the State treasury all moneys received by him for the use of the State.

12. To attend to and perform any other duty which may, from time to time, be required by law.

SEC. 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.

SEC. 6. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Also,

Senate Bill No. 203,

A bill for an act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887,

Which the House has amended by striking out the words "to read as follows:" from the title.

And your concurrence therein is respectfully requested.

J. G. HAMILTON.

Chief Clerk,

Mr. Belyea moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,

Secretary.

ONE HUNDRED AND SEVENTEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 15, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. McBride moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Helgeson and Barlow.

REPORTS OF STANDING COMMITTEES.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations to whom was referred

Senate Bill No. 230,

A bill for an act to amend Section 15 of Chapter 24 of the Political Code, entitled "Incorporation of Cities and Towns,"

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

ANDREW SANDAGER,
Chairman.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking to whom was referred Senate Bill No. 236,

A bill for an act to repeal Section 27 of an act to provide for the organization and government of State banks, approved February 20, 1890,

Have had the same under consideration and return the same without recommendation.

ANDREW HELGESON,
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' fees,

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

Also,

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.

C. B. LITTLE,
Chairman.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties to whom was referred
Senate Bill No. 235,

A bill for an act to amend Section 29 of Chapter 21 of the Political Code,

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

Also,

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,

Beg leave to return the bill without recommendation.

F. G. BARLOW,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 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.

And find the same correctly engrossed and enrolled.

J. O. SMITH,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

The following report from the Conference Committee:

The Conference Committee on Senate Bill No. 41 made the following report:

MR. PRESIDENT:

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, and another committee appointed.

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.

The Committee on Journal Correction made the following report:

MR. PRESIDENT:

Your Committee appointed to correct the Senate Journal of the one hundred and sixteenth day have examined the same and report the following corrections:

Page 4, line 14, read "March 13" instead of "March 14."

Page 19, line 2, insert after the word "act" the words "entitled an act."

And when so corrected the Journal be approved.

ANDREW HELGESON,
Chairman.

Which report was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 15, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith,
 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. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain.

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. 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. 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. 314,

A bill for an act relating to building and loan associations.

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.

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. 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. 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. 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. 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. 344,

A bill for an act granting certain powers to county commissioners.

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 to locate and provide for the government of a State Reform School at Mandan, Morton county, North 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.

All of which the House has passed and your favorable consideration thereof is respectfully requested.

Also,

Senate Bill No. 194,

A bill for an act to appropriate money to pay the amounts due the militia of North Dakota.

Also,

Senate Bill No. 123,

A bill for an act to regulate the practice of pharmacy, the li-

censing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

Both of which the House has passed unchanged.

J. G. HAMILTON,
Chief Clerk.

Mr. Worst moved

That the rules be suspended, and that the vote by which Senate Bill No. 143 was passed be reconsidered,

Which motion prevailed, and

The question being on the final passage of Senate Bill No. 143,

A bill for an act to provide for a system of free public schools throughout the State,

Mr. Appleton moved

That the further consideration of the bill be postponed until Monday at 3 o'clock p. m.,

Which motion was lost.

Mr. Swanston moved

That Senate Bill No. 143 be made a special order for Monday at 3:30 o'clock p. m.,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Swanston moved

That the Senate do not concur in the House amendments to Senate Bill No. 5, and that a conference committee be appointed to confer with a like committee from the House,

Which motion prevailed, and

Mr. President appointed as such committee, Messrs. Swanston McBride and Dodds.

Mr. Rowe moved

That the Senate do now concur in the House amendments to Senate Bill No. 22,

Which motion prevailed.

Mr. Rowe moved

That the Senate do now concur in the House amendments to Senate Bill No. 203,

The motion prevailed.

Mr. Rowe moved

That the roll be called upon the final passage of Senate Bill No. 22 as amended by the House,

Which motion was lost.

Mr. Little asked consent to make a report.

Consent was granted.

Mr. Belyea moved

That the report be adopted and the committee discharged,

Which motion prevailed.

Mr. LaMoure moved

That a new conference committee be appointed to confer with a like committee from the House on Senate Bill No. 41,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. LaMoure, Appleton and Slotten.

Mr. Little moved

That Senate Bill No. 220 be read the third time, and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 220,

A bill for an act to abolish the office of city treasurer in all cities not organized under the General Laws and to provide for the county treasurer performing the duties of said office of city treasurer,

Was read the third time.

Mr. President announced his signature to

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. 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. 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. 180,

A bill for an act providing for the displaying the flag of the United States on all public State institutions.

Also,

House Bill No. 154,

A bill for an act to amend Section 739 of the Penal Code, being Section 6931 of the Compiled Laws.

Also,

House Bill No. 272,

A bill for an act to provide for fixing the salaries of county officers.

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. 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. 141,

A bill for an act restraining 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.

Mr. Cowan moved

That the report of the committee on Senate Bill No. 220 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 10, nays 9.

Those who voted in the affirmative were:

Messrs—

Allin,
Cowan,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
LaMoure.

Messrs—

Robinson,
Sandager,
Swanston.

Those who voted in the negative were:

Messrs—

Appleton,
Diesem,
Fisher,

Messrs—

Little,
McCormack,
Rowe,

Messrs—

Stevens.
Winship.
Yager.

Absent and not voting:

Messrs—

Barlow,
Belyea,
Bell,
Dodds,

Messrs—

Helgeson,
Lawrence,
McBride,
Randall,

Messrs—

Smith,
Slotten,
Svensrud,
Worst.

So the bill was lost not having received the necessary constitutional majority.

Mr. Diesem asked consent to take up the concurrent resolution
Consent was granted, and

Mr. Diesem moved

The adoption of a concurrent resolution to Congress to instruct the Supervisor of the Eleventh Census to report the number of chattel and real estate mortgages,

Which motion prevailed, and
The resolution was adopted.

Senate Bill No. 219,

A bill for an act to authorize counties to use any funds in the county treasury not otherwise appropriated to purchase seed grain for needy farmers, and to amend an act of the First Legislative Assembly of the State of North Dakota, entitled "An Act to authorize counties to issue bonds to procure seed grain for needy farmers resident therein,"

Was read the third time.

Mr. Dodds moved

That the report of the committee on Senate Bill No. 219 be adopted.

Which motion was lost.

Mr. Smith moved

The adoption of the following amendments:

Amend the title by adding after the word "for" the words "poor and."
Add at end of title the words "approved February 14, 1890."

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 12, nays 11.

Those who voted in the affirmative were:

Messrs—

Allin,
Diesem,
Dodds,
Fisher,

Messrs—

McBride,
Robinson,
Rowe,
Smith,

Messrs—

Slotten,
Swanston,
Winship,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Belyea,
Fuller,
Harmon,

Messrs—

LaMoure,
Lawrence,
McCormack,
Randall,

Messrs—

Sandager,
Stevens,
Worst.

Absent and not voting:

Messrs—

Barlow
Bell,
Cowan,

Messrs—

Haggart,
Hartman,
Helgeson,

Messrs—

Little,
Svensrud.

So the bill was lost, not having received the necessary constitutional majority.

The hour having arrived for the consideration of special orders, 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 for the same,

Was read the third time.

Mr. Fuller moved

That the report of the committee on House Bill No. 221 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 11, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Slotten,
Appleton,	Fuller,	Svensrud,
Diesem,	Rowe,	Winship.
Dodds,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	Lawrence,	Stevens,
Haggart,	Robinson,	Swanston,
LaMoure,	Sandager,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Hartman,	McCormack,
Bell,	Helgeson,	Randall,
Cowan,	Little,	Worst.
Harmon,	McBride,	

So the bill was lost, not having received the necessary constitutional majority.

The hour having arrived for the consideration of the Governor's veto message on Senate Bill No. 31,

Mr. Swanston moved

That the Senate proceed to consider the Governor's veto message on

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,

Which motion prevailed.

Mr. Belyea in the chair.

Mr. Swanston moved

That Senate Bill No. 31 pass, the objections of the Governor to the contrary notwithstanding.

Which motion prevailed, and

The roll being called there were ayes 21, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Randall,
Belyea,	Hartman,	Robinson,
Bell,	LaMoure,	Sandager,
Cowan,	Lawrence,	Stevens,
Diesem,	Little,	Svensrud,
Fuller,	McBride,	Swanston,
Haggart,	McCormack,	Worst

Those who voted in the negative were:

Messrs—	Messrs.—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	Rowe.	Winship,
Dodds,	Smith,	Yager.
Fisher,		

So the bill passed, the objections of the Governor to the contrary notwithstanding.

Senate Bill No. 208,

A bill for an act to establish reasonable maximum rates and charges for the transportation of freight and property on the different railroads of this State.

Was read the third time.

Mr. Stevens moved

That the bill be made a special order for next Tuesday at 4 o'clock p. m.,

Which motion prevailed.

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,

Was read the third time.

Mr. ——— moved

That the report of the committee on Senate Bill No. 121 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Appleton,	LaMoure.	Smith,
Belyea,	Lawrence,	Slotten,
Cowan,	Little,	Stevens,
Diesem,	McBride.	Swanston,
Dodds,	McCormack,	Winship,
Fisher,	Randall,	Worst,
Haggart,	Robinson,	Yager.
Harmon,	Rowe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Barlow,	Fuller,	Svensrud.
Bell,	Helgeson,	

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Robinson asked consent to return to the seventh order of business (Reports of Standing Committees),

Which consent was granted, and

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred Senate Bill No. 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,

Have had the same under consideration and recommend that said bill be amended as follows:

Amend title of bill as follows:

Insert after the figures "29" the words and figures "and Section 70" and insert the figures "12th" after the word "March" where it appears in said title.

Amend Section 1, by inserting the figures "12th" after the word "March" where it appears in said section.

Substitute for Section 2 the following:

That Section 70 of said act be amended so as read as follows:

SEC. 70. 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 same 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; *Provided*, That none of the provisions of this act shall be construed so as to conflict in any manner with any of the provisions of an act entitled "An Act providing for extension of the time for the payment of taxes for the year 1889," approved January 22, 1890.

That Section 2 as it appears in the written shall be renumbered and known as Section 3.

And when so amended recommend that said bill do pass.

W. H. ROBINSON,
Chairman.

Mr. McCormack moved

That the vote by which Senate Bill No. 121 passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

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.

Was read the third time.

Mr. McCormack moved

That the report of the committee on Senate Bill No. 228 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Little,	Slotten,
Belyea,	McBride,	Stevens,
Cowan,	McCormack,	Svensrud,
Dodds,	Randall,	Swanston,
Fisher,	Robinson,	Winship,
Harmon,	Rowe,	Worst,
Hartman,	Sandager,	Yager.
Lawrence,	Smith,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Diesem,	Haggart,
Barlow,	Fuller,	Helgeson.
Bell,		

Mr. LaMoure voting in the negative.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved

That the vote by which Senate Bill No. 228 passed be reconsidered and that the motion to reconsider be laid upon the table,
Which motion prevailed.

Senate Bill No. 207,

A bill for an act to regulate railroad corporations and other common carriers in this State, and to increase the powers and further define the duties of the Board of Railroad Commissioners in relation to the same, and to prevent and punish extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads in this State, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal all laws in force in direct conflict with the provisions of this act,

Was read the third time.

Mr. Belyea moved

That it be made a special order for Tuesday at 5 o'clock p. m.
Which motion prevailed.

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 third time.

Mr. Stevens moved

To adopt the report of the committee on Senate Bill No. 225,
Which motion prevailed, and
The question recurring on the final passage of the bill,
The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,
Harmon,

Messrs—

Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Barlow,

Messrs—

Sandager,
Haggart,

Messrs—

Helgeson.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Senate Bill No. 76,

A bill for an act requiring county treasurers to act as treasurer for school townships and school districts in certain cases,
Was read the third time.

Mr. McCormack moved

That the further consideration of Senate Bill No. 76 be indefinitely postponed,
Which motion prevailed.

Senate Bill No. 199,

A bill for an act appropriating \$72,640 to reimburse one Jacob Dobmeier for depreciation in the value of his brewery property at Grand Forks, by reason of the adoption of the prohibitory clause in the Constitution,
Was read the third time.

Mr. Rowe moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Robinson moved

That the bill be recommitted to the Committee on Irrigation,
Which motion was lost.

Mr. Swanston moved

To amend Section 1, line 2, by striking out the figures "\$72,640" and inserting the figures "\$25,000" in lieu thereof,
Which motion was lost.

Mr. Swanston moved

To amend Section 1, line 2, by striking out the words and figures "seventy-two thousand six hundred and forty (72,640) dollars" and inserting the figures "\$50,000" in lieu thereof,
Which motion was lost.

Mr. McCormack moved

To amend Section 1, line 2, by striking out the figures "\$72,640" and inserting the figures "\$10,000" in lieu thereof,

Mr. Haggart moved

To amend Section 1, line 2, by striking out the figures "\$72,640" and substituting the following:

"That each and every man owning a brewery in North Dakota receive the sum of \$5,000,"

Which amendment was adopted.

Mr. Robinson moved

That the bill be referred to the Seed Wheat Committee, with instructions to settle with the brewers and saloon keepers after the necessary seed wheat is furnished,

Which motion prevailed.

Mr. Swanston moved

To reconsider the vote just taken.

Mr. Dodds moved

To lay the motion upon the table,

Which motion prevailed.

Mr. McCormack moved

That the Committee on Seed Wheat, to whom Senate Bill No. 199 was referred, report on the bill on Monday at 3 o'clock p. m.,

Which motion prevailed.

Senate Bill No. 87,

A bill for an act to amend Chapter 11 of the Acts of the Seventeenth Session of the Legislative Assembly,

Was read the third time.

Mr. McCormack moved

That the further consideration of Senate Bill No. 87 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 189,

A bill for an act to amend Section 37 of Chapter 6 of the Code of Civil Procedure,

Was read the third time.

Mr. Dodds moved

That the report of the committee on Senate Bill No. 189 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,

Messrs—
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—
Stevens,
Svensrud,
Swanston,
Winship,
Yager.

Absent and not voting:

Messrs—
Barlow,
Hartman,

Messrs—
Lawrence,

Messrs—
Worst.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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,

Was read the third time.

Mr. Stevens moved

To amend Section 1, line 1, by striking out the word "one-third," and insert the word "two-thirds" in lieu thereof.

Which amendment was lost.

Mr. McBride moved

To amend Section 12, line 4, by striking out the figures "1891," and inserting the words "of the following year" in lieu thereof,

Which amendment was adopted.

Mr. Stevens moved

To amend Section 11, line 2, by striking out the figures "\$2.50," and inserting the figures "\$2.00," in lieu thereof,

Which amendment was adopted.

Mr. Swanston moved

To amend Section 1, line 1, by striking out the word "one-third" and inserting the word "three-fifths" in lieu thereof,

Which amendment was adopted.

Mr. Appleton moved

To amend Section 1, line 9, by striking out the figures "1890,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 24, nays 4.

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,

Messrs—
Fisher,
Harmon,
Hartman,
Helgeson,
Little,
McBride,
McCormack,
Randall,

Messrs—
Robinson,
Rowe,
Sandager,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haggart,	Lawrence,	Smith.
LaMoure,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Worst,	Yager.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 15, 1890. }

MR. PRESIDENT:

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,

Which the House has passed unchanged.

Also,
Senate Bill No. 145,

A bill for an act providing for an appropriation for the mainte-
nance of the Hospital for the Insane at Jamestown,

Which the House has passed with the following amendments:

Add 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."

And your concurrence therein is respectfully requested.

Also,

The following concurrent resolution for a memorial to congress
for an appropriation for sinking artesian wells,

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

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 in-
structed, and our Representative requested, to use their best endeavors to se-
cure 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.

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. 334,

A bill for an act to protect farm laborers and secure the payment of their wages.

Also,

House Bill No. 350,

A bill for an act to allow persons occupying or having improvements on school lands to remove the same,

All of which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON.

Chief Clerk.

Mr. Dodds moved

That Senate Bill No. 226 be read the third time, and placed upon its final passage,

Which motion prevailed, and

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,

Was read the third time.

Mr. Dodds moved

That the report of the committee on Senate Bill No. 226 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Hegleson,
LaMoure,
Lawrence,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Messrs. Fuller and Little absent and not voting.

So the bill passed, and

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

Mr. Dodds moved

That the vote just taken on Senate Bill No. 226 be reconsidered
and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Robinson moved

That Senate Bill No. 233 be recalled from the House,

Which motion prevailed.

Mr. Stevens moved

That the rules be suspended and that Senate Bill No. 223 be
read the third time and placed upon its final passage,

Which motion prevailed, and

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.

Mr. LaMoure moved

That the report of the committee be adopted,

Which motion prevailed.

Mr. Stevens moved

The adoption of the following amendment:

SEC. 2. Whereas, it is necessary that this act should become operative at
once, therefore this act shall take effect and be in force from and after its pas-
sage and approval.

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 15, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has by

motion adopted, requested the Senate to return to the House Senate Bill No. 41 for amendment.

Also,
To transmit herewith
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 House has passed with the following amendment:

Amend Section 1 by adding 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.

And your concurrence therein is respectfully requested.

Also,
To inform the Senate that the House has adopted the report of the Conference Committee on House Bill No. 39, and has passed the bill as recommended by the committee.

Also,
I have the honor to return herewith Senate Bill No. 233, as requested by the Senate.

J. G. HAMILTON,
Chief Clerk.

Mr. Swanston moved
That the vote taken on Senate Bill No. 223 be reconsidered and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. McBride moved
That the vote taken on Senate Bill No. 178 be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Haggart moved
That the Senate take a recess,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. President administered the oath of office to Murdock McKenzie on the engrossing force.

Mr. Haggart moved
That Senate Bill No. 233 be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 233,

A bill for an act to appropriate money to pay the expenses of the Senate Investigating Committee,

Was indefinitely postponed.

Mr. LaMoure moved

That when the Senate adjourn it be to meet on Monday at 9:30 o'clock a. m.,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended, and that the House message on Senate Bill No. 145 be considered,

Which motion prevailed.

Mr. Swanston moved

That the Senate do now concur in the House amendments to Senate Bill No. 145,

Which motion prevailed.

Mr. Swanston moved

That the roll be called on the final passage of Senate Bill No. 145 as amended,

Which motion prevailed, and

The roll being called there were ayes 21, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Diesem,
Fisher,
Fuller,
Haggart,

Messrs—

Harmon,
Hegleson,
Lawrence,
Little,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

Appleton,
Bell,
Cowan,

Messrs—

Hartman,
LaMoure,

Messrs—

McBride,
McCormack.

Absent and not voting:

Messrs—

Dodds,

Messrs—

Smith,

Messrs—

Winship.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Diesem moved

That the rules be suspended, and

That the Concurrent Resolution for a Memorial to Congress be considered,

Which motion prevailed, and

The Concurrent Resolution was read.

Mr. Sandager moved

To amend by striking out the words "Edgerly, LaMoure county" and inserting the words "Lisbon, Ransom county,"

Which amendment was lost.

Mr. Swanston moved

That the resolution be made a special order for Monday at 3 o'clock p. m.,

Which motion was lost, and

The question recurring on the adoption of the Concurrent Resolution,

Roll call was demanded.

The roll being called there were ayes 18, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Stevens,
Appleton,	Randall,	Svensrud,
Diesem,	Robinson,	Swanston,
Fisher,	Rowe,	Winship,
Haggart,	Smith,	Worst,
Helgeson,	Slotten,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Fuller,	LaMoure,
Belyea,	Harmon,	Lawrence,
Bell,	Hartman,	Sandager.
Cowan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Little,	McCormack.

So the Concurrent Resolution was adopted.

Mr. Swanston moved

That the vote by which Senate Bill No. 145 passed, be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Appleton moved

That the vote taken on Senate Bill No. 189 be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Diesem moved

That the vote taken on the "Concurrent Resolution" be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion was lost.

Mr. LaMoure gave notice that he would move to reconsider on Monday.

The Conference Committee on House Bill No. 39 made the following report:

MR. PRESIDENT:

Your 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,

N. C. LAWRENCE,
ANDREW SLOTTEN,
JAS. BELL,
On part of Senate.

J. F. SELBY,
C. A. CURRIER,
F. J. THOMPSON,
On part of House.

Mr. Rowe moved

To adopt the report of the Conference Committee.

Mr. LaMoure moved as an amendment

That the report of the committee lay upon the table until the original bill is before the Senate,

Which amendment was adopted, and

The motion as amended prevailed.

Mr. Swanston moved

That the rules be suspended, and that all House bills be read the first and second times and referred.

Mr. Stevens moved as a substitute.

That all Senate bills on third reading be considered,

Which motion prevailed.

Mr. LaMoure moved

That the salary of the Bill Clerk be increased \$1.00 per day,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended, and that House Bill No. 323 be read the third time and placed upon its final passage,

Which motion prevailed, and

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 third time.

Mr. Rowe moved

That the report of the committee on House Bill No. 323 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 27, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Rowe,
Appleton,	Hartman,	Sandager,
Barlow,	Helgeson,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Dodds,	McBride,	Winslip,
Fisher,	Randall,	Worst,
Haggart,	Robinson,	Yager.

Messrs. McCormack and Stevens voting in the negative.

Messrs. Diesem and Fuller absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Rowe 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. 236,

A bill for an act to repeal Section 27 of an act to provide for the organization and government of State banks, approved February 20, 1890,

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

The roll being called there were ayes 9, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Hartman,	Swanston.
Fuller,	LaMoure,	Winslip,
Harmon,	McCormack,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fisher,	Smith,
Barlow,	Helgeson,	Slotten,
Bell,	Randall,	Svensrud,
Cowan,	Rowe,	Yager.
Dodds,	Sandager,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Lawrence,	Robinson,
Diesem,	Little,	Stevens.
Haggart,	McBride,	

So the bill was lost.

Senate Bill No. 235,

A bill for an act to amend Section 29 of Chapter 21 of the Political Code,

Was read the third time.

Mr. Swanston moved

That the report of the committee on Senate Bill No. 235 be adopted,

Which motion prevailed.

Mr. Dodds moved

To amend Section 1, line 5, by striking out the word "probate" and inserting the word "county courts,"

Which amendment was adopted, and

The question being on the passage of the bill as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Bell,
Cowan,
Dodds,
Fisher,
Fuller,
Harmon,

Messrs—

Hartman,
Helgeson,
LaMoure,
Little,
McBride,
McCormack,
Randall,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Appleton,
Diesem,

Messrs—

Haggart,
Lawrence,

Messrs—

Robinson.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Sandager 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. 230,

A bill for an act to amend Section 15, Chapter 24, of the Political Code, entitled "An Act for the incorporation of towns and cities,"

Was read the third time.

Mr. Rowe moved

That the report of the committee on Senate Bill No. 230 be adopted,

Which motion prevailed.

Mr. Rowe moved

To amend Section 1, line 12, by striking out the word "treasurer,"

Which amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 18, nays 7.

Those who voted in the affirmative were:

Messrs—
 Allin,
 Appleton,
 Barlow,
 Bell,
 Dodds,
 Helgeson,

Messrs—
 LaMoure,
 Lawrence.
 McBride,
 Randall,
 Robinson,
 Rowe,

Messrs—
 Sandager,
 Smith,
 Slotten,
 Svensrud,
 Winship,
 Yager.

Those who voted in the negative were:

Messrs—
 Belyea,
 Cowan,
 Haggart,

Messrs—
 Harmon,
 Hartman,

Messrs—
 Stevens,
 Swanston.

Absent and not voting:

Messrs—
 Diesem,
 Fisher,

Messrs—
 Fuller,
 Little,

Messrs—
 McCormack,
 Worst.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Smith moved
 That the Senate take a recess until 7:30 o'clock p. m.

Mr. Little moved
 As a substitute that all House bills receive their first and
 second readings, and reference,
 Which substitute was adopted.

House Bill No. 285,
 A bill for an act to provide for a uniform system of free text
 books throughout the State,
 Was read the first and second times, and referred to the Com-
 mittee on Education.

House Bill No. 334,
 A bill for an act to protect farm laborers and secure the pay-
 ment of their wages,
 Was read the first and second times, and referred to the Com-
 mittee on Agriculture.

House Bill No. 350,
 A bill for an act to allow persons occupying or having improve-
 ments on school lands to remove the same,
 Was read the first and second times, and referred to the Com-
 mittee on Education.

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,
 Was read the first and second times, and referred to the Com-
 mittee on Warehousing, Grain and Grain Grading.

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. 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 first and second times, 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. Swanston moved

That the Senate take a recess until 7:30 o'clock p. m.,

Which motion was lost.

Mr. Swanston moved

That the Senate do now adjourn,

Which motion was lost.

House Bill No. 286,

A bill for an act entitled "An Act to amend Section 6818, and to repeal 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. 300,

A bill for an act to provide for elections in unorganized counties for State, legislative and judicial purposes,

Was read the first and second times, and referred.

Mr. Belyea moved

That House Bill No. 300 be made a special order for 2:30 o'clock on Monday.

Mr. Stevens raised the point of order that the bill was not before the house,

The motion was lost.

Mr. Haggart moved

That House Bill No. 321 be read the first and second times,

Which motion prevailed, and

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.

Mr. Dodds moved

That all bills be read the first and second times, and referred to General Orders.

Which motion prevailed.

Mr. Swanston moved

That all House bills that have been read, be recalled from the committees, and referred to General Orders,

Which motion prevailed.

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,

Was read the first and second times.

Mr. Fuller moved

That the Watchman of the Senate receive \$5.00 per day for the session, the same as the Watchman of the House,

Which motion prevailed.

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 and second times.

House Bill No. 347,

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.

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.

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.

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,"

Was read the first and second times.

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.

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,"

Was read the first and second times.

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,"

Was read the first and second times.

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 and second times.

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.

House Bill No. 344,

A bill for an act granting certain powers to county commissioners,

Was read the first and second times.

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.

Mr. Dodds moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

ONE HUNDRED AND SEVENTEENTH DAY.

MORNING SESSION.

The Senate re-assembled at 9:30 p. m., March 17, 1890.

The Lieutenant Governor presiding.

Roll called.

Mr. Stevens moved

That the reading of the Journal be dispensed with until it is printed,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Winship moved

That the House amendments to Senate Bill No. 168 be concurred in,

Which motion prevailed, and

The amendments were concurred in.

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 24, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson.	Slotten,
Belyea,	Lawrence,	Stevens,
Diesem,	Little,	Svensrud,
Dodds,	McBride,	Winship,
Fisher,	Randall,	Worst,
Haggart,	Robinson,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Swanston.
LaMoure,	Rowe,	

Messrs. Bell and Cowan voting in the negative.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 149,

A bill for an act to revise the law in relation to justices and constables,

Was read the first and second times.

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.

House Bill No. 317,

A bill for an act exempting practicing pharmacists from jury duty,

Was read the first and second times.

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,"

Was read the first and second times.

House Bill No. 322,

A bill for an act to provide for the levy of State taxes,

Was read the first and second times.

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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the following Concurrent Resolution:

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.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved

That the rules be suspended and that the resolution be concurred in,

Which motion was lost.

Mr. Winship moved

That the vote by which Senate Bill No. 168 was passed be re-

considered, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 314,

A bill for an act relating to building and loan associations,
Was read the first and second times.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 156,

A bill for an act providing for the payment of a license on railway sleeping cars,

Which the House has 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 your concurrence therein is respectfully requested.

Also,

Senate Bill No. 170,

A bill for an act to license peddlers and prescribing penalties for the violation thereof.

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,

All of which the House has passed unchanged.

Also,

To inform the Senate that the House recedes from its amendments to Senate Bill No. 41, and has passed the bill without amendment.

Also,

That the Speaker has appointed as the Conference Committee on Senate Bill No. 5 on the part of the House, Messrs. Cole, Stadleman and Walsh.

J. G. HAMILTON,
Chief Clerk,

Mr. Little moved

That the rules be suspended and the message from the House be considered at once,

Which motion prevailed, and

Mr. Little moved.

That the House amendments to Senate Bill No. 156 be concurred in,

Which motion prevailed and.

The question being on the final passage of the bill as amended,
The roll being called there were ayes 17, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Barlow,	Lawrence,	Stevens,
Belyea,	Little,	Svensrud,
Cowar,	McCormack,	Winship,
Dodds,	Randall,	Worst.
Fisher.	Sandager,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Rowe.
Bell,	Helgeson,	Smith,
Diesem,	LaMoure,	Swanston,
Fuller,	McBride,	Yager.
Haggart,	Robinson,	

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Belyea asked unanimous consent to make a report, and
Consent being granted,
Mr. Belyea presented the following report:

MR. PRESIDENT:

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.

Also,

House Bill No. 105,

A bill for an act requiring the registration of births and deaths,
Have had the same under consideration, and recommend that
said bills do pass.

E. H. BELYEA,
Chairman.

House Bill No. 276.

A bill for an act concerning the payment of rewards,
Was read the first and second times.

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,

Was read the first and second times.

Mr. President appointed the following Assistant Engrossing
and Enrolling Clerks: A. R. Avery, B. S. Huber and W. W.
Barrett, and administered the oath of office.

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,

Was read the first and second times.

Mr. McCormack moved

That the vote by which the reconsideration of Rule 10 was lost, be reconsidered,

Which motion prevailed, and

The question recurring on the adoption of the resolution,

Mr. McCormack moved

To amend the resolution by inserting 3 o'clock p. m. this afternoon,

Which motion prevailed, and

The question recurring on the adoption of the resolution as amended,

The resolution was adopted.

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 first and second times.

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain,

Was read the first and second times.

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. 1877,

Was read the first and second times.

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,

Was read the first and second times.

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.

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 first and second times.

THIRD READING OF HOUSE BILLS.

Mr. Worst moved

That House Bill No. 344 be read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 344,

A bill for an act granting certain powers to county commissioners,

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

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Dodds,
Fisher,

Messrs—

Hartman,
Helgeson,
Lawrence.
Little,
McCormack,
Randall,
Rowe,

Messrs—

Sandager,
Slotteu,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Cowan,
Diesem,
Fuller,
Haggart,

Messrs—

Harmon,
LaMoure,
McBride,

Messrs—

Robinson,
Smith,
Winship.

Mr. LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith,

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,

Which the House has passed unchanged.

Also,

Senate Bill No. 74,

A bill for an act to reimburse the compiler of Long's Legislative Hand Book for the year 1889,

Which the House has passed with the following amendment:

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 your concurrence therein is respectfully requested.

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,

Which the House has passed without change.

Also,

To inform the Senate that the House has concurred in the Senate amendment to House Concurrent Resolution to suspend rule 10 of the joint rules.

Also,

To transmit herewith

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. 341,

A bill for an act to fix the salaries of State and judicial officers of the State of North Dakota,

Both of which the House has passed, and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,

Chief Clerk.

Mr. LaMoure was excused, by consent, from to-day's session.

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,

Was read the third time.

Mr. Little moved

That the report of the committee on House Bill No. 199 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 9, nays 16.

Those who voted in the affirmative were:

Messrs--
Barlow,

Messrs--
Helgeson,

Messrs--
Rowe,

Messrs—

Dodds,
Fisher,

Messrs—

McBride,
Randall,

Messrs—

Stevens,
Swanston.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Belyea,
Bell,
Diesem,
Harmon,

Messrs—

Lawrence,
Little,
McCormack,
Robinson,
Sandager,

Messrs—

Smith,
Slotten,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Cowan,
Fuller,

Messrs—

Haggart,
Hartman,

Messrs—

LaMoure,
Svensrud.

Mr. LaMoure being excused.

So the bill was lost, not having received the necessary constitutional majority.

Mr. Little moved

That the rules be suspended and the Senate bills messaged from the House be considered,

Which motion prevailed.

Mr. Little moved

That the Senate concur in the House amendments to Senate Bill No. 74,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended by the House,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Haggart,

Messrs—

Harmon,
Hartman,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Messrs. Fuller and Helgeson being absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

House Bill No. 209,

A bill for an act to provide for the purchase of paper and stationery supplies for the Legislative Assembly and the various State officers, and making an appropriation therefor,

Was read the third time.

Mr. McCormack moved

That the report of the committee on House Bill No. 209 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,

Messrs—

Harmon,
Helgeson.
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Rowe,
Sandager,
Slotten,
Stevens,
Svensrud,
Winship,
Worst.

Absent and not voting:

Messrs—

Fisher,
Fuller,
Haggart,

Messrs—

Hartman,
LaMoure,
Smith,

Messrs—

Swanston,
Yager.

Mr LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McCormack moved

That House Bill No. 228 be read the third time, and placed upon its final passage,

Which motion prevailed, and

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.

Mr. McCormack moved

That the report of the committee on House Bill No. 228 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended by the committee,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Appleton,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Harmon,

Messrs—

Hartman,
Helgeson,
Lawrence,
Little,
McBride,
McCormack,
Randall,
Robinson,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Fuller,

Messrs.—

Haggart,
LaMoure,

Messrs—

Rowe,
Svensrud

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. McCormack moved

That the vote by which House Bills Nos. 209 and 228 passed
be reconsidered, and that the motion to reconsider be laid upon
the table,

Which motion prevailed.

Mr. Swanston moved

That House Bill No. 31 be read the third time, and placed upon
its final passage,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890.

MR. PRESIDENT:

I have the honor to transmit herewith
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 cer-
tificate,

Which the House has passed unchanged.

Also,

Senate Bill No 180,

A bill for an act to amend Section 1, Chapter 48 of the Session
Laws of 1889,

Which the House has amended as follows:

Strike out in lines 3 and 4 of page 2, of the engrossed bill the words "Jan-
uary, April, July and October," and insert in lieu thereof the words "March,
June, September and December."

And your concurrence therein is respectfully requested.

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 deposi-
tory of the bonds of all the State officers of the State of North
Dakota,

Which the House has passed unchanged.

J. G. HAMILTON,
Chief Clerk.

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,

Was read the third time.

Mr. Lawrence moved

To amend "Section 1, line 4, by striking out the word "shall" and inserting the word "may" in lieu thereof,

Which motion was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 21, nays 2.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,

Messrs—

Haggart,
Harmon,
Hartman,
Helgeson,
Lawrence,
McCormack,
Randall,

Messrs—

Rowe,
Slotten,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Bell,
Fisher,
Fuller,

Messrs—

LaMoire,
Little,
Sandager,

Messrs—

Smith,
Stevens.

Messrs. McBride and Robinson voting in the negative.

Mr. LaMoire being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Belyea moved

That House Bill No. 347 be 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 situated in unorganized counties,

Was read the third time.

Mr. Belyea moved

The adoption of the following amendment:

Amend Section 1, line 3, by striking out the words "in the nearest organized county thereto."

Strike out all after Section 1 and insert the following:

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 samemanner 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.

Which amendmunt was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Rowe,
Appleton,	Harmon,	Sandager,
Barlow,	Hartman,	Slotten,
Belyea,	Helgeson,	Stevens,
Bell,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McBride,	Winship,
Dodds,	McCormick,	Worst,
Fisher,	Robinson,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Randall,	Smith.
LaMoure,		

Mr. LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Lawrence moved

That the vote just taken be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Worst moved

That the vote just taken on House Bill No. 344 be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. President announced his signature to

Senate Bill No. 215,

A bill for an act fixing the terms of court and defining their practice in county courts having civil and criminal jurisdiction.

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. 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.

Mr. Swanston moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND NINETEENTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 17, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. LaMoure, excused.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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,

Which the House has passed with the following amendment:

In Section 1, line 4, strike out the word "prison" and insert in lieu thereof the word "Penitentiary."

And your concurrence therein is respectfully requested.

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,

Which the House has passed with the following amendment:

Amend Section 2 to read as follows:

It is necessary and advisable that the State officers should receive their salaries as the same becomes due, and at a time long prior to July 1st next, an emergency exists, therefore, this act shall take effect and be in force immediately after its passage and approval.

Also, amend the title of the bill by striking out the word and figures "year 1890" and inserting in lieu thereof the following: "Fourteen months ending December 31, 1890."

Also,

To correct the message in transmitting Senate Bill No. 183 by adding the following amendments:

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 your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. Stevens moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same, and report at to-morrow's session,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Rowe and Randall.

Mr. McCormack moved

That the rules be suspended and that the Senate consider the House messages.

Which motion prevailed.

Mr. McCormack moved

That the House amendments to Senate Bill No. 173 be concurred in,

Which motion prevailed.

Mr. Stevens moved

That the Senate concur in the House amendments to Senate Bill No. 223,

Which motion prevailed.

Mr. McCormack moved

That the roll be called on the final passage of Senate Bill No. 173, as amended by the House,

Which motion prevailed, and

The roll was called on the final passage of the bill.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Belyea,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,
 Fuller,

Messrs—

Haggart,
 Harmon,
 Hartman,
 Hegleson,
 Lawrence,
 Little,
 McBride,
 McCormack,
 Randall,
 Robinson,

Messrs—

Rowe,
 Sandager,
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Worst,
 Yager.

Messrs. LaMoure and Winship being absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Stevens moved

That the roll be called on the final passage of Senate Bill No. 223 as amended by the House,

Which motion prevailed, and

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Belvea,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,

Messrs—

Fuller,
 Haggart,
 Harmon,
 Hartman,
 Helgeson,
 Lawrence,
 Little,
 McCormack,
 Randall,

Messrs—

Robinson,
 Rowe,
 Sandager,
 Smith,
 Slotten,
 Stevens,
 Swanston,
 Worst,
 Yager.

Absent and not voting:

Messrs—

LaMoure,
 McBride.

Messrs—

Svensrud.

Messrs—

Winship

Mr. LaMoure being excused.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Swanston moved

That the message in relation to Senate Bill No. 183 be considered,

Which motion prevailed.

Mr. Swanston moved

That the Senate do not concur in the House amendments to Senate Bill No. 183, and that a conference committee be appointed.

Mr. Rowe moved

As a substitute that the Senate do concur in the House amendments to Senate Bill No. 183,

Which substitute motion was lost, and
 The original motion prevailed, and
 Mr. President appointed as such conference committee Messrs.
 Harmon, Winship and Robinson.

Mr. President 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 an act entitled "An Act to amend
 Sections 2 and 4 of Chapter 58 of the Session Laws of 1879, en-
 titled 'An Act for the protection of the public credit,'" ap-
 proved January 10, 1890.

Mr. McBride moved

That the vote by which Senate Bill No. 236 was lost be recon-
 sidered.

Which motion was lost.

Mr. Swanston moved

That House Bill No. 38 be read the third time and placed upon
 its final passage,

Which motion prevailed, and

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,

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

Mr. Appleton moved

That the further consideration of House Bill No. 38 be indefin-
 itely postponed,

Which motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays 3.

Those who voted in the affirmative were:

Messrs—

Allin,
 Barlow,
 Belyea,
 Cowan,
 Dieseu,
 Fisher,
 Fuller,
 Haggart,
 Harmon,

Messrs—

Hartman,
 Helgeson,
 Little,
 McBride,
 Randall,
 Robinson,
 Rowe,
 Sandager,

Messrs—

Smith,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Those who voted in the negative were:

Messrs—

Appleton,

Messrs—

Bell,

Messrs—

Dodds.

Absent and not voting:

Messrs—
LaMoure,

Messrs—
Lawrence,

Messrs—
McCormack.

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Swanston moved

That the vote just taken be reconsidered, and that the motion
to reconsider be laid upon the table,
Which motion prevailed.

Mr. Fisher moved

That the rules be suspended and that House Bills Nos. 164 and
131, be read the third time and placed upon their final passage,
Which motion prevailed, and
House Bill No. 164,

A bill for an act to provide for the assessment of railroad prop-
erty in this State, and prescribing the manner of levying and col-
lecting the same,

Was placed upon its third reading.

Mr. Swanston moved

That the rules be suspended and that House Bill No. 164 be
made a special order for to-morrow at 2:30 p. m.,

Which motion prevailed, and

House Bill No. 164 was made a special order for to-morrow at
2:30 o'clock p. m.

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 offices and making ap-
propriations therefor, approved December 19, 1889,"

Was read the third time.

Mr. Little moved

That the report of the committee on House Bill No. 131 be
adopted,

Which motion prevailed.

Mr. Bell moved

To amend by striking out the figures "\$1,000" and inserting the
figures "500" in lieu thereof.

Roll call demanded.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,

Messrs—
Fisher,
Fuller,
Harmon,
Hartman,
Lawrence,

Messrs—
McBride,
McCormack,
Randall,
Robinson,
Stevens.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	Rowe,	Swanston,
Dodds,	Sandager,	Winship.
Haggart,	Slotten,	Worst,
Helgeson,	Svensrud,	Yager.
Little,		

Messrs. LaMoure and Smith being excused.

Mr. LaMoure being excused.

So the amendment was adopted, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 19, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Randall,
Appleton,	Harmon,	Robinson.
Barlow,	Hartman,	Rowe.
Bell,	Lawrence,	Slotten,
Cowan,	McBride,	Stevens,
Diesem,	McCormack,	Winship.
Fisher,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Belyea,	Little,	Swanston.
Dodds,	Sandager,	Worst,
Haggart,	Svensrud,	Yager.
Helgeson,		

Messrs. LaMoure and Smith absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Haggart moved

That the rules be suspended, and that House Bills Nos. 321 and 265 be read the third time and placed upon their final passage,

Which motion prevailed, and

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, placed upon its final passage.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Sandager,
Appleton,	Hartman,	Smith,
Barlow,	Helgeson,	Slotten,
Belyea,	Lawrence,	Stevens,
Bell,	Little,	Svensrud,
Cowan,	McBride,	Swanston,
Diesem,	McCormack,	Winship,
Dodds,	Randall,	Worst,
Fisher,	Robinson,	Yager.
Haggart,	Rowe,	

Messrs. Fuller and LaMoure absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing
and handling of grain,
Was read the third time.

Mr. Appleton moved

That the further consideration of House Bill No. 265 be indefinitely postponed,
Which motion was lost.

Mr. Worst moved

That it be made a special order for 3:30 o'clock p. m. to-morrow,
Which motion prevailed.

Mr. Bell moved

That the vote taken on House Bill No. 131 be reconsidered, and
that the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Allin in the Chair.

Mr. Haggart moved

That the vote by which House Bill No. 321 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended and that House Bills Nos. 302, 300
and 335 be read the third time and placed upon their final passage,

Which motion prevailed, and

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 placed upon its final passage.

Mr. Dodds moved

That the report of the committee on House Bill No. 302 be
adopted,

Which motion was lost.

Mr. Haggart offered the following amendment and moved its
adoption:

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."

Which amendment was adopted.

Mr. Randall offered the following amendment, and moved its adoption:

SECTION 1. It shall be the duty of the board of county commissioners of the various counties of this State at their regular meeting in April of each year, upon petition so to do by twenty-five freeholders of the county to appoint a competent veterinary surgeon for their respective counties who shall take an oath to well and truly perform the duties of his office as required by law; *Provided*, That in unorganized counties the veterinary surgeon of the county to which such unorganized county is attached for judicial purposes, shall act as veterinary surgeon for such unorganized county.

SEC. 2. The duties of said county veterinary shall be as follows:

1. To investigate any and all cases of contagious diseases or infectious among cattle, horses, mules and asses, in his county of which he may have a knowledge or which may be brought to his notice by any resident of the locality where such disease exists.

SEC. 3. In all cases of contagious or infectious diseases among domestic animals or Texas cattle in any county of this State, the county veterinary surgeon shall have authority to order the quarantine of the infected premises, and in case such disease shall become epidemic in any locality in the county, the county veterinary surgeon shall immediately notify the chairman of the board of county commissioners, who shall thereupon issue an order forbidding any animal of the kind among which said epidemic exists to be transferred from said locality without a certificate from the county veterinary surgeon, showing such animal to be healthy. The expenses of holding, feeding and taking care of all animals quarantined under the provisions of this act shall be paid by the owner, agent or person in charge of said stock.

SEC. 4. In case of epidemic diseases, where premises have been previously quarantined by the county veterinary surgeon, as before provided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all diseased animals upon said premises, under the following restrictions: Said order shall be a written one, and shall be made in duplicate, and there shall be a distinct order in duplicate for each owner of the animals condemned, the original of each order to be filed by the county veterinary surgeon with the chairman of the board of county commissioners of the county and the duplicate given to said owner; and further, before slaughtering any animal or animals, he shall call in for consultation with him two veterinary surgeons or physicians residents of the county, or if this is impossible, then two freeholders of the county, and shall have written endorsements upon his order of at least one of said physicians or freeholders, stating that such action is necessary, before such animal or animals shall be slaughtered.

SEC. 5. The county veterinary surgeon shall make a report at the end of every year to the chairman of the board of county commissioners of all matters connected with his work, and the commissioners shall cause to be published at the expense of the county, such parts of said report as may be of general interest to the breeders of live stock.

SEC. 6. It shall be the duty of any person or persons who shall have, or suspect that there is upon his or their premises or upon the public domain, any case of contagious or infectious disease among domestic animals or Texas cattle, to immediately report the same to the county veterinary surgeon, and a failure to do, or any attempt to conceal the existence of such diseases, or to willfully or maliciously obstruct or resist the said county veterinary surgeon in the discharge of his duties as hereinbefore set forth, shall be deemed a misdemeanor, and any person or persons who shall be convicted of any of the above acts or omissions shall be fined not less than fifty dollars nor more than two hundred dollars for each and every such offense, and upon conviction a second time shall, in addition to the above named fine, be imprisoned in the county jail for a term not less than thirty nor more than sixty days.

The following regulations shall be observed in all cases of disease covered by this act:

1. It shall be unlawful to sell, give away, or in any manner dispose of any

animal affected with, or suspected of being affected with contagious or infectious disease;

2. It shall be unlawful to kill for food any such animal, to sell, give away, or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions shall be deemed a misdemeanor, and on conviction shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars. It shall be the duty of the owner or person having charge of any animal affected with or suspected of being affected with any contagious or infectious disease, to immediately confine the same in a safe place isolated from other animals, and with all possible restrictions to prevent dissemination of the disease until the arrival of the county veterinary surgeon. The above regulations shall apply as well to animals in transit through the county as to those owned and kept therein, and the county veterinary surgeon shall have full authority to examine whether in car, yards, pastures or stables, or upon the public domain, all animals passing through the county or any part of it, and on detection of disease take possession of and treat, and dispose of animals in the same manner as is prescribed for animals owned or held within the county.

SEC. 8. The county veterinary surgeon shall receive for his services the sum of \$4 per day for each and every day actually and necessarily employed in the discharge of his duties as such county veterinary surgeon, and in addition thereto the sum of 5 cents a mile for each and every mile actually and necessarily traveled in the discharge of his duties as such county veterinarian. These payments shall be made from any funds in the county not otherwise appropriated, upon itemized vouchers signed and sworn to by him, and submitted to the board of county commissioners, who shall authorize the county auditor to draw warrants upon the county treasurer for the amounts, if found correct, separate vouchers being made for salary and traveling expenses. No person shall be appointed to the office of county veterinary surgeon under the provisions of this act who is not, in the opinion of the board of county commissioners, qualified to discharge the duties of such office. He shall hold his office for one year, and may be removed for cause by the board of county commissioners at any time, and they shall also have the power to fill the vacancy as hereinbefore provided. Before entering upon the discharge of his duties he shall give a bond to the county with good and sufficient sureties in the sum of one thousand dollars, conditioned upon the proper discharge of the same; and constructive mileage shall be paid under this act.

SEC. 9. The county veterinary surgeon shall select the place or places where stock shall be quarantined.

SEC. 10. All fines collected under the provisions of this act shall be paid into the common school fund of the county.

SEC. 11. It is hereby made the duty of the district attorneys of the respective counties of this State to prosecute any case complained of for prosecution in any justice or district court within the jurisdiction of which any violation of this act may have occurred, and upon conviction the court may add in addition to the penalties prescribed by law, such attorney's fees and costs of prosecution as the court may determine just in the premises.

Mr. Diesem moved

To lay the amendment upon the table.

EXECUTIVE COMMUNICATION.

A sealed communication was received from the Governor, and

Mr. McCormack moved

That the rules be suspended, and that the Executive communication be read in open session,

Which motion was lost.

Mr. Swanston moved

That the vote just taken be reconsidered,
Which motion prevailed, and
The question recurring on the motion to suspend the rules,
The motion was lost, and
The Senate went into Executive Session.

After spending some time in Executive Session, the doors were opened, and

Mr. Robinson asked unanimous consent to return to the seventh order of business.

Consent was granted.

Mr. Rowe asked for the same privilege.

Consent was granted, and

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance, to whom was referred
House Bill No. 301,

A bill for an act to authorize the incorporation of detective associations to provide for bonds of collection of fees and awards by, to describe their powers, duties and liabilities, prevent frauds by and punish false pretenders,

Have had the same under consideration and return the same without recommendation.

H. J. ROWE,
Chairman.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

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 recommend that said bill be amended 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 when so amended recommend that said bill do pass.

C. B. LITTLE,
Chairman.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 22,

A bill for an act to prescribe the bond, oath and duties of the Attorney General.

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. 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. 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. 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. 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. 203,

A bill for an act entitled "An Act to amend Article 15, Sections 1 and 15, Chapter 73, laws of 1887."

Also,

Senate Bill No. 213,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

Also,

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.

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.

Also,

Senate Bill No. 235,

A bill for an act to amend Section 29 of Chapter 21 of the Political Code.

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,
And find the same correctly engrossed and enrolled.

Also,

Your committee respectfully report that

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. 203,

A bill for an act entitled "An Act to amend Article 15, Sections 1 and 15, Chapter 73, Laws of 1887."

Also,

Senate Bill No. 213,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

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. 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,

Were delivered to his Excellency, the Governor, for his approval at the hour of 12 o'clock m., March 17, 1890.

J. O. SMITH,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration,

Which the House has passed unchanged.

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,

Which the House has passed with the following amendments:

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 your concurrence therein is respectfully requested.

Also,

Senate Bill No. 237,

A bill for an act to provide for a more economical management of the North Dakota Agricultural College,

Which the House has passed unchanged.

Also,

Senate Bill No. 132,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota,

Which the House has passed with the following amendment:

Amend Section 1 by striking out the words "five thousand" and inserting in lieu thereof the words "twenty-five hundred."

And your concurrence therein is respectfully requested.

Also,

To inform the Senate that the House has adopted the Senate amendments to House Bill No. 31, and has passed the bill as so amended.

Also,

That the Speaker has appointed as a conference committee on the part of the House to confer upon the amendments to Senate Bill No. 183, Messrs. Roney, Tyler and Estabrook.

Also,

That the House has concurred in the Senate amendments to House Bill No. 347, and has passed the bill as so amended.

J. G. HAMILTON,
Chief Clerk.

Mr. McCormack moved

That the rules be suspended and the message just received be considered,

Which motion prevailed.

Mr. McCormack moved

That the House amendments to Senate Bill No. 86 be concurred in,

Which motion prevailed, and

The question recurring on the final passage of the bill as amended by the House,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs--

Allin,
Appleton,
Barlow,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,
Haggart,

Messrs--

Harmon,
Hartman,
Helgeson,
Lawrence,
Little,
McCormack,
Randall,
Robinson,
Rowe,

Messrs--

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs--

Belyea,

Messrs--

LaMoure,

Messrs--

McBride.

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Barlow moved

That the Senate concur in the House amendments to Senate Bill No. 132,

Which motion prevailed.

Mr. Dodds moved

That the roll be called on the final passage of the bill as amended by the House,

Which motion prevailed, and

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—

Haggart,
Harmon,
Hartman,
Helgeson,
Little,
McCormack,
Randall,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Fuller,
LaMoure,

Messrs—

Lawrence,

Messrs—

McBride.

Mr. LaMoure being excused

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Dodds moved

That the vote just taken be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

The hour having arrived for the consideration of Senate Bill No. 143,

A bill for an act to provide for a system of free public schools throughout the State.

Mr. Stevens raised the point of order that Senate Bill No. 143 was not properly before the Senate for consideration, and in support of his position said that by reference to the Journal of the Senate of February 17th, it will be found that Senator McCormack moved "that the vote by which Senate Bill No. 143 was passed, be reconsidered and that the motion to reconsider be tabled," and inasmuch as rule 31 of Senate says: "That the rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Senate in all cases to which they are applicable, and in which they

are not inconsistent with the standing rules and order of the Senate, and the joint rules of the Senate and House of Representatives," and by reference to Roberts' rules of order, and also to the rules of the House of Representatives as well as to Smith's diagram, which has been recognized authority in this Senate all winter, it will be found that a motion cannot be twice reconsidered, and furthermore the Senator who moved the reconsideration could not do so, for the reason that he did not vote with the prevailing side on that portion of the bill that failed to carry.

Mr. President ruled the point of order 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, and

The question recurring on the final passage of the bill as amended by the Conference Committee,

The roll being called there were ayes 22, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Barlow	Lawrence,	Slotten,
Belyea,	Little,	Svensrud,
Cowan,	Randall,	Swanston,
Diesem,	Robinson,	Winship,
Dodds,	Rowe,	Worst,
Haggart,	Sandager,	Yager.
Harmon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	McCormack,
Bell,	Hartman,	Stevens.
Fisher,	McBride,	

Mr. LaMoure absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McCormack moved

That the Secretary be instructed to furnish each of the Senators a list of the names of the Governor's appointees to official positions,

Which motion prevailed.

Mr. Rowe 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.

The report of the Committee on Investigation was submitted and read.

Mr. Swanston moved

That the report of the whole proceedings be printed as an appendix to the Journal,
Which motion prevailed.

Mr. Belyea moved

That the Secretary of State furnish each member with a printed copy of the report,
Which motion prevailed.

The question recurring on the motion to lay Mr. Randall's amendment to Senate Bill No. 302 upon the table,

Mr. Stevens moved as a substitute

That the Substitute be printed in the Journal.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 17, 1890.

MR. PRESIDENT:

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, entitled "An Act to authorize cities and towns and villages to levy and collect taxes for municipal purposes,

Which the House has passed with the following amendments:

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.

And your concurrence therein is respectfully requested.

Also,

Senate Bill No. 148,

A bill for an act relating to the duties of Public Examiner,
Which the House has passed with the following amendments:

Strike out the words "shall also be" in line 4 of Section 2, and insert the words "is hereby" in lieu thereof.

And your concurrence therein is respectfully requested.

Also,

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 House has passed unchanged.

J. G. HAMILTON,
Chief Clerk.

The question recurring on the motion to print the substitute of Mr. Randall to House Bill No. 302 in the Journal,

The motion was lost, and

The question recurring on the motion to lay the substitute of Mr. Randall to House Bill No. 302 upon the table,

The motion prevailed.

Mr. McCormack moved

To lay House Bill No. 302 upon the table,

Which motion was lost.

Mr. Diesem moved

That the roll be called on the final passage of the bill,

Which motion prevailed.

Mr. Appleton moved

To adopt the following amendment:

Amend the title of the bill by striking out all of said title, and inserting the following in lieu thereof: "A bill for an act to create another State office in order to provide for a political friend.

Mr. President ruled the amendment out of order, and

Mr. McCormack moved

To amend the bill by striking out Section 1.

Motion declared out of order.

Mr. McCormack moved

That the vote taken by which roll call was ordered be reconsidered,

Which motion was lost.

Mr. Diesem moved the previous question, and

The question being shall the main question be now put,

The main question was put, and

The roll being called on the final passage of House Bill No. 302 there were ayes 23, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Belyea,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,
Helgeson,
Lawrence,
Little,
Robinson,
Rowe,

Messrs—

Sandager,
Smith,
Slotten,
Svensrud,
Swanston,
Winship,
Worst.

Those who voted in the negative were:

Messrs—

Appleton,
Bell,
McBride,

Messrs—

McCormack,
Randall,

Messrs—

Stevens
Yager.

Mr. LaMoure absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Harmon asked consent to make a report,
Which consent was granted, and

The Committee on Conference on Senate Bill No. 183 made the following report:

MR. PRESIDENT:

Your Committee appointed to confer with House committee 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,

Respectfully recommend the adoption of the House amendments to said bill, except that part which fixes the salary of the Adjutant at \$600 per annum be amended by striking out the figures "\$600" and inserting the figures "\$400" in lieu thereof.

GEO. W. HARMON,
GEO. B. WINSHIP,
W. H. ROBINSON,
On part of Senate.

E. S. TYLER,
F. A. ESTABROOK,
W. H. H. RONEY,
On part of House.

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

Mr. Haggart moved
That the vote just taken on House Bill No. 302 be reconsidered and that the motion to reconsider be laid upon the table,
Which motion prevailed.

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 23, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Slotten,
Barlow,	Hartman,	Stevens,
Belyea,	Helgeson,	Svensrud,
Diesem,	Lawrence,	Swanston,
Dodds,	Little,	Winship,
Fisher,	Robinson.	Worst,
Fuller,	Rowe,	Yager.
Haggart,	Sandager,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	Randal
Bell,	McBride,	

Absent and not voting:

Messrs--	Messrs--	Messrs--
LaMoure,	McCormack,	Smith.

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President announced his signature to
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. 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. 22,

A bill for an act to prescribe the bond, oath and duties of the Attorney General.

Mr. Worst in the Chair.

Mr. Stevens moved

That when the Senate adjourn it be to take a recess until 7:30 o'clock p. m.,

Which motion prevailed.

House Bill No. 300,

A bill for an act to provide for elections in unorganized counties, for State, legislative and judicial purposes,

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

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Allin,	Haggart,	Rowe,
Appleton,	Harmon,	Sandager,
Barlow,	Hartman,	Slotten,
Belyea,	Helgeson,	Stevens,
Bell,	Lawrence,	Svensrud,
Cowan,	Little,	Swanston,
Diesem,	McBride,	Winship,
Dodds,	McCormack,	Worst,
Fisher,	Randall,	Yager.
Fuller,	Robinson,	

Mr. Smith voting in the negative.

Mr. LaMoure absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Belyea moved

That the vote just taken be reconsidered, and that the motion
to reconsider be laid upon the table,
Which motion prevailed.

Mr. Smith moved

That House Bill No. 135 be recalled from the committee, and
that it be placed upon its third reading.

Mr. Swanston moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 15, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	Randall,
Belyea,	Hartman,	Sandager,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Swanston,
Diesem,	McCormack,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Slotten,
Barlow,	Helgeson,	Svensrud,
Dodds,	Robinson,	Winship,
Fisher,	Rowe,	Yager.
Fuller,	Smith.	

Messrs. Harmon and LaMoure absent and not voting.

Mr. LaMoure being excused.

So the motion to lay upon the table prevailed.

Mr. Swanston moved

That the rules be suspended, and that the Senate return to the
eighth order of business,
Which motion prevailed.

Mr. Swanston moved

That Senate bill No. 247 be placed in General Orders,
Which motion prevailed.

Mr. Harmon moved

That the roll be called on the final passage of Senate Bill No.
183,

Which motion prevailed.

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart.	Sandager.
Appleton,	Harmon,	Smith,
Barlow,	Hartman,	Slotten,

Messrs—

Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Hegleson,
Lawrence,
Little,
McBride,
Randall,
Robinson,
Rowe,

Messrs—

Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Messrs. LaMoure and McCormack absent and not voting.

Mr. LaMoure being excused.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Sandager moved

That the rules be suspended and that House Bills Nos. 278, 194,
352, 149, 298 and 356, be read the third time and placed upon
their final passage,

Which motion prevailed.

Mr. McBride moved

That the Senate do now adjourn,
Which motion prevailed, and
The Senate adjourned until 7:30 o'clock p. m.

EVENING SESSION.

The Senate met at 7:30 o'clock p. m.

The President and President *pro tem* being absent,
Mr. Diesem was elected presiding officer.

Roll called.

A quorum present.

Mr. Belyea moved

That the Senate do now adjourn.

Mr. Stevens moved

To amend by adjourning until 10 a. m. to-morrow,
Which amendment was adopted,
And the motion as amended prevailed, and
The Senate adjourned.

C. C. BOWSFIELD,
Secretary.

ONE HUNDRED AND NINETEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 18, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The President *pro tem.* presiding.

Roll called.

Prayer by the Chaplain.

All members present.

THIRD READING OF HOUSE BILLS.

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,

Was read the third time.

Mr. Stevens moved

The adoption of the following amendment:

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."

Which amendment was adopted.

Mr. Stevens moved

To amend by changing the word "commission" to "commissioner" wherever it appears in the bill,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

• Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,

Messrs—
Hartman,
Helgeson,

Messrs—
Sandager,
Slotten,

Messrs—
 Belyea,
 Bell,
 Cowan,
 Diesem,
 Fisher,
 Harmon,

Messrs—
 LaMoure,
 Lawrence,
 Little,
 McBride,
 McCormack,
 Robinson,

Messrs—
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Barlow,
 Dodds,
 Fuller,

Messrs—
 Haggart,
 Randall,

Messrs—
 Rowe,
 Smith.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the report of the Conference Committee on Senate Bill No. 183, and has passed the bill as recommended by the committee.

Also,

That the House has concurred in the Senate amendments to House Bill No. 228, and has passed the bill as so amended.

J. G. HAMILTON,
 Chief Clerk.

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 27, nays none.

Those who voted in the affirmative were:

Messrs—
 Allin,
 Appleton,
 Barlow,
 Belyea,
 Bell,
 Cowan,
 Dodds,
 Fisher,
 Haggart,

Messrs—
 Harmon,
 Hartman,
 Helgeson,
 LaMoure,
 Little,
 McBride,
 McCormack,
 Randall,
 Robinson,

Messrs—
 Sandager,
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—
 Diesem,
 Fuller,

Messrs.—
 Lawrence,

Messrs—
 Rowe.

So the bill passed, and

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

Mr. President 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. 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 end-
ing of the fiscal year for the State of North Dakota.

Also,

House Bill No. 344,

A bill for an act granting certain powers to county commission-
ers.

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. 228,

A bill for an act to amend Section 9 of Chapter 40 of the Gen-
eral Laws of 1883, entitled "University of North Dakota."

Also,

House Bill No. 209,

A bill for an act to provide for the purchase of paper and sta-
tioner's supplies for the use of the Legislative Assembly and the
various State officers and making an appropriation therefor.

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.

Mr. Harmon moved

That the report of the committee on House Bill No. 194 be
adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

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

Those who voted in the affirmative were:

Messrs--

Allin,
Barlow,

Messrs--

Hartman,
LaMoure,

Messrs--

Slotten,
Stevens,

Messrs—
 Belyea,
 Dodds,
 Fisher,
 Haggart,
 Harmon,

Messrs—
 Lawrence,
 McCormack,
 Robinson,
 Sandager,
 Smith,

Messrs—
 Svensrud,
 Swanston,
 Worst,
 Yager.

Those who voted in the negative were:

Messrs—
 Bell,
 Cowan,

Messrs—
 McBride,

Messrs—
 Randall.

Absent and not voting:

Messrs—
 Appleton,
 Diesem,
 Fuller,

Messrs—
 Helgeson,
 Little,

Messrs—
 Rowe,
 Winship.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

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 placed upon its final passage.

Mr. Fisher moved

That the further consideration of House Bill No. 149 be indefinitely postponed,

Which motion prevailed.

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.

Mr. Little moved

That the report of the committee on House Bill No. 298 be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—
 Allin,
 Appleton,
 Barlow,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,

Messrs—
 Haggart,
 Harmon,
 Hartman,
 LaMoure,
 Little,
 McBride,
 McCormick,

Messrs—
 Randall,
 Robinson,
 Sandager,
 Smith,
 Slotten,
 Winsbip,
 Yager.

Absent and not voting:

Messrs—
 Belyea,
 Fuller,
 Helgeson,

Messrs—
 Lawrence,
 Rowe,

Messrs—
 Svensrud,
 Worst.

Messrs. Stevens and Swanston voting in the negative.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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 to locate and provide for the government of a State Reform School at Mandan, Morton county, North Dakota," approved March 14, 1890,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager,
Appleton,	Harmon,	Smith,
Barlow,	Hartman,	Slotten,
Belyea,	LaMoure,	Stevens,
Bell,	Little,	Svensrud,
Cowan,	McBride.	Swanston,
Diesem,	McCormack,	Winship,
Dodds,	Randall,	Yager.
Fisher,	Robinson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Lawrence,	Worst.
Helgeson,	Rowe,	

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Robinson moved

That the rules be suspended and that the Senate concur in the Houses amendments to Senate Bill No. 127,
Which motion prevailed.

Mr. Robinson moved

To concur in the House amendment to Senate Bill No. 148,
Which motion prevailed.

Mr. Smith moved

That the Senate concur in House amendments to Senate Bill No. 180,

Which motion prevailed.

Mr. McCormack moved

That House Bills Nos. 299, 247, 117, 132, 255, 116, 343 and 357 be read the third time and placed upon their final passage,

Which motion prevailed.

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.

Mr. Stevens moved

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

Mr. Bell moved

The adoption of the following amendment:

In line 2, Section 1, strike out all after the word "fence" and add the following:

The fence so to be constructed shall in no instance be less than five feet high; shall consist of cedar posts and hard wood lumber, the boards of which shall be placed in an upright position in juxtaposition, and shall be painted on the side opposite the track with two coats of bright carmine paint; *Provided*, That in sections west of the Missouri river, where stone is plenty, the fence herein required shall be constructed of stone, squared and laid in cement, two feet wide and not less than six feet high, which shall be furnished with wire gates at each crossing, which shall be securely placed in position and be capable of sustaining a hydrostatic pressure of fifty pounds to the square inch; that Jas. McCormick be appointed an inspector, who shall superintend the building and erection of said fence, for which he shall receive \$10 per day, which shall be paid by the railroad company interested.

Mr. Dodds moved

As a substitute that further consideration of the bill be indefinitely postponed,

Which motion was lost, and

The question recurring on the amendment,

Which amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	McCormack,
Belyea,	Lawrence,	Randall,
Bell,	Little,	Robinson,
Cowan,	McBride,	Stevens.
Harmon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Svensrud,
Barlow,	LaMoure,	Swanston,
Diesem,	Sandager,	Winship,
Dodds,	Smith,	Worst,
Fisher,	Slotten,	Yager.
Fuller,		

Messrs. Helgeson and Rowe absent and not voting.

So the bill was lost.

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 third time, and placed upon its final passage.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Allin,
 Appleton,
 Barlow,
 Bell,
 Cowan,
 Diesem,
 Dodds,
 Fisher,
 Fuller,

Messrs—

Haggart,
 Hartman,
 Helgeson,
 LaMoure,
 Little,
 McBride,
 McCormack,
 Randall,

Messrs—

Sandager,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Absent and not voting:

Messrs—

Belyea,
 Harmon,

Messrs—

Lawrence,
 Robinson,

Messrs—

Rowe,
 Smith.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

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,

Was read the third time.

Mr. McCormack moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed.

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.

Mr. LaMoure moved

That further consideration of the bill be indefinitely postponed.

House Bill No. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor,

Was read the third time.

Mr. Barlow moved

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

Mr. Little moved

To amend Section 1, line 2, by striking out the figures "\$2,000" and inserting the figures "\$1,800" in lieu thereof.

Mr. LaMoure moved a call of the house.

Mr. Dodds moved

That further proceedings under call of the house be dispensed with,

Which motion was lost.

The absent members were brought before the bar of the Senate.

Mr. Swanston moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed, and

The question before the house being on the adoption of the amendment to House Bill No. 343,

Roll call was demanded.

The roll being called there were ayes 16, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Haggart,	McCormack,
Belyea,	Harmon,	Randall,
Bell,	Hartman,	Robinson,
Cowan,	Lawrence,	Stevens,
Diesem,	Little,	Swanston.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Barlow,	McBride,	Svensrud,
Dodds,	Rowe,	Winship,
Fisher,	Sandager,	Worst,
Helgeson.	Smith,	Yager.

So the amendment was adopted, and

The question recurring on the final passage of the bill as amended,

The roll being called there were ayes 27, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Robinson,
Appleton,	Harmon,	Rowe,
Barlow,	Hartman,	Sandager,
Belyea,	Helgeson,	Slotten,
Bell,	Lawrence,	Stevens,
Cowan,	Little,	Svensrud,
Dodds,	McBride,	Swanston,
Fisher,	McCormack,	Winship,
Fuller,	Randall,	Yager.

Messrs. LaMoure and Worst voting in the negative.

Messrs. Diesem and Smith absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President 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. 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. 156,

A bill for an act providing for the payment of a license on railway sleeping cars.

Also,

Senate Bill No. 143,

A bill for an act to provide for a system of free public schools throughout the State.

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 18, nays 9.

Those who voted in the affirmative were:

Messrs—

Belyea,
Bell,
Cowan,
Fuller,
Haggart,
Harmon,

Messrs—

Hartman,
LaMoire,
Lawrence,
Little,
McCormack,
Randall,

Messrs—

Robinson,
Rowe,
Sandager,
Stevens,
Swanston,
Worst.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Barlow,

Messrs—

Fisher,
Helgeson,
Slotten,

Messrs—

Svensrud,
Winship,
Yager.

Absent and not voting:

Messrs—

Diesem,
Dodds,

Messrs—

McBride,

Messrs—

Smith.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Haggart moved

That the vote just taken be reconsidered, and that the motion
to reconsider be laid upon the table,
Which motion prevailed.

Mr. Svensrud moved

That the vote just taken on House Bill No. 343 be reconsidered,
and that the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. Robinson moved

That the vote taken on the final passage of House Bill No. 247
be reconsidered, and that the motion to reconsider be laid upon
the table,
Which motion prevailed.

Mr. Robinson moved

That Senate Bill No. 218 be recalled from the House,
Which motion prevailed.

Mr. LaMoure moved

That the Sergeant-at-Arms be instructed to see that rule 38 is
enforced,
Which motion prevailed.

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,"

Was read the third time.

Mr. Belyea moved

That the bill be indefinitely postponed,
Which motion was lost.

Mr. Diesem moved

To amend Section 1, line 6 by adding the words "the sale."

Mr. Stevens moved

To lay the amendment upon the table,
Which motion prevailed, and

The question recurring on the final passage of the bill,
The roll being called there were ayes 18, nays 7.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,

Messrs—

LaMoure,
Little,

Messrs—

Slotten,
Stevens,

Messrs—
 Dodds,
 Fisher,
 Harmon,
 Helgeson,

Messrs—
 McBride,
 Randall,
 Robinson,
 Rowe,

Messrs—
 Svensrud,
 Winship,
 Worst,
 Yager.

Those who voted in the negative were:

Messrs—
 Belyea,
 Cowan,
 Diesem,

Messrs—
 Fuller,
 McCormack,

Messrs—
 Sandager,
 Swanston.

Absent and not voting:

Messrs—
 Appleton,
 Bell,

Messrs—
 Haggart,
 Hartman,

Messrs—
 Lawrence,
 Smith.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. Stevens moved

That the rules be suspended and that House Bills Nos. 357,
 296, 337, 246, 229, 280, 314, 355 be placed upon their third reading
 and final passage,

Which motion prevailed.

House Bill No. 311,

A bill for an act to define what newspapers are entitled to pub-
 lish legal notices and do public printing,

Was read the third time.

Mr. Diesem moved

To amend Section 1, line 2, by striking out the word "six" and
 inserting the word "three" in lieu thereof,

Which amendment was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 24, nays 5.

Those who voted in the affirmative were:

Messrs—
 Allin,
 Barlow,
 Belyea,
 Dodds,
 Fisher,
 Fuller,
 Haggart,
 Harmon,

Messrs—
 Hartman,
 Helgeson,
 LaMoure,
 Lawrence,
 Little,
 Robinson,
 Rowe,
 Sandager.

Messrs—
 Smith,
 Slotten,
 Stevens,
 Svensrud,
 Swanston,
 Winship,
 Worst,
 Yager.

Those who voted in the negative were:

Messrs—
 Appleton,
 Bell,

Messrs—
 Diesem,
 McBride,

Messrs—
 Randall.

Messrs. Cowan and McCormack absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Lawrence moved

That the Senate do now adjourn,

Which motion prevailed, and the Senate adjourned.

C. C. BOWSFIELD, Secretary.

ONE HUNDRED AND TWENTIETH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 18, 1890.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Smith moved

That the reading of the Journal be dispensed with, and that a committee be appointed to examine and correct the same,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Dodds and Fisher.

MOTIONS AND RESOLUTIONS.

Mr. Stevens offered the following resolution:

WHEREAS, The Constitution and law of our State provide for the appointment of certain officers by the Governor with the advice and consent of the Senate; and

WHEREAS, His Excellency, Gov. Miller, has seen fit to withhold his nominations for such offices until the closing hours of the session; and

WHEREAS, He has, with a very few exceptions, utterly ignored and failed to advise and consult with the members of the Senate as contemplated by the Constitution and laws of our State in regard to such appointments as was his sworn duty to do, thereby asking us to participate in the appointment to office of men entirely unknown to us; and

WHEREAS, These nominations have been withheld until so late an hour that we cannot give them the consideration we feel should be given so important a question; therefore,

Resolved, That the Senate most respectfully declines to assume any responsibility in the premises, and respectfully returns the nominations to His Excellency, the Governor, without action or prejudice to such nominees on the part of the Senate.

Mr. Swanston moved

To adopt the resolution.

Mr. Smith moved

To lay the resolution upon the table.

Roll call demanded.

The roll being called there were ayes 11, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Slotten,
Barlow,	Robinson,	Winship,
Dodds,	Rowe,	Yager.
Fisher,	Smith,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	McCormack,
Cowan,	LaMoure,	Sandager,
Diesem,	Lawrence,	Stevens,
Fuller,	Little,	Swanston,
Haggart,	McBride,	Worst.
Harmon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belyea,	Randall,	Svensrud.
Bell,		

So the motion to lay on the table was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith,
Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district
or county conventions,

Which the House has passed unchanged.

Also,

Senate Bill No. 135,

A bill for an act providing for the establishment of independ-
ent school districts within the incorporated limits of cities of
the State of North Dakota,

Which the house has passed with the following amendments:

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 ap-
proval) 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.

And your concurrence therein is respectfully requested.

Also,

To transmit a Concurrent Resolution for a Memorial to Congress requesting that a bill be passed authorizing the Superintendent of the Eleventh Census to make a full, complete and accurate report of the number and amount of farm mortgages in the United States,

And your concurrence therein is respectfully requested.

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 any thing 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 exists 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.

J. G. HAMILTON,
Chief Clerk.

The question recurring on the adoption of Mr. Stevens' resolution,

Mr. Swanston moved a call of the Senate.

The roll being called Mr. Belyea was reported absent.

Mr. Swanston moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed, and

The question recurring on the adoption of Mr. Stevens' resolution,

Roll call was demanded.

The roll being called there were ayes 19, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	McCormack,
Belyea,	Hartman,	Randall,
Bell,	LaMoure,	Sandager,
Cowan,	Lawrence,	Stevens,
Diesem,	Little,	Swanston,
Fuller,	McBride,	Worst.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Svensrud,
Barlow,	Robinson,	Winship,
Dodds,	Rowe,	Yager.
Fisher,	Slotten,	

Mr. Smith absent and not voting.

So the resolution was adopted.

Mr. Swanston moved

That the resignation of the Seed Wheat Committee be taken from the table,

Which motion prevailed.

The hour having arrived for the consideration of Special Orders.

Mr. Swanston moved

That the rules be suspended, and that House Bill No. 168 be made a special order for 5:30 o'clock p. m.,

Which motion prevailed, and

The question recurring on the resignation of the Seed Wheat Committee,

Mr. Swanston moved

That the resignation of the committee be accepted, and that the committee be discharged.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has

concurred in the Senate amendments to House Bill No. 275, and has passed the bill as so amended.

Also,

To transmit herewith
Senate Bill No. 231,

A bill for an act to provide for the copying of certain records and making an appropriation therefor,

Which the House has passed with the following amendments:

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."

Amend line 3, Section 3, by inserting after the word "Auditor," the following: "On the approval of the Governor."

And your concurrence therein is respectfully requested.

Also,

That the House has concurred in the Senate amendments to House Bill No. 343, and has passed the bill as so amended.

Also,

That the House has concurred in the Senate Concurrent Resolution in relation to the supply of money.

Also,

To return herewith
Senate Bill No. 218 as requested by the Senate.

Also,

That the House has refused to concur in the Senate amendments to House Bill No. 131, and that the Speaker has on motion adopted, appointed Messrs. Hankinson, Williams and Thompson of Cass, as a committee on the part of the House to confer with a like committee from the Senate upon said amendments.

J. G. HAMILTON.
Chief Clerk.

The question recurring on the motion to accept the resignation of the Seed Wheat Committee,

Roll call was demanded.

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Fuller,

Messrs—

Haggart,
Harmon,
Hartman,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,

Messrs—

Randall,
Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Swanston,
Winship.

Absent and not voting:

Messrs—

Dodds,
Fisher,
Helgeson,

Messrs—

Robinson,
Svensrud,

Messrs—

Worst,
Yager.

So the motion prevailed.

Mr. McCormack moved

That the Senate do now concur in the House amendments to Senate Bill No. 135,

Which motion prevailed.

Mr. Smith moved

That Senate Bill No. 218 be referred to a special committee of three to report in half an hour,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Smith, Bell and Appleton.

Mr. McCormack moved

That the roll be called on the final passage of Senate Bill No. 135, as amended by the House,

Which motion prevailed, and

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

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow
Belyea,
Bell,
Cowan,
Fuller,
Haggart,

Absent and not voting:

Diesem,
Dodds,
Fisher,

Messrs—

Harmon,
LaMoure,
Little,
McCormack,
Randall,
Rowe,
Sandager,

Hartman,
Helgeson,
Lawrence,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Yager.

McBride,
Robinson,
Worst.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Little moved

That the President appoint a conference committee on House Bill No. 131,

Which motion prevailed, and

Mr. President appointed as such committee Messrs. Little, Belyea and Swanston.

Mr. Little moved

That the pay of the Janitor and Stenographer be increased \$1 per day for the entire session.

Mr. Winship moved

To lay the motion upon the table,

Which motion was lost, and

The question recurring on the motion of Mr. Little,

The motion prevailed.

The Conference Committee on Senate Bill No. 53 made the following report:

MR. PRESIDENT:

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. H. WORST,
H. J. ROWE,
F. G. BARLOW,
On part of Senate.
J. F. SELBY,
R. N. STEVENS,
F. J. THOMPSON,
On part of House.

Mr. Barlow moved
To adopt the report of the committee,
Which motion prevailed.

Mr. McCormack moved
That Mr. LaMoure be elected President *pro tem.* of the Senate.
The roll being called there were ayes 23, nays 2.
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Smith,
Appleton,	Lawrence,	Slotten,
Belyea,	Little,	Stevens,
Bell,	McCormack,	Svensrud,
Cowan,	Randall,	Swanston,
Fuller,	Robinson,	Winship,
Haggart,	Rowe,	Yager.
Harmon,	Sandager,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Diesem,	Fisher,	McBride,
Dodds,	Hartman,	

Messrs. Barlow and LaMoure voting in the negative.

So Mr. LaMoure was elected President *pro tem.*, and the President administered the oath of office.

Mr. McCormack moved
That a conference committee be appointed on the House amendments to Senate bill No. 231,

Which motion prevailed, and

Mr. President appointed Messrs. Robinson, McCormack and Helgeson.

Mr. Smith moved

That House Bills Nos. 135 and 211 be recalled from the Committee on Judiciary and placed on their third reading and final passage,

Which motion was lost.

Mr. Smith moved

That the bills be recalled from the committee and placed in General Orders.

Mr. Stevens raised the point of order that there was other business before the Senate.

Mr. President decided the point well taken, and

Mr. Worst moved

That after these bills were disposed of not more than three bills at one time should be made a special order,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Robinson moved

That the Senate do now concur in the House amendments to Senate Bill 169,

Which motion prevailed.

Special Orders were taken up.

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.

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

The roll being called there were ayes 18, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Fuller,	Smith,
Barlow,	LaMoure,	Stevens,
Belyea,	Little,	Svensrud,
Bell,	McCormack,	Winship,
Cowan,	Robinson,	Worst,
Diesem,	Sandager,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Rowe.
Harmon,	Randall,	Slotten.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Hartman,	McBride,
Fisher,	Lawrence,	Swanston.
Haggart,		

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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,

Was read the third time.

Mr. Worst moved

To adopt the report of the committee,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Sandager,
Appleton,	Harmon,	Smith,
Barlow,	LaMoure,	Slotten,
Belyea,	Lawrence,	Stevens,
Bell,	Little,	Svensrud,
Cowan,	McBride,	Swanston,
Diesem,	McCormack,	Winship,
Dodds,	Randall,	Worst,
Fisher,	Robinson,	Yager.
Fuller,	Rowe,	

Messrs. Hartman and Helgeson absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

The Conference Committee on House Bill No. 131 made the following report:

MR. PRESIDENT:

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.

C. B. LITTLE,
W. E. SWANSTON,
E. H. BELYEA,
On part of Senate.
R. H. HANKINSON,
F. J. THOMPSON,
E. A. WILLIAMS,
On part of House.

Mr. Little moved

To adopt the report of the Conference Committee,

Which motion prevailed.

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 placed upon its final passage.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Appleton,	Harmon,	Sandager,
Barlow,	Hartman,	Smith,
Belyea,	LaMoure,	Slotten,
Bell,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Diesem,	McCormack,	Swanston,
Dodds,	Randall,	Winship,
Fisher,	Robinson,	Worst,
Fuller,	Rowe,	Yager.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Lawrence.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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.

Mr. Belyea moved

That the further consideration of House Bill No. 337 be indefinitely postponed,

Which motion prevailed.

Mr. Little moved

To suspend the rules in order that he might make a motion to have the Governor and House of Representatives notified that the Senate would be ready to adjourn *sine die* at 6 o'clock p. m.,

Which motion was lost.

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,

Was read the third time.

Mr. Swanston moved

That the further consideration of the bill be indefinitely postponed,

Which motion was withdrawn by consent, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Diesem,
Dodds,
Fisher,
Haggart,
Harmon,
Hartman,
Helgeson,

Messrs—

LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randal,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Allin,
Belyea,

Messrs—

Cowan,
Fuller,

Messrs—

Robinson.

Mr. Bell voting in the negative.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. Dodds moved

That the vote just taken be reconsidered and that the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Swanston asked consent to return to the fifth order of business,

Consent was granted, and

Mr. Swanston presented a petition from Ramsey county, North Dakota, containing 450 names favoring the Sandager Lottery Bill.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
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.

Which the House has passed unchanged.

Also,

That the House has concurred in the Senate amendments to House Bill No. 302, and has passed the bill as so amended.

Also,

Senate Bill No. 169,

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

Which the House has passed with the following amendment:

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 3230, Compiled Laws).

And your concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

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.

Mr. Swanston moved

That further consideration of House Bill No. 248 be indefinitely postponed,

Which motion prevailed.

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.

Mr. Swanston moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has passed with the following amendments:

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 your concurrence therein is respectfully requested.

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,

Which the House has passed with the following amendments:

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 cistern, 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 following words, "Section 1 of.

And your concurrence therein is respectfully requested.

Also,

That the House has concurred in the Senate amendments to House Bill No. 352, and has passed the bill as so amended.

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,

Which the House has passed with the following amendment:

Amend Section 1, by inserting the words "by the approval of the Governor" after the word "State" in line 1.

And your concurrence therein is respectfully requested.

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," approved January 10, 1890.

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,

Both of which the House has passed unchanged.

J. G. HAMILTON.

Chief Clerk,

The question recurring on the final passage of House Bill No. 280,
The roll being called there were ayes 21, nays 2.

Those who voted in the affirmative were:

Messrs—

Belyea,
Cowan,
Dodds,
Fuller,
Haggart,
Harmon,
Hartman,

Messrs—

Helgeson,
LaMoure,
Lawrence,
McBride,
McCormick,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Stevens,
Svensrud,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—

Allin,
Barlow,
Bell,

Messrs—

Diesem,
Little,
Randall,

Messrs—

Robinson,
Winship.

Messrs. Appleton and Fisher voting in the negative.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. McCormack moved

That the rules be suspended, and that the messages from the House on Senate bills be considered,

Which motion prevailed.

Mr. Robinson moved

That the Senate concur in the House amendments to Senate Bill No. 165,

Which motion prevailed.

Mr. McCormack moved

That the Senate concur in the House amendments to Senate Bill No. 88,

Which motion prevailed.

Mr. McCormack moved

That the Senate concur in the House amendments to Senate Bill No. 201,

Which motion prevailed.

Mr. McCormack presented the following report:

MR. PRESIDENT:

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 2, and that the House recedes from the amendment to Section 3.

M. L. McCORMACK,
ANDREW HELGESON,
W. H. ROBINSON,
On part of Senate.

GEO. H. WALSH,
JOHN MILSTED,
O. T. JAHR,
On part of House.

Which report was adopted.

Mr. Swanston moved

That the Governor and House of Representatives be notified that the Senate would be prepared to adjourn *sine die* at 10 o'clock p. m.,

Which motion prevailed.

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 third time.

Mr. McCormack moved

That further consideration of House Bill No. 273 be indefinitely postponed.

Which motion prevailed.

House Bill No. 314,

A bill for an act relating to building and loan associations,
Was read the third time.

Mr. Swanston moved

That House Bill No. 314 be indefinitely postponed,
Which motion prevailed.

Mr. Belyea moved

That House Bills Nos. 105, 293 and 212 be read the third time
and placed upon their final passage,
Which motion prevailed.

Mr. President announced his signature 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.

House Bill No. 105,

A bill for an act requiring the registration of births and deaths,
Was read the third time.

Mr. Allin moved

That 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 read the third time, and placed upon its final passage.

The roll being called there were ayes 13, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Little,	Swanston,
Diesem,	McCormack,	Winship,
Fuller,	Stevens,	Worst,
Harmon,	Svensrud,	Yager.
LaMoire,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Randall,
Barlow,	Helgeson,	Rowe,
Bell,	McBride,	Slotten.
Fisher,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Hartman,	Sandager,
Cowan,	Lawrence,	Smith.
Dodds,	Robinson,	

So the bill was lost.

Mr. President announced his signature to
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. 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. 190,

A bill for an act to provide for the incorporation of certain classes of benevolent and charitable institutions.

Also,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of North Dakota.

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. 148,

A bill for an act relating to the duties of the Public Examiner.

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. 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."

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. 181,

A bill for an act regulating the use of proxies in State, district and county conventions.

Also,

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration.

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. 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.

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 placed upon its final passage.

The roll being called there were ayes 18, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Haggart,	Smith,
Belyea,	Harmon,	Slotten,
Diesem,	Helgeson,	Stevens,
Dodds,	McBride,	Svensrud,
Fisher,	Robinson,	Swanston,
Fuller,	Rowe,	Yager.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	McCormack,	Winship,
LaMoire,	Randall,	Worst.
Little,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	Lawrence,
Bell,	Hartman,	Sandager.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has by motion adopted, requested the return of

Senate Bill No. 201,

A bill for an act providing for the publication of Supreme Court Reports of the State of North Dakota.

J. G. HAMILTON,
Chief Clerk.

Mr. Little moved
That the roll be called on the final passage of House Bill No. 131,

Which motion prevailed.

The roll being called there were ayes 19, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Helgeson,	Slotten,
Belyea,	Little,	Svensrud,
Diesem,	Robinson,	Swanston,
Dodds,	Rowe,	Winship,
Fisher,	Sandager,	Worst,
Fuller,	Smith,	Yager.
Harmon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	McBride,	Randall,
Haggart,	McCormack,	Stevens.
LaMoure,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	Lawrence.
Bell,	Hartman,	

So the bill passed, and
The question being as to its title,
Its title was agreed to.

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,

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

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Helgeson,	Sandager,
Barlow,	LaMoure,	Slotten,
Belyea,	Lawrence,	Stevens,
Diesem,	Little,	Svensrud,
Dodds,	McCormack,	Swanston,
Fisher,	Randall,	Winship,
Fuller,	Robinson,	Worst,
Haggart,	Rowe,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Appleton,	Cowan,	McBride,
Bell,	Hartman,	Smith.

Mr. Harmon voting in the negative.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

The following petition was presented:

To the Honorable, the Senate and the House of Representatives, the First Legislative Assembly of the State of North Dakota, Assembled at Bismarck, N. D.:

We, the undersigned citizens of Dickey county in the State of North Dakota, do respectfully petition your honorable body to do all in your power to pass the so-called Lottery Bill providing for the annual payment to the State of North Dakota of the sum of \$250,000, because we believe it will be for the best interest of our State which we wish to be and remain the banner State of this glorious republic.

F. S. PARKER,
And 400 others.

Mr. LaMoure moved

That House Bills Nos. 233, 316 and 24 be read the third time and placed upon their final passage,

Which motion prevailed, and

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,

Was read the third time.

Mr. Harmon moved

That the report of the committee be adopted,

Which motion prevailed, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,
Fuller,

Messrs—

Haggart,
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
Robinson,

Messrs—

Rowe,
Slotten,
Stevens,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Absent and not voting:

Messrs—

Allin,
Hartman,

Messrs.—

McCormack,
Randall,

Messrs—

Sandager,
Smith.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Stevens moved

That the bill be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 6, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Bell,	Haggart,
Belyea,	Fisher,	Little.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Slotten,
Appleton,	Lawrence,	Stevens,
Cowan,	McBride,	Svensrud,
Diesem,	Randall,	Swanston,
Dodds,	Robinson,	Winship,
Fuller,	Rowe,	Yager.
Harmon,	Sandager,	
Helgeson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hartman,	Smith.	Worst.
McCormack,		

So the motion was lost, and

The question recurring on the final passage of the bill,

The roll being called there were ayes 23, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fuller,	Robinson,
Appleton,	Harmon,	Rowe,
Belyea,	Helgeson,	Sandager,
Bell,	LaMoure,	Slotten,
Cowan,	Lawrence,	Svensrud,
Diesem,	McBride,	Swanston,
Dodds,	McCormack,	Yager.
Fisher,	Randall,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Little,	Winship,
Haggart,	Stevens,	Worst.

Messrs. Hartman and Smith absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

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.

Mr. Allin moved

That further consideration of the bill be indefinitely postponed,

Which motion was lost.

Mr. Worst moved

That the report of the committee be adopted,

Which motion prevailed, and
 The question recurring on the final passage of the bill,
 The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Barlow,	Lawrence,	Sandager,
Belyea,	Little,	Smith,
Dodds,	McCormack,	Stevens,
Fuller,	Robinson,	Swanston,
Harmon,	Rowe,	Worst.
Hegleson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	Slotten,
Appleton,	LaMoure,	Svensrud,
Bell,	McBride,	Winship,
Cowan,	Randall,	Yager.
Fisher,		

Messrs. Diesem and Hartman absent and not voting.

So the bill passed, and
 The question being as to its title,
 Its title was agreed to.

Mr. McCormack moved

That House Bill No. 164 be made a special order for 8 o'clock
 p. m.,

Which motion prevailed.

Mr. Robinson moved

That the rules be suspended and that House Bills Nos. 318,
 340 and 67 be placed upon their final passage,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has
 adopted the report of the Conference Committee on Senate Bill
 No. 231, and has passed the bill as recommended by said commit-
 tee.

Also,

To transmit herewith
 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. 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. 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,

All of which the House has passed unchanged.

J. G. HAMILTON,
Chief Clerk.

Mr. Haggart asked consent to return to the fifth order of business.

Consent was granted, and

Mr. Haggart presented the following petition:

To Senator Haggart and Representatives Tyler and Thompson:

We, the undersigned tax-payers and business men of the City of Fargo, considering the 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.

J. W. VONNEIDA, President Board of Trade.
C. D. HOLMES, Secretary Board of Trade.
E. M. RAWORTH & Co., Grocers,
C. C. SCHULER, Cashier Citizens' Nat'l Bank,
D. B. SHOTWELL, Fargo Roller Mills,
And 2,730 others.

Also, the following petition:

To B. W. Fuller, John Milsted and Geo. Lutz, Bismarck, N. D.:

We, the undersigned residents of the Twenty-third district of the State of North Dakota, do earnestly request you 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.

ANTON KLAUS,
W. E. GREEN,
GEO. R. TOPLIFF,
And 900 others.

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 27, nays none.

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Diesem,
Dodds,
Fisher,

Messrs—
Haggart,
Harmon,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,
McCormack,
Randall,

Messrs—
Robinson,
Rowe,
Sandager,
Smith,
Slotten,
Stevens,
Swanston,
Worst,
Yager.

Absent and not voting:

Messrs—
Fuller,
Hartman,

Messrs—
Svensrud,

Messrs—
Winship.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. President 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.

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.

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. 347,

A bill for an act to provide for taxation of real and personal property situated in unorganized counties.

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.

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. 302,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

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 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. 343,

A bill for an act fixing the salary of the Commissioner of Agriculture and Labor.

REPORTS OF STANDING COMMITTEES

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

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. 170,

A bill for an act to license peddling and prescribing penalties for the violation thereof.

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. 132,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota.

Also,

Senate Bill No. 143,

A bill for an act to provide for a system of free public schools throughout the State.

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 authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to pro-

vide funds to pay outstanding indebtedness and to provide for the payment of the principal and interest thereof."

Also,

Senate Bill No. 148,

A bill for an act relating to the duties of the Public Examiner.

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. 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.

Also,

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district and county conventions.

Also,

Senate Bill No. 198,

A bill for an act to require the Secretary of State to keep a record of bonds of 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 Chapter 48 of the Session Laws of 1889, entitled "An Act to amend Section 103 of Chapter 28 of the Political Code," relating to publication of receipts and disbursements of county treasurers.

Also,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of the State of North Dakota.

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. 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. 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. 194,

A bill for an act entitled "An Act to appropriate money to pay amounts due the militia of the Territory of Dakota."

Also,

Senate Bill No. 164,

A bill for an act to provide for the establishment of tribunals of conciliation or arbitration.

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.

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. 74,

A bill for an act to reimburse the compiler and printer of Long's Legislative Hand Book for the year 1889.

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,

And find the same correctly engrossed and enrolled.

J. O. SMITH,

Chairman.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

Your Committee appointed to examine and correct the Journal of the one hundred and eighteenth and one hundred and nineteenth days have performed that duty and recommend the following corrections:

Page 1, line 1, amend so as to read "Senate met at 9:30 o'clock a. m. pursuant to adjournment."

Page 3, line 22, substitute "peddling" for "peddlers."

Page 4, line 30, substitute "therefore" for "thereof"

D. S. DODDS,

Chairman.

Which report was adopted.

Mr. Swanston moved

That the Senate adjourn until 8 o'clock p. m.

Mr. Stevens moved

As a substitute that the Senate take a recess until 7:30 o'clock p. m.

Which substitute motion prevailed.

Mr. Swanston moved

That the Senate adjourn,

Which motion prevailed, and

The Senate adjourned to meet at 7:30 o'clock p. m.

EVENING SESSION.

The Senate met at 7:30 o'clock p. m. pursuant to adjournment.

The President presiding.

Mr. Swanston moved

That the Conference Committee on Senate Bill No. 5 be discharged, and that a new conference committee be appointed,

Which motion was lost.

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 19, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haggart,	McCormack,
Appleton,	Harmon,	Robinson,
Belyea,	Hartman,	Smith,
Bell,	Helgeson,	Stevens,
Cowan,	Lawrence,	Svensrud,
Fisher,	McBride,	Swanston.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Barlow,	Little,	Slotten,
Diesem,	Rowe,	Winship.
LaMoure,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Sandager,	Yager.
Randall,	Worst,	

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 18, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 212,

A bill for an act relating to bridge tax in certain cities or municipalities,

Which the House has passed unchanged.

Also,

The following resolution, which has been adopted by the House:

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.

J. G. HAMILTON,
 Chief Clerk.

Mr. LaMoure moved

That the request of the House be complied with,

Which motion prevailed.

House Bill No. 67,

A bill for an act relating to marriage, and providing for marriage licenses,

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

The roll being called there were ayes 26, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harmon,	Smith,
Appleton,	Helgeson,	Slotten,
Barlow,	Little,	Stevens,
Belyea,	McBride,	Svensrud,
Bell,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Robinson,	Worst,
Fisher,	Rowe,	Yager.
Haggart,	Sandager,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	Hartman,	LaMoure.

Messrs. Dodds and Lawrence absent and not voting.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 March 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has passed

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,

The Governor's veto to the contrary notwithstanding.

J. G. HAMILTON,
Chief Clerk.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 201,

A bill for an act providing for the publication of the Supreme Court Reports of the State of North Dakota.

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. 231,

A bill for an act to provide for the copying of certain records, and making an appropriation therefor.

Also,

Senate Bill No. 169,

A bill for an act so legalize certain instruments and the record thereof.

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.

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. 212,

A bill for an act relating to bridge tax in certain cities or municipalities.

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 common school lands of North Dakota.

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. 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. 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. 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. 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. 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. 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,

And find the same correctly engrossed and enrolled.

Also,

To report that

Senate Bill No. 173,

A bill for an act to establish a uniform system of accounting for public funds in the State, educational, charitable and correctional institutions and to appropriate miscellaneous receipts for the said institutions.

Also,

Senate Bill No. 194,

A bill for an act entitled "An act to appropriate money to pay amounts due the militia of the Territory of Dakota."

Also,

Senate Bill No. 164,

A bill for an act providing for the establishment of tribunals of conciliation or arbitration.

Also,

Senate Bill No. 97,

A bill for an act proposing an amendment to Section 182, Article 12 of the Constitution of the State of North Dakota.

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. 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,

Were delivered to his Excellency, the Governor, for his approval at the hour of 5:05 o'clock p. m., March 18, 1890.

Also,

To report that

Senate Bill No. 180,

A bill for an act to amend Chapter 48 of the Session Laws of 1889, entitled "An Act to amend Section 103 of Chapter 28 of the Political Code," relating to publication of receipts and disbursements of county treasurers.

Also,

Senate Bill No. 41,

A bill for an act entitled "An Act to regulate common carriers and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota."

Also,

Senate Bill No. 181,

A bill for an act regulating the use of proxies in State, district and county conventions.

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. 86,

A bill for an act to amend Section 1 of Chapter 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.

Also,

Senate Bill No. 148,

A bill for an act relating to the duties of Public Examiner.

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, towns and villages to levy and collect taxes for municipal purposes,"

Were delivered to his Excellency, the Governor, for his approval at the hour of 5:10 o'clock p. m., March 18, 1890.

J. O. SMITH,
Chairman.

The hour having arrived for the consideration of

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,

Which by consent was postponed for thirty minutes.

Mr. Bell moved

That the report of the Conference Committee, and House Bill No. 39 be taken from the table,

Which motion prevailed.

Mr. Swanston moved

That the Memorial to Congress "asking an appropriation of \$15,000 for an artesian well at Edgeley," be reconsidered,

Which motion prevailed.

Mr. Bell moved

That the report of the Conference Committee on House Bill No. 39 be adopted,

Which motion prevailed, and

The question recurring on the passage of House Bill No. 39,

A bill for an act defining usury and the penalty for taking same,

The roll being called there were ayes 23, nays 4.

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Barlow,
Belyea,
Bell,
Cowan,
Fisher,
Fuller,

Messrs—

Harmon,
Hartman,
Helgeson,
Little,
McBride,
Robinson,
Rowe,
Sandager,

Messrs—

Smith,
Slotten,
Svensrud,
Swanston,
Winship,
Worst,
Yager.

Those who voted in the negative were:

Messrs—

LaMoure,
Lawrence,

Messrs—

Randall,

Messrs—

Stevens.

Absent and not voting:

Messrs—

Diesem,
Dodds,

Messrs—

Haggart,

Messrs—

McCormack.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Swanston moved

That the Memorial to Congress be now read and considered,
Which motion prevailed, and

The question recurring on the passage of the resolution,

Mr. Swanston moved

To amend by striking out the words "Edgeley, LaMoure county"
and inserting in lieu thereof the words "Lisbon, Ransom county,"
Which motion prevailed.

Mr. Swanston moved

That the memorial as amended be adopted,
Which motion prevailed.

Mr. Bell moved

That the vote by which House Bill No. 39 was passed be recon-
sidered, and that the motion to reconsider be laid upon the
table,

Which motion prevailed.

Mr. Swanston moved

That the rules be suspended, and
House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing
and handling of grain,

Be placed upon its third reading and final passage,

Which motion prevailed, and

The question recurring on the final passage of the bill,

Mr. Worst moved

That the further consideration of the bill be indefinitely post-
poned,

Which motion prevailed.

Mr. Swanston moved

That the Senate take a recess for twenty minutes,

Which motion was lost.

Mr. Swanston moved

That the Senate take a recess of ten minutes,

Which motion was lost.

Mr. McCormack moved

That the Senate take a recess of five minutes,

Which motion prevailed.

The Senate reassembled.

Mr. Swanston moved a call of the house.

Call of the house demanded.

Mr. Appleton moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed.

Mr. President announced his signature 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.

Also,

Senate Bill No. 183.

A bill for 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,

Senate Bill No. 201,

A bill for an act providing for the publishing of the Supreme Court reports of the State of North Dakota.

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. 231,

A bill for an act to provide for the copying of certain records and making an appropriation therefor.

Also,

Senate Bill No. 165,

A bill for an act authorizing transcripts of judgment and decrees of the United States Courts in the State of North Dakota.

to be filed with the clerks of the district courts of the several counties and to be docketed therein.

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.

Mr. President announced that the hour had arrived for the special consideration of House Bill No. 164.

Mr. McCormack moved

That the special order be postponed until 9:30 o'clock,
Which motion was lost.

Mr. McCormack moved

That the special order be postponed for fifteen minutes, or until House Bill No. 265 was read,
Which motion was lost.

Mr. Little moved a call of the house,
The call of the house was begun.

Mr. McBride moved

That further proceedings under call of the house be dispensed with,
Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn.

Mr. President ruled the motion out of order, as the time had been set for adjournment.

Mr. President announced his signature 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.

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 appropriations therefor," approved December 19, 1889.

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. 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. 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. 246,

A bill for an act to provide for establishing an Industrial School and School of Manual Training at the city of Ellendale, and county of Dickey,

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.

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,

To the Joint Memorial on Forestry.

Also,

The certificate to the effect that Senate Bill No. 31 has been passed, the Governor's objections to the contrary notwithstanding.

The President *pro tem.* in the Chair.

The question recurring on the consideration of

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. McCormack moved

That the Senate take a recess of 10 minutes.

Mr. President ruled the motion out of order.

Mr. McCormack appealed from the decision of the Chair, and the decision of the Chair was sustained.

Mr. McCormack moved a call of the house.

The call of the house was begun.

Mr. Bell moved

That further proceedings under call of the house be dispensed with,

Which motion prevailed.

Mr. President in the Chair.

Mr. Swanston moved

That the Senate take a recess of ten minutes.

Roll call demanded.

The roll being called there were ayes 6, nays 20.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Harmon,	Lawrence,
Haggart,	Hartman,	Little.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Hegleson,	Smith,
Appleton,	LaMoure,	Slotten,
Barlow,	McBride,	Svensrud,
Bell,	Randall,	Swanston,
Diesem,	Robinson,	Winship,
Dodds,	Rowe,	Worst,
Fisher,	Sandager,	Yager.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cowan,	McCormack,	Stevens.
Fuller,		

So the motion was lost, and

The question recurring on the consideration of House Bill No. 164,

Mr. McCormack moved

That the further consideration of the bill be dispensed with until the Chair had signed the bills ready to go to the Governor.

Mr. President decided the motion out of order.

Mr. McCormack appealed from the decision of the Chair, and the decision of the Chair was sustained.

Mr. Belyea moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The question recurring on the final passage of House Bill No. 164,

The roll being called there were ayes 28, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Hartman,	Sandager,
Appleton,	Hegleson,	Smith,
Barlow,	LaMoure,	Slotten,
Bell,	Little,	Stevens,
Cowan,	McBride,	Svensrud,
Diesem,	McCormack,	Swanston,

Messrs—

Dodds,
Fisher,
Fuller,
Haggart,

Messrs—

Randall,
Robinson,
Rowe,

Messrs—

Winship,
Worst,
Yager.

Messrs. Belyea and Lawrence voting in the negative.

Mr. Harmon being absent and not voting.

So the bill passed, and
The question being as to its title,
Its title was agreed to.

Mr. Swanston moved

That the vote by which the bill passed be reconsidered, and
that the motion to reconsider be laid upon the table,
Which motion prevailed.

Mr. President announced his signature to
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," ap-
proved 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. 228,

A bill for an act making invalid bonds or other evidences of
debt of counties and bonds of townships and other political cor-
porations, 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. 225,

A bill for an act relating to local improvements in cities not
organized and incorporated under the General Laws for the in-
corporation of cities.

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," 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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith

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,"

Which the House has passed unchanged.

Also,

To inform the Senate that the House has concurred in the Senate amendments to

House Bill No. 67,

A bill for an act relating to marriage and providing for marriage license,

And has passed the bill as amended.

J. G. HAMILTON.
Chief Clerk.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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. 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. 169,

A bill for an act to legalize certain instruments and the record thereof.

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. 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.

Also,

Senate Bill No. 221,

A bill for an act to transfer unexpended balances of the bond funds of certain State institutions to the general fund.

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. 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. 53,

A bill for an act regulating the duties and compensation of the Supreme Court Reporter.

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. 212.

A bill for an act, relating to bridge tax in certain cities or municipalities.

Also,

Senate Bill No. 88,

A bill for an act amending Chapter 16 of the acts of the Seventeenth Session of the Legislation 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. 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. 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 establishment of independent school districts in cities heretofore organized for school purposes under special laws and provided with boards of education,

Were delivered to his Excellency, the Governor, for his approval at the hour of 10 o'clock p. m., March 18, 1890.

J. O. SMITH,
Chairman.

Mr. McCormack asked consent to make a motion.

Consent was granted, and

Mr. McCormack offered the following petitions and asked that they be placed on the Journal,

Which motion prevailed.

To the President of the Senate of North Dakota:

The undersigned, voters and taxpayers of Caledonia, Traill county, North Dakota, most respectfully petition that for the relief of the present strained and embarrassed financial condition of the State the Legislature pass Senate Bill No. 167, known as the Sandager Revenue Lottery Bill.

ADOLPH SMITH,
And 100 others.

Also,

A similar petition from Hatton, Traill county, signed by Martin Thomson and 50 others.

Also,

A similar petition from Caledonia, Traill county, signed by John Little and 20 others.

Also,

A similar petition from Hatton, Traill county, signed by Otto O. Tollefson and 50 others.

Also,
A similar petition from Lakota, signed by H. H. Rose and 75 others.

Also,
A similar petition from Eldorado township, Traill county, signed by Ole Landing and 20 others.

Also,
A similar petition from Kelso township, Traill county, signed by Robert Black and 20 others.

Also,
A similar petition from Blanchard township, Traill county, signed by John Otto and 40 others.

Also,
A similar petition from Buxton, Traill county, signed by O. B. Olson and 100 others.

Also, the following:

To the Honorable, the Legislature of North Dakota:

We, the undersigned citizens being residents and taxpayers of Michigan City, Nelson county, North Dakota, while not advocating gambling nor immorality do believe that the best interests of the taxridden and pauperized farmers and laboring classes of our State would be materially subserved and improved by the passage of the "Lottery Bill," and would therefore respectfully recommend its passage.

JOHN HENNESSY,
And 30 others.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to transmit herewith
Senate Bill No. 176,
A bill for an act to amend Section 340 of the Probate Code,
Which the House has passed unchanged.

J. G. HAMILTON,
Chief Clerk.

Mr. Belyea asked unanimous consent to introduce a resolution,
and

Consent being granted,
Mr. Belyea introduced the following resolution:

A MEMORIAL AND CONCURRENT RESOLUTION.

Asking for the creation of the office of, and appointing "Ludfisk Economy,"
Jim. McCormick "Keeper of the Morals of the State of North Dakota."

To the Hon. L. R. Casey, Gilbert A. Pierce and H. C. Hansbrough, our Senators and Representative in Congress:

Your memorialists, the Legislative Assembly of the State of North Dakota, would respectfully represent, that a damnable and iniquitous conspiracy has

existed, and still exists, for the purpose of crushing, corrupting and destroying the morals of the people of the State, with headquarters established at Bismarck and agencies in every town and city in the State, and your memorialists believing that the said damnable and iniquitous conspiracy is a remnant of territorial corruption, inherited by the State from the Territory of Dakota, and your memorialists believing that the "Lottery Devil," this hydra headed monster, with a tentacle grasping each town and city in the State, is not yet dead, but still lives to crush, corrupt and destroy the morals of the people of the State.

We therefore pray that you introduce a bill into the Congress of the United States, creating the office of "Keeper of the Morals of the State of North Dakota," and defining the duties of the person appointed to fill said office. That he be required—under pains and penalties, to be established by Congress—to prevent the escape of a single moral, and to report to the Governor of this State, the lapse from virtue, and the slightest transgressions of the "Moral Code" (as defined by Conde Hamlin or Attorney General Goodwin), of each and every individual in said State, and prevent the entrance thereto of each and every "Lottery Devil" in the country, and that the said "Keeper of the Morals of the State of North Dakota" be empowered and authorized to call out "Bentley's Army" for this purpose, and for this purpose only.

And your memorialists, do hereby recommend that "Ludéfisk Economy" Jim McCormick, of Ramsey county, be appointed "Keeper of the Morals of the State of North Dakota" to fill said office, when said bill becomes a law.

Be it Resolved, That a copy of this Memorial and Concurrent Resolution be forwarded to each of our Senators, and to our Representative in Congress, and they are hereby requested to use all honorable means to bring this subject to the favorable consideration of Congress.

Mr. Swanston moved

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

Mr. Swanston asked unanimous consent to introduce a resolution.

Consent was granted, and

Mr. Swanston introduced the following resolution:

In view of the fact that the Fargo Argus, the Jamestown Alert, the Bismarck Tribune and the Mandan Daily Pioneer have published daily, fair, impartial and correct accounts of the Senate proceeding;

Be it Resolved, That we the members of the first State Senate of North Dakota do hereby tender a vote of thanks to the above named newspapers for their kindness.

Mr. LaMoure moved

That when this Senate adjourn *sine die*, it adjourn at 11 o'clock p. m.

Mr. Belyea raised the point of order that there was a time already set for adjournment.

Mr. LaMoure moved

That the vote by which the Senate agreed to adjourn be reconsidered,

Which motion prevailed.

Mr. LaMoure moved

That when the Senate adjourn *sine die*, it adjourn at 11 o'clock p. m. precisely,

Which motion prevailed.

Mr. President announced his signature to

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. 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,

Senate Bill No. 233,

A bill for an act to appropriate money to pay the expenses of the Senate Investigating Committee.

Mr. LaMoure moved

That the vote fixing the salary of the Secretary of the Senate be reconsidered,

Which motion was lost.*

Mr. LaMoure moved

To reconsider the vote establishing the Salary of the Secretary and the Janitor.

Mr. Winship moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes 8, nays 20.

Those who voted in the affirmative were:

Messrs—

Allin,
Barlow,
Fisher,

Messrs—

Randall,
Sandager,
Smith,

Messrs—

Swanston,
Winship.

Those who voted in the negative were:

Messrs—

Appleton,
Belyea,
Bell,
Cowan,
Diesem,
Fuller,
Haggart,

Messrs—

Harmon,
Hartman,
Helgeson,
LaMoure,
Lawrence,
Little,
McBride,

Messrs—

McCormack,
Robinson,
Slotten,
Stevens,
Worst,
Yager.

Absent and not voting:

Messrs—

Dodds,

Messrs—

Rowe,

Messrs—

Svensrud.

So the motion was lost, and

The question recurring on the original motion the motion was adopted, and

Mr. LaMoure moved

That the salary of the Secretary of the Senate and the Janitor of the Senate be fixed at the same price paid in the House for the entire session, namely, \$8 per day for the Secretary and \$5 per day for the Janitor.

Roll call was demanded.

The roll being called there were ayes 20, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belyea,	Helgeson,	Sandager,
Cowan,	LaMoure,	Smith,
Diesem,	Lawrence,	Stevens,
Fuller,	Little,	Swanston,
Haggart,	McCormack,	Worst,
Harmon,	Randall,	Yager.
Hartman,	Robinson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Bell,	McBride,
Appleton,	Fisher,	Winship.
Barlow,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dodds,	Slotten,	Svensrud.
Rowe,		

So the motion prevailed, and

The question recurring on the adoption of the resolution as amended,

The resolution was adopted.

The Conference Committee on Senate Bill No. 5 made the following report:

MR. PRESIDENT:

Your Committee on Conference to whom was referred 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,

Have had the same under consideration and report that the committee on conference cannot agree.

W. E. SWANSTON,
Chairman.

Mr. Belyea moved

The adoption of the report,
Which motion prevailed.

The third reading of House Bill No. 265 was continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
March 18, 1890. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has adopted the following Concurrent Resolution:

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.

And you concurrence therein is respectfully requested.

J. G. HAMILTON,
Chief Clerk.

Mr. McCormack moved

That the rules be suspended and the resolution be transmitted in the message from the House be adopted,

Which motion prevailed, and

The question recurring on the final passage of House Bill No. 256,

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	LaMoure,	Sandager,
Appleton,	Lawrence,	Slotten,
Barlow,	McBride,	Stevens,
Belyea,	McCormack,	Swanston,
Cowan,	Randall,	Winship,
Diesem,	Robinson,	Worst,
Harmon,	Rowe,	Yager.
Helgeson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Fuller,	Smith,
Dodds,	Haggart,	Svensrud.
Fisher,	Hartman,	

Mr. Little voting in the negative.

So the bill passed, and

The question being as to its title,

Its title was agreed to.

Mr. President announced his signature to 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.

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 by a tax on dogs.

Also,

House Bill No. 39,

A bill for an act defining usury and the penalty for taking 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.

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

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills respectfully report that

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. 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. 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. 170,

A bill for an act to license peddling and prescribing penalties for the violation thereof.

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. 132,

A bill for an act to appropriate money for the relief of the destitute persons in North Dakota.

Also,

Senate Bill No. 143,

A bill for an act to provide for an uniform system of free public schools throughout the State, and to prescribe penalties for the violation of the provisions thereof.

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. 22,

A bill for an act to prescribe the bond, oath and duties of the Attorney General.

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. 193,

A bill for an act appropriating money to pay certain newspapers for publishing the Constitution of the State of North Dakota,

Were delivered to his Excellency, the Governor, for his approval at the hour of 11:45 o'clock a. m., March 18, 1890.

J. O. SMITH,
Chairman.

Mr. Worst asked consent to present a resolution, and

Consent being granted Mr. Worst presented the following resolution and moved its adoption:

WHEREAS, The hour for final adjournment is approaching when the First Legislative Assembly will dissolve; and,

WHEREAS, The differences of the past, incident to conflicting views upon public questions, and public policies should not, and have not marred our friendship for each other; and,

WHEREAS, Being citizens of North Dakota, while those from without may revile, we love Dakota still, and will work together for the welfare and up-building of our State Institutions and for each others good; and,

WHEREAS, The long session just closing has indebted us to each other in various ways; therefore be it

Resolved, That the Senate extend thanks to President Dickey for the able, impartial and courteous manner in which he has presided over this body;

Resolved, That our thanks are due the several clerks and subordinate officers for their faithfulness and efficiency in performing their several duties;

Resolved, That we are grateful to each other, that notwithstanding all our differences no feeling of enmity or malice has been allowed to mar or strain the relationship we sustain toward each other as citizens and friends.

The presence of a committee from the House was announced.

Mr. Thompson of Cass, Mr. Selby and Mr. Williams informed the Senate that the House had completed its labors and was ready to adjourn *sine die*.

Mr. Belyea moved

That the Senate adjourn *sine die*,

Which motion was lost.

Mr. President announced his signature to House Bill No. 265,

A bill for an act to regulate warehouses, inspection, weighing and handling of grain.

Mr. Belyea raised the point of order that if the President signed the bill it would not become a law, as the Senate had voted to adjourn *sine die* at this hour.

Mr. President ruled the point of order not well taken, and

Mr. Belyea appealed from the decision of the Chair.

The decision of the Chair was sustained.

Mr. Swanston moved that the Senate adjourn *sine die*,

Which motion was lost, but

The President announced the hour of 11 p. m. having arrived, he would declare the Senate adjourned *sine die*.

C. C. BOWSFIELD,
Secretary.

APPENDIX.

REPORT OF INVESTIGATING COMMITTEE.

Report of Investigating Committee.

BISMARCK, N. D., March 17, 1890.

To the Senate of North Dakota:

Your committee appointed by resolution of February 10, 1890, as follows:

WHEREAS, It has been frequently stated and rumored that corrupt means and money have been used to nominate and elect the State officers and United States Senators and the passage of Senate Bill No. 167 in the Senate, therefore, *Be it Resolved by the Senate*, That a Select Committee of five, to consist of three Republicans and two Democrats, to-wit: Senators Robinson of Trail, Haggart of Cass, McBride of Cavalier, Harmon of Morton, and McCormack of Grand Forks, be appointed to investigate the nomination and election of the State officers, the election of United States Senators, also the passage of Senate Bill No. 167; and that the committee is hereby empowered to send for persons and papers and to administer oaths; and they are further instructed to enter at once upon their duties and report at the earliest day possible.

And further authorized and empowered by a resolution adopted February 13, 1890, as follows:

Resolved, That the investigating committee named in a certain resolution presented by Senator Bell, and adopted by the Senate on the tenth day of February, 1890, are hereby granted the following additional powers: The chairman or any member of said committee is authorized and empowered to administer to any witnesses the oath or affirmation authorized by statute to be administered to witnesses in courts of justice; that the chairman and secretary of said committee are authorized and empowered to issue processes to compel the attendance of witnesses, and the Sergeant-at-Arms or Assistant Sergeant-at-Arms of the Senate are authorized and empowered to serve the same; and said committee are further authorized and empowered to punish witnesses by proceedings for contempt before the bar of the Senate; that said committee be authorized to employ counsel, stenographer and such clerks as they deem necessary; that all evidence given by the said committee shall be reduced to writing and, together with all proceedings of said committee, be reported to the Senate; that there be and is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$5,000, or so much thereof as may be necessary, to pay the necessary expenses incurred by said investigating committee; *Provided*, That all vouchers for such expenses shall be audited by the State Auditor, who shall issue his warrant upon the Treasurer therefor.

Respectfully report that they promptly entered upon the work assigned to them, and caused to be inserted in the public journals an invitation to every one who so desired to appear before the committee and testify.

That they were attended by the Sergeant-at-Arms of the Senate, and by F. W. Bridge, the Official Stenographer, and that at the re-

quest of the committee, Judge Wm. H. Francis conducted the examination of witnesses who appeared before the committee.

That the following named persons were regularly subpoenaed and appeared and testified before the committee, namely: Messrs. VanHorn, W. S. Buchanan, Robert Thacker, C. Wilson, T. F. Cleary, W. H. H. Roney, M. N. Johnson, S. S. Lyon, C. P. Lawrence, H. C. Simmons, E. P. Wells, Geo. E. Spencer, James McCormick, C. I. Hutchinson, E. W. Camp and Wm. P. Moffet.

That the entire testimony of each and every person who appeared and testified before the committee was taken down by the Stenographer just as it was given, and written out in full by the Stenographer and is reported herewith and forms a part of this, our report.

That a proper oath was administered to the Stenographer, and to each and every person examined by said committee. That your committee gave full opportunity for the giving of testimony by any and all persons who might desire to appear before them, and subpoenaed all persons who were named or suggested to the committee as persons having any knowledge of any of the matters which your committee were appointed to investigate, and also subpoenaed such persons as the committee or any member thereof knew or had reason to believe were cognizant of any facts tending to throw light upon any of the transactions connected with any of the matters coming within the scope of the investigations required of the committee. That full, ample, complete and entire freedom and opportunity were given to each and every person who was examined by the committee and to all other persons to state and testify to and before said committee all, anything and everything whatsoever, within their knowledge or coming to them by rumor or hearsay, respecting any of the matters which your committee were required to investigate.

That Hon. James McCormick, a member of the House of Representatives of North Dakota, from the county of Ramsey, was, for good reasons within the knowledge of the committee, duly subpoenaed to appear and testify before them. That said subpoena was served upon the said James McCormick by the Sergeant-at-Arms of the Senate, and return thereof made that thereupon the said James McCormick appeared before your committee and flatly refused either to be sworn or to give any testimony.

That your committee reported to this Senate, this refusal of the said James McCormick, and the action of the Senate on said report together with said report appears in the Senate Journal.

That Hon. Geo. S. Montgomery, Railroad Commissioner for the State of North Dakota was also for good reasons apparent to your committee, summoned to appear before them by subpoena duly issued and served upon him by the Sergeant-at-Arms of the Senate, and also orally by the chairman of the committee, and that he neglected and refused to appear before the committee, and that he never did appear.

That Hon. Geo. F. Goodwin, Attorney General of the State of North Dakota, for very clear reasons which had come to the knowledge and information of the committee was regularly served with a subpoena by the Sergeant-at-Arms of the Senate to appear and testify before said committee; and that the said George F. Goodwin, Attorney General for the State of North Dakota, distinctly stated that he would not appear, and that he never did appear or give any testimony before, or aid or assistance of any kind to said committee in the performance of the duties devolving upon them. That thus and in other ways your committee were, and have been, hindered, hampered and impeded in the discharge of their duties; but they have with the means at their disposal and with the power at their command, made as full an investigation as was possible under the circumstances.

That one Conde Hamlin, claiming to be a correspondent of the newspaper known as the St. Paul and Minneapolis Pioneer Press, published in the State of Minnesota, and who was reported to be the author of some of the sensational items and correspondence in the columns of said newspaper, making wholesale charges of bribery and corruption in connection with the Legislative Assembly of the State of North Dakota and certain bills pending in said body, was duly subpoenaed to appear before your committee. That said subpoena was duly served upon him at Bismarck by the Sergeant-at-Arms of the Senate. That said Hamlin at first refused to appear and testify and then retracted his refusal, and promised to appear and testify. That he did not appear and did not testify, but took the midnight train for the State of Minnesota and has never appeared before said committee.

That the persons above named were the only ones who being duly subpoenaed, or requested to appear and testify before said committee refused to do so.

That the subpoenas issued by the committee with the return of the Sergeant-at-Arms of the Senate thereon are herewith submitted and form a part of this report, Ex. E.

That your committee had no power or authority to compel the attendance of any person before them as a witness, nor to compel any person to testify who refused to do so, nor to punish them for such refusal. The power to punish for refusal to obey the subpoena of the committee or refusal to testify before said committee being vested in the Senate as a body and in the courts of law.

W. H. ROBINSON,
M. L. McCORMACK,
JOHN E. HAGGART,
GEO. W. HARMON,
JNO. McBRIDE.

ROOMS OF
SENATE INVESTIGATING COMMITTEE,
Monday, February 10, 1890.

Mr. Robinson, as chairman of the committee, called them to order and Mr. Van Horn was introduced by the Sergeant-at-Arms, and after being duly sworn testified as follows:

Q. Mr. Van Horn, I suppose you are aware for what purpose you are summoned here.

A. Yes, sir.

Q. We want to know if you know anything about any bribery in the Legislature or attempt to corrupt anybody.

A. Nothing that would be of any benefit to you. Current gossip and newspaper articles in regard to money being used. Have not heard of anybody receiving or giving any.

Q. Then you do not know of any of your own knowledge.

A. No, sir, and never claimed to.

Q. Do you know a party here by the name of C. Wilson.

A. Yes, sir, the correspondent of the Chicago Times.

Q. Do you know of any money being offered him to work either for or against this bill known as the Lottery Bill.

A. No, sir, I do not.

Q. Do you know positively in whose interest he is here.

A. No, sir, I do not. I supposed that he was a correspondent of the Chicago Times, until recently I have heard that he was one of Pinkerton's boys.

Q. Do you know that or is it a matter of hearsay.

A. It is a matter of hearsay, I do not know it.

Q. Do you know a man by the name of T. F. Cleary.

A. No, I do not know any one of that name.

Q. Outside of the simple fact that it was related to you that he was the correspondent of the Times, or a detective of the Pinkerton force, you do not know anything.

A. No, sir, I do not know any more than I have heard.

Q. Have you not operated with him in trying to ferret out this thing.

A. No, sir, I have not.

Q. We want to find some one who has knowledge of this thing.

A. I have no knowledge, but have an impression, although I do not know exactly where or how I got it.

Q. Were you at the State Republican convention at Fargo.

A. No, sir, I was not.

Q. You were here during the senatorial fight, were you not.

A. No, sir, I came here about the 15th of December.

Q. Have you ever had any talk with Mr. Wilson in regard to this Lottery Bill, or any matter appertaining to this Lottery Bill.

A. I have. I asked him if he thought it would pass, and he said it would not. I asked him if he had good reasons for thinking so, and he said that he had.

- Q. Did he ever tell you what he was here for.
- A. No, sir.
- Q. Did he ever ask you any questions about the Lottery Bill.
- A. Simply to ask my views in the matter, just as everyone talked back and forth.
- Q. What has he said to you.
- A. I do not know of anything in particular.
- Q. We want to know what conversation you have had with him in regard to this bill.
- A. I asked his opinion of it, whether it would become a law or not, and he said that it never would, and I said "you have good reasons I suppose for thinking so," more as a joke than anything else, and he said yes, he had good reasons.
- Q. Did you ever tell him or anyone else that there was money used on either side.
- A. No, sir, I never did.
- Q. You never told anyone so.
- A. I certainly have not.
- Q. Did you say that you thought there was money used.
- A. Yes, sir.
- Q. Who did you say that to.
- A. Senator Randall.
- Q. You told Senator Randall that you believed there was money used.
- A. Yes, sir, and I believed so.
- Q. What led you to believe so.
- A. Current gossip. It was talked of so much, and the statements were made by everybody.
- Q. Have not you and Mr. Thacker had a good deal of talk about this.
- A. Yes, sir. I said to him once, "Do you know positively about this?" and he said he was not saying anything about it.
- Q. Where did you get this impression.
- A. From the newspapers and current talk.
- Q. Who did you think was using boodle.
- A. I did not know who it was.
- Q. Do you not think it was a pretty rash statement for you to make without knowing anything about it.
- A. I saw it in the newspapers.
- Q. Who did you think was getting the boodle.
- A. Those who needed it the worst, I suppose. I do not know.
- Q. Now, you say you thought some one was getting money, who do you think got it.
- A. I do not know.
- Q. Do you think that you have a right to accuse men of getting money without knowing anything about it.
- A. I have not accused anyone of it, and the newspapers said so.
- Q. Who told you that there was money used here.
- A. I saw it in the newspapers.

Q. That is not the kind of evidence we want. We want to know what you know about it and not what you have read in the newspapers.

A. That is all the evidence I can give you.

Q. You knew enough about this to accuse some one of giving and receiving "boodle," but now you do not know anything about it.

A. I have accused no one.

Q. Have you heard any one outside of the Clerks of the House say that there was any money used.

A. No, sir, not to my knowledge.

Q. Either to defeat or to carry it through.

A. Yes, sir, I heard a man say that he was offered \$1,000 to vote against it.

Q. Who was it.

A. It was Mr. Buchanan.

Q. You know nothing about this boodle business yourself, then.

A. No, sir.

Q. This was a little pleasant gossip between you and the newspapers then, was it.

A. Yes, sir.

Q. Are you a correspondent for any newspaper.

A. No, sir.

Q. Do you know anything further in regard to this matter, beyond what you have stated.

A. I know nothing that would be of any use as evidence in a court and nothing beyond what I have told you.

The witness was discharged, and the Sergeant-at-Arms introduced

HON. W. S. BUCHANAN,

Who, after being duly sworn, testified as follows:

Q. Please give us your name and present occupation.

A. W. S. Buchanan, member of House of Representatives.

Q. We want to inquire what you know of any bribery or corruption going on in this Legislature about this notorious bill, Senate Bill No. 167.

A. I know nothing of any bribery, gentlemen, the only thing I am kicking myself about is that I did not get any of it.

Q. Is it a fact that you were offered \$1,000 to support this bill.

A. No, sir.

Q. Is it a fact that you were offered \$1,000 to vote against this bill.

A. No, sir. There was a party told me that there was some money here on the opposite side—that is, against the bill—and he thought a man could get \$1,000 if he would vote against the bill, but I was not offered the money. This party was from Fargo. I have never had a word to say with these people, either with Mr. McKenzie or anyone else in regard to boodle.

Q. Have you any objection to telling the party's name who told you you could get \$1,000 to vote against the bill.

A. I have. It was a confidential talk between he and I.

Q. Did he mention any names.

A. No, sir, but he said that he could get the money in fifteen minutes.

Q. For the man who would vote "No" on the bill.

A. Yes, sir.

Q. Where did this take place.

A. It was a confidential talk in my room, and he said I must keep to myself what he told me.

Q. Have you any objections to telling if it was a member of the Legislature.

A. I am not going to give the party away unless I have to, and I know I haven't got to here.

Q. You do not know where this money was to come from.

A. I do not, only from hearsay.

Q. Where do you think it was to come from.

A. From Fargo.

Q. Were you here during the early part of the session.

A. I was.

Q. You were here then during the senatorial contest.

A. I was.

Q. Did you hear anything about "boodle" being used in connection with that election.

A. Yes, sir.

Q. Do you think there was any "boodle" used.

A. Yes, I think there was.

Q. Do you know that there was.

A. No, sir, I do not.

Q. Do you know any thing about the Fargo Convention.

A. I do not.

The witness was then discharged, and the Sergeant-at-Arms introduced

ROBERT THACKER,

Who protested against being sworn as follows:

I would like to know by what right you have sent for me?

A. The right of appointment by the Senate as an Investigating Committee.

Before I will be sworn on this I want to see some one.

Q. Who do you wish to see.

A. I want to see Mr. LaMoure, Mr. Haggart, Mr. Stevens or Mr. Selby.

[Witness then started to leave the room, but was informed that he was under arrest and could not go.] He then stated that he was willing to be sworn, and the oath being administered he testified as follows:

Q. We want to know what you know about any money being used, or any bribery in regard to this Senate Bill No. 167.

- A. I do not know anything about it.
- Q. You do not know of any money being used.
- A. No, sir.
- Q. Did you ever hear anyone accused of offering money or of taking money as a bribe.
- A. I have heard rumors but nothing certain.
- Q. Who were the parties you heard it from.
- A. I do not know.
- Q. Did you hear of any money being offered to bribe members to vote for this bill.
- A. No, sir.
- Q. Did you hear of any being offered members to vote against this bill.
- A. No, sir.
- Q. Did you hear of anybody that offered money in any way.
- A. No, sir, I was not on the inside. They kept their distance from me.
- Q. Did you say at any time that you thought there was money used.
- A. No, sir. I said I heard so, and it was reported around.
- Q. Do you know of your own knowledge of any money being used, or from anybody telling you.
- A. I do not.
- Q. Do you know Mr. C. Wilson, of Chicago.
- A. I do not know that I do, unless it is the gentleman who was supposed to be a reporter of the Chicago Times.
- Q. Did you ever talk with him about this.
- A. No, sir. I never exchanged words with him in my life.
- Q. Were you here during the senatorial fight.
- A. Yes, sir.
- Q. Did you hear of any money being used in the interests of anyone in the senatorial fight.
- A. Yes, sir, and all I know I am willing to tell. I happened to be in the telegraph office one day, and M. N. Johnson was there and a telegram came to him authorizing him to draw on a certain person for a \$100, and the telegraph operator did not know him, and he asked me to identify him, and I did so.
- Q. Was it \$100 or \$100,000.
- A. It was only \$100.
- Q. Were you at the Republican State Convention at Fargo.
- A. Yes, sir.
- Q. Do you know of any unlawful means used there to influence votes.
- A. No, sir.
- Q. Now, we are endeavoring to find out if there is any truth in these rumors of "bribery." Of course the cry is principally against Senate Bill No. 167. Can you help us.
- A. No, sir. I do not know anything.
- Q. Do you know of any friends of that bill who have ever

offered any member of the House or Senate any money in any way.

A. No, sir, I do not.

Q. You are opposed to the bill, are you not.

A. Yes, sir.

Q. On what grounds.

A. I thought it would work against the interests of the Republican party, and on moral principles.

Witness was then discharged.

Mr. Haggart moved that the committee retain counsel, and that such counsel be Judge Francis. Which motion prevailed.

Mr. McCormack moved that the committee do now adjourn to the call of the Chair. Which motion prevailed, and the committee adjourned.

TUESDAY, *February 11, 11 o'clock a. m.*

The Chairman called the committee to order and introduced Judge Francis as counsel (for the committee) to examine witnesses. The Sergeant-at-Arms introduced

MR. C. WILSON,

Who, after being duly sworn, testified as follows:

Q. What is your full name.

A. I do not care to give my name, and gentlemen, there are some questions that I will be willing to answer you and some that I would not, without consulting an attorney.

Q. Of course, you are aware by what authority this committee is organized.

A. Yes.

Q. Please enlighten us as to what questions you might answer and what not.

A. Well, I am connected with the Pinkerton Detective Agency in Chicago, and would not answer anything that would interfere with our work.

Q. Of course, you are fully aware of the object of this investigation

A. Yes, sir, but I have made no cry of boodle, and have never spoken to anybody hardly in regard to this matter. We have been here on a little investigation, leading some time back. We have gone on in our investigation, and made our reports to the Chicago and St. Paul offices, but I am not ready to say whether it is in regard to this or not.

Q. Would you be willing to answer as to whether in your knowledge any inducements in the way of money have been used in regard to the passage of Senate Bill No. 167, for parties either to support or to vote against the bill.

A. I cannot answer that.

Q. If opportunity were given you to consult with Mr. Pinkerton by wire could you do so.

A. A man could not say very much by wire, but I can write a letter and get an answer in three days, so that I could answer. I do not want you to think that by refusing to answer I intend to cast any slur on any member of the Legislature.

Q. Please give me your full name.

A. I cannot do that; it would interfere with my business.

Q. Your place of residence.

A. Chicago.

Q. When did you come to the city of Bismarck.

A. On the 9th or 11th of January.

Q. You have no objections to showing us that you are in the employ of Pinkerton.

A. No, sir.

Q. Will you state generally, the capacity in which you came to Bismarck.

A. By the instruction of Mr. Robertson, the general superintendent of the Pinkerton Agency in Chicago.

Q. You came then, and are here, as a detective in the employ of "Pinkerton's Agency."

A. Yes, sir. Since I came here I have had some people under me that have done some work, but have done but little myself.

Q. Since you have been in Bismarck, have you, through yourself or others under your direction or knowledge, had any surveillance over any member of the Senate or House of Representatives of North Dakota.

A. I would have to refuse to answer that—not saying that I did—but can answer nothing of that kind until I consult with our people.

Q. You will not say that you have not.

A. No, nor will I say that I have.

Q. Have you any credentials that you could show us to prove that you are connected with the Pinkerton Agency.

A. No, sir. I burned all my papers, but I can convince you that I am by sending a telegram to Chicago.

CHICAGO, February 11, 1890.

To John E. Haggart:

C. Wilson is assistant superintendent of the Pinkerton Agency at Chicago.

D. ROBERTSON,
Superintendent.

Q. In whose employ are you now, and have you been since you have been in Bismarck.

A. In Pinkerton's employ.

Q. Who is the client of the Pinkerton Agency for whom you have been in Bismarck.

A. I cannot answer that and answer truthfully to my own knowledge. I could guess at it, but do not know personally.

Q. This is a committee appointed by the Senate of the State of North Dakota to investigate certain matters, stated in the reso-

lution appointing them, and they have full power to summon witnesses, and any failure of a witness to answer places him in the same position he would be before a court—in contempt—and the fact that you are connected with the Pinkerton Agency would not excuse you from answering any questions. You have the right to consult with an attorney and find out what your rights are if you wish. If this committee let you go now would you appear again should they summon you, or would you leave immediately.

A. As far as my appearing again is concerned, I cannot say, but as soon as the Agency have satisfied their clients they would certainly give you any information that they may have.

Q. How would that be obtained from the Agency.

A. I would see that you got it in the shape of an affidavit.

Q. Would it be with respect to the things that are under inquiry and in the shape of a record.

A. Everything. I do not want you to think that it would be connected with the Legislature. It might be connected with murder or robbery.

Q. Anything that relates to bribery or the offer to bribe that you know of, could you not show yourself, not as a Pinkerton Detective.

A. I think you could get the information from the Agency.

Q. Would the information that we might obtain from the Agency be connected with this matter.

A. It might connect in some little way.

Q. Do you know, or have you met a gentleman in Bismarck by the name of Goodwin, who is Attorney General of North Dakota.

A. Yes, sir.

Q. Have you ever had any conversation with Mr. Goodwin, or heard any conversation between Mr. Goodwin and other persons with respect to any member of the Legislative Assembly of North Dakota.

A. I cannot answer that—I can say this to you, however, that our clients are eastern people.

Q. Are your clients in the matter in which you appear in the city of Bismarck, Attorney General Goodwin and Mr. Montgomery, the Railroad Commissioner of North Dakota.

A. Not to my knowledge.

Q. If they are you have no knowledge of it.

A. No, not that I can testify to.

Q. Do you know Mr. Montgomery, the Railroad Commissioner.

A. Yes, sir.

Q. And have conversed with him.

A. Yes, sir.

Q. Do you know of your own knowledge, or by information that Mr. Montgomery (Railroad Commissioner) was ever in Chicago at the rooms of the "Pinkerton Agency."

A. I would not answer that. He might have been there and he might not; I have no information. From what knowledge I

have, I was sent here by eastern people who have money invested in this part of the country and have been wronged. This is and has been for four months the matter that I have been interested in. The people that we represent, at least one, that I know of, are moneyed men who have money interests here and have been wronged, and we are here to investigate the matter, and have forwarded our information to the Chicago office.

Q. So far as you know has any report been made to the "Pinkerton" agency at Chicago with respect to anything connected with Senate Bill No. 167, known as the Lottery Bill.

A. I might have sent in a report that there was a fight going on here between the lottery company and those opposing it; but nothing more than that, at least nothing that I can remember. There might have been other little things.

Q. Is there any one with you here representing the Pinkerton agency.

A. Yes, sir. There is one man here with me.

Q. What is his name.

A. I cannot tell you.

Q. By what name is he known here.

A. Cleary.

Q. His initials, please.

A. T. F.

Q. There are others here besides this man "Cleary," are there not.

A. There were.

Q. Have they gone.

A. Yes, sir.

Q. Has any party or parties offered you any money or made any proposition in that way, endeavoring to get you to use your influence for or against the passage of Senate Bill No. 167.

A. No, sir. Not to get me to give my help either for or against the passage of the bill.

Q. Do you know of your personal knowledge of any money being used in regard to this bill.

A. No, sir. Not to my own knowledge.

Q. Have you heard of any being used.

A. I would have to refuse to answer. In my investigation here I might have heard a great deal of talk, while not looking for it. I will give you this information. I think our clients will be perfectly willing to give you all the information in regard to our business here in a few days.

Q. Would it be necessary, as you understand your connection with the "Pinkerton" agency for you to communicate with the said agency before answering any questions put to you with respect to Senate Bill No. 167, known as the "Lottery Bill."

A. They would censure me for talking as much as I have already.

Q. It would be necessary for you to consult with them on this, then.

A. On anything that I was employed in.

Q. Were you employed on anything in connection with said "Lottery Bill."

A. I cannot answer that. There might be things that drifted that way; but we did not come here for that purpose. We did not come here to investigate the Senate or the Legislature. What came afterwards came naturally.

Q. Were you here during the early part of the session.

A. Yes, sir.

Q. Do you know of anybody being bribed.

A. I heard that one man got one hundred dollars and sent back fifty of it; thought it was too much. I cannot tell you his name, nor who told me.

Q. Were you present in North Dakota at the time the Legislative Assembly were engaged in selecting the two United States Senators now at Washington.

A. We had some men out here and I was in Helena at the time receiving their reports.

Q. What was done with these reports.

A. They were sent to the St. Paul office of "Pinkerton's."

Q. Do you know, of your own knowledge, or from any information obtained by you whether there was any bribery, or use or payment of money with respect to the election of either of the United States Senators.

A. I cannot answer that. Even if I was to answer, truthfully of my own knowledge, I do not know it personally.

Q. Did any reports made to you show that to be a fact.

A. Those that came to me did not, but those that went direct might have; a great many went direct.

Q. Are the reports that you speak of, that went direct, on file at the St. Paul Office.

A. Yes, sir, everything is on file there.

Q. Where is the agency in St. Paul.

A. In the Union Block.

Q. What position does Mr. Cleary hold there.

A. He is assistant superintendent. I will say to you, gentlemen, that when our clients get through, and with their consent, I will give you copies of all these reports. There is nothing private in them. They are matters that will be made public. It started off with regard to a small matter that I am not at liberty to speak of now.

Q. Are we to understand you, then, as saying positively that so far as your own knowledge goes, and so far as any information reported to you directly goes, you know nothing about any bribery in connection with the election of the two United States Senators of North Dakota.

A. Not to my own knowledge. It is all hearsay with us. I was only here one day.

Q. Then you did hear rumors of bribery.

A. No, sir, not myself, here—I was only here, as I said, part of a day.

Q. Were you here when the second United States Senator was elected.

A. I was in Helena.

Q. Were you present at the Fargo convention (Republican) at which the present state officers of North Dakota were nominated.

A. No, sir.

Q. Did you ever receive any information (officially, or otherwise) with respect to that Convention.

A. Not a word.

Q. Have you ever sent in any report to the Pinkerton Agency at Chicago, or elsewhere, with which Mr. Montgomery, the Railroad Commissioner, was connected in any way.

A. He may have been mentioned; but I do not know.

Q. Was there ever any such report sent in at his request.

A. No, sir. I do not know Mr. Montgomery as one of our clients.

Q. Have you sent in any report to the agency at Chicago, or elsewhere, or has anyone else connected with the Pinkerton force sent in any report having any reference to any member of the Legislative Assembly of North Dakota.

A. I think there was.

Q. Sent by you or someone else.

A. By someone else. It was in connection with the original matter on which we were sent here.

Q. Will you oblige us by telling us, near as you can, what was sent in.

A. I would have to refer to books in order to that; and I haven't them here.

Q. When was it.

A. I do not remember.

Q. Was it last month or this month.

A. This month.

Q. To the agency at Chicago.

A. To St. Paul.

Witness was then discharged and the Sergeant-at-Arms introduced

MR. T. F. CLEARY,

Who, after being duly sworn, testified as follows:

Q. Your name, please.

A. Thomas F. Cleary.

Q. Your residence.

A. St. Paul.

Q. Your business.

A. Detective, connected with the Pinkerton agency.

- Q. When did you arrive at Bismarck.
- A. Saturday forenoon.
- Q. Have you any objections to telling us, generally, for what purpose.
- A. To condense matters—I was sent here to report to Mr. Wilson. For what purpose, I do not know.
- Q. What position do you occupy with the agency.
- A. Assistant superintendent.
- Q. And what is Mr. Wilson.
- A. The same at Chicago.
- Q. Who asked you to come to Bismarck.
- A. The superintendent at St. Paul, Mr. J. C. McGinn.
- Q. Did he tell you for what purpose.
- A. No, sir, just to report to Mr. Wilson.
- Q. When.
- A. Friday forenoon.
- Q. Did you immediately take the train.
- A. Yes, sir, that afternoon.
- Q. Since your arrival in Bismarck have you been approached by any one in any way with respect to Senate Bill No. 167, known as the Lottery Bill, either in behalf of said bill or against it.
- A. No, sir, except by Mr. Wilson; and he only intimated to me that he was opposed to the bill.
- Q. Have you any knowledge or information, directly or indirectly, however obtained, in connection with the use of money with respect to said Lottery Bill.
- A. No, sir, I have no knowledge whatever with respect to any such matters. I know nothing at all about that.
- Q. Have you seen, or do you know of the use of any money for any purpose, connected with this bill.
- A. Nothing, whatever.
- Q. Has any information in regard to any such thing come to you, either as an individual, or as a detective of the Pinkerton Agency.
- A. No, sir, except as a matter of hearsay, that Spencer was here, about to use money in order to get the bill through.
- Q. You were not here during the early part of this session.
- A. No, sir.
- Q. Nor at the Fargo Republican State Convention.
- A. No, sir.
- Q. Were you here at the time the two United States Senators were elected,
- A. No, sir.
- Q. We understand that you have been in Dakota before this.
- A. No, sir, excepting to pass through here, going to the western country. I never stopped here.
- Q. Has anyone, person, or parties offered you any money for your support, for or against Senate Bill No. 167, known as the Lottery Bill.

A. No, sir.

Q. Do you know anything, directly or indirectly, with respect to the passage of Senate Bill No. 167, in the Senate, or with respect to the proceedings had in the House, other than you have obtained from the public records, or other than what related to the mere legislative proceedings.

A. No, sir. None whatever.

Q. Do you know Mr. Montgomery, the Chairman of the Railroad Commissioners.

A. Yes, sir. I know him by sight.

Q. Did you ever meet him in St. Paul.

A. Yes, sir, I think I have.

Q. At your office in St. Paul.

A. Yes, sir. I cannot be certain that it was him; but I know it was someone from this part of the country.

Q. What was he there for.

A. Whatever proceedings he had was with the superintendent.

Q. Do you know Mr. Goodwin, the Attorney General, by sight.

A. No, sir.

Q. To your knowledge, was there any member of the Legislature of North Dakota in the Pinkerton office on business.

A. Not to my knowledge.

Q. Was there ever any of the State officers there.

A. Not to my knowledge.

Q. Did you receive any instructions in St. Paul.

A. Only to report to Mr. Wilson.

Q. Since your arrival here, have you received any instructions from Mr. Wilson in regard to Senate Bill No. 167, known as the Lottery Bill.

A. No, sir, no particular instructions.

Q. Then you are here now simply waiting instructions.

A. Yes, sir.

The witness was then discharged.

Mr. McBride moved "That the committee do now adjourn," which motion prevailed, and the committee adjourned.

At 2 o'clock, p. m. Mr. Robinson, as chairman, called the committee to order, and the Sergeant-at-Arms introduced

MR. W. H. H. RONEY,

Who, after being duly sworn, testified as follows:

Q. What is your name, and residence.

A. William Henry Harrison Roney, of Town 144, Range 54, Steele county, North Dakota.

Q. Are you a member of the Legislative Assembly of North Dakota.

A. Yes, sir.

Q. A member of the House.

A. Yes, sir, from the 16th District.

Q. Have you any knowledge or information respecting Senate Bill No. 167, known as the Lottery Bill.

A. I have some knowledge of it, yes.

Q. Any knowledge outside of the ordinary proceedings in the Senate and the House.

A. Nothing that I know of now.

Q. Have you any knowledge of any matters connected with the proceedings in the Senate and the House, or both of them with respect to that bill.

A. I hardly know what you are driving at. I have knowledge that there is a man here by the name of Spencer, who is engineering as the attorney for the bill.

Q. Have you any knowledge or information with respect to any bribery or offer to bribe, or the use of any money, either for or against the passage of said bill.

A. No, I have not—I never was offered any money, and never saw a man that said he was offered any money, or that he got money.

Q. Did anyone ever approach you, or approach any other member, to your knowledge, with any inducements of any kind whatsoever with respect to the success or defeat of that bill.

A. I have had individuals ask me how I would vote on that bill, and I told them that I would vote against the bill; but never have had anyone offer me any inducement outside of argument, (for instance) "That it would be of benefit to North Dakota," or "That it would be a disgrace to North Dakota to pass such a bill."

Q. As a member of the Legislative Assembly, were you opposed to, or in favor of said bill.

A. I was opposed to the bill from the beginning to the end, and expect to be.

Q. Have you at any time heard any rumors that there was any bribery in connection with this bill.

A. Yes, sir. I have heard various rumors.

Q. Please state some person from whom you heard such rumors.

A. I do not know that I can. I have heard it incidentally, heard it in this way. That there was a likelihood, or that there was a probability; but I do not know that I have heard any person say more than that, in common conversation. I have not heard that any individual got any sum of money.

Q. Did anyone ever suggest to you that money might be had for voting either for or against the bill.

A. No, sir. No one ever offered me any money, nor was I told that I could get any money for voting either for or against the bill; nor was I offered any other inducement. I have talked with individuals, as I told you, who wanted to know why I was against the bill, and I have stated that I was against the bill from a moral standpoint and that I would vote against the bill, and use my influence so far as I could against the bill.

Q. Then, though you are now, and have always been opposed to the passage of this bill and are a member of the Legislative Assembly of North Dakota, and have been present during the consideration of that bill, you are not able to state that you have any information or knowledge that anyone was ever approached, directly or indirectly, with the offer of any bribe to vote for or against the bill.

A. No, sir, I am not.

Q. You introduced, did you not, the resolution (in the House) asking for an investigation of the charges against the members.

A. Yes, sir, I did. The object of my introducing that resolution was to offset Mr. Stevens' resolution calling for a committee of three to be appointed to investigate Mr. Newman's character in Fargo, as to houses of ill fame, etc., not that I knew of anyone being bribed or offering to be bribed, although there might have been such offers for all I know.

Q. What date was that resolution introduced.

A. Saturday, the eighth of February.

Q. Are you a member of that committee.

A. Yes, sir.

Q. Are you the chairman of that committee.

A. Yes, sir.

Q. Have you called the committee together yet.

A. No, sir.

Q. Were you here during the early part of the session.

A. Yes.

Q. Do you know anything in regard to the election of the United States Senators.

A. Yes, sir.

Q. Do you know of any bribery.

A. No, sir, I have heard rumors to that effect, but have never heard any man say that he received money, nor have I had any offered to me.

Q. Which of the Senators was it that you heard money was offered to secure the election of.

A. Senator Casey.

Q. Where did you hear it.

A. On the street, in the papers, etc.

Q. To secure his election.

A. Yes, sir.

Q. Were you present at the Fargo Republican Convention, where the present State officers were nominated.

A. Yes, sir, I was.

Q. Have you any knowledge from your presence at that convention of any bribery or offer to bribe, in connection with the nomination of any of the State officers.

A. No, sir.

Q. Was there any rumor that there was.

A. I think it probable that there was—I saw some pretty tall

hustling there but saw no money offered, nor did anyone offer me any.

Q. Were you present during the entire session.

A. I was present at every session and I think voted on every question.

Q. Were you present in the Columbia Hotel evenings.

A. Yes, sir, although I did not stop there. I stopped at the Elliott House.

Q. Were you moving around in the lobby evenings.

A. I was.

Q. Did you see any bribery or offer to bribe there.

A. No, sir, I did not.

Q. Was there anything connected with that convention that was irregular; that was corrupt, or wrong in its nature that you have not told us.

A. No, sir, I do not think there was anything wrong.

Q. Were there any inducements offered for any change of votes of any kind.

A. No. I do not know of any. I did not hear of any. I do not think there was. Possibly there was such inducements as this, "If you will vote for our man, we will vote for your man." Such inducements are common in conventions of that kind.

The witness was then discharged, and the Sergeant-at-Arms introduced

HON. M. N. JOHNSON,

Who, after being duly sworn, testified as follows:

Q. Your name and residence.

A. Martin N. Johnson, Lakota.

Q. Your business.

A. District attorney—lawyer.

Q. Your politics.

A. I am a republican.

Q. Were you present at the Republican Convention at Fargo whereat the persons were put in nomination for State officers of North Dakota.

A. Yes, sir, I was permanent chairman of that convention.

Q. Have you any knowledge, information or memory of any corrupt practices at said convention; for instance, the offering or receiving of bribes or the offer of any corrupt inducement to vote.

A. No, sir, I have not.

Q. Did you at that time, or have you since heard any rumors of any such thing.

A. Yes, sir, I have.

Q. Please state under what circumstances.

A. Some one told me that he saw Jud LaMoure have some \$100 bills in his hands, and Jud LaMoure told me to-day that he knew of some people who got money for their votes. I do not remember their names, but they were from along the Manitoba, somewhere between our place and the Mouse River.

Q. Can you remember who it was told you that Jud LaMoure had the money you speak of in his hand.

A. It was to-day, but I cannot remember the person.

Q. Please try and remember the name.

A. If I think of it I will call your attention to it.

Q. Do you know what county it was that these parties lived in that Jud LaMoure said got money for their votes.

A. I know it was somewhere in that country lying west of us, but do not remember the county.

Q. Did the party inform you what LaMoure was doing with the money.

A. No.

Q. Did he tell you where Mr. LaMoure was when he had the money in his hands.

A. No.

Q. Then, for aught the man told you, Mr. LaMoure might have had the money in his hands for legitimate purposes—might have been paying his hotel bills, for instance.

A. Yes.

Q. Did the person who told you this impute anything dishonorable to Mr. LaMoure in connection with this money.

A. No, sir.

Q. You are somewhat acquainted with the contest for the United States Senatorship of North Dakota, are you not.

A. Yes, sir.

Q. And were yourself a prominent candidate.

A. Yes, sir.

Q. As a candidate you took a part in that contest with your friends, did you not.

A. Yes, sir.

Q. And were you not present from the beginning to the end of that contest, so far as Bismarck was concerned.

A. Yes, sir, I was.

Q. In that contest you saw, consulted and talked with a great many members of the Legislature and some that were not members, did you not.

A. Yes, sir, I talked with nearly all the members of the Legislature.

A. Do you know or have you ever known of any corrupt influences being used by anybody, or in anybody's behalf or under any circumstances in connection with the filling of the two Senatorial places.

A. That depends upon the definition of the word "corrupt." If you will put in the word "dishonorable" instead, I will say, yes.

Q. Please state to the committee your knowledge of the use of any dishonorable means or practices.

A. There were a number of things that were not exactly correct and proper; but that one has no reason to complain of, nor to put them permanently into history. For instance, there was an

unfair and unreasonable prejudice against me on account of my race, and there was a combination of corporations against me. The one thing that stands out in history as dishonorable in that campaign was the fact that eighty republicans went into caucus. I got forty-two of the votes, and the other candidates got thirty-eight among them. In the joint convention immediately afterwards, I held my forty-two supporters, and the other thirty-eight went in with the democrats and defeated me. That was the one thing dishonorable in that campaign.

Q. Was there to your knowledge any money used in that contest.

A. Well, a number of members told me that they were offered money for their votes, but I do not know of any that received any money for their votes.

Q. Please state what members told you that they were offered money for their votes.

A. There were a number of my supporters told me that they were offered big inducements. Mr. Ueland was one, and I think Mr. Cole was another. I may be mistaken in some of these names, we were at that time, in the excitement of the convention. I was told also, that money was put in Senator Fisher's pocket in a sealed envelope.

Q. Who told you that.

A. I do not remember.

Q. Mr. Fisher did not tell you himself.

A. No, sir. Mr. Olsgard told me that Mr. Norton told him that at least nine out of the nine Democrats got at least \$1,000 apiece.

Q. Have you told us now the names of all who told you about the money being offered.

A. There were a number of others, but I cannot remember their names now. Some one told me that Mr. Haugerud said that it was put to him in this way, that they would not pay him anything for his individual vote, but if he would organize a committee to work for the Senatorial contest, he could draw for a considerable amount, (ten thousand dollars at least,) provided he could get votes enough so that they could get a majority.

Q. Did any of these persons you mentioned, give you the names of any person or persons who offered these money inducements.

A. In this last one, it was Mr. Ordway that made the inducement to Mr. Haugerud.

Q. Did you hear of any money being used in connection with the selection of Senator Casey. Was this money offered in the interest of Mr. Ordway or of Mr. Casey.

A. This Haugerud matter was in the interests of Ordway. The envelope money given to Fisher was in the interest of Mr. Casey, as was also the offer made to Ueland and Cole. The policy

at that time was "anything to beat Johnson," and then was when Casey was the man decided on.

Q. Have you any positive knowledge that money was used or offered on behalf of Mr. Casey, or Mr. Ordway, or in behalf of any other Senatorial candidate.

A. Yes, that is, offered to myself—

Q. Please state now your knowledge on that point.

A. Mr. W. B. Kellogg, the editor of the Jamestown "Alert," came to me one day at the "Johnson Headquarters," and after a nice preliminary conversation, with more or less compliments to me, both printed in his paper and spoken off-hand, said that if I would withdraw—he said he was sent from the headquarters of the opposition—that was before Casey was prominent, and was after the nomination of Mr. Pierce, I think—he said that considering my circumstances, that I was a poor man, and that my followers were mostly poor men, and that I was better fitted for a consulship, etc., and that they would give me a consulship worth at once as much as the Senatorship. I asked him what agreement I could get, and he said that they would give me a written agreement from both Pierce and Casey, and in addition to that, would give me a sum of money for myself and enough to distribute among my followers, to make them all comfortably well off, with the intimation that I was not required to account for how the distribution was made. If I cared to keep the whole amount they would not care about it. The sum was not then definitely fixed but of course I understood by the expression "enough to make my followers comfortably well off," very much more than \$25,000. Afterwards in conversation with Mr. S. W. McLaughlin, of Grand Forks, he told me that he was at the headquarters of the opposition at the time and knew of the agent they had sent me, and that the amount they had agreed upon was \$10,000 for myself, and \$15,000 for my followers, estimating thirty followers at \$500 each, and he also said that he heard W. E. Dodge say that the Manitoba company could not afford to let me go to the United States Senate if it cost the company one hundred thousand dollars.

Q. What inducement did Mr. Dodge give you to withdraw.

A. He gave me no inducement to withdraw; he came to my room and treated me as though I was to be elected.

• Q. Did he not ask you about the United States Judge.

A. He did.

Q. Did you ever see the color of that \$25,000, or was any part of it ever offered to you or paid to you.

A. The money was not exhibited.

Q. Did you in any way ever accede to that proposition.

A. No, sir, I did not. After I had carried the caucus, and when it seemed probable that I would be elected, Mr. Dodge, the attorney for the Manitoba road, came to my room one morning at four o'clock, rapped on my door; I opened it, and he told me to stay right in bed and not to get up. He said that the Manitoba road

controlled eight votes in the Legislature, which they could give me. He gave me the names at the time, but I am not sure now that I could give the whole eight, but I could give most of them if the committee insist on it.

Q. Give them.

A. Senators E. L. Yager and E. H. Belyea, Representatives John Stadleman, and I think James Brittin and James Reed. There were three more, but I cannot remember the names now. I told him that I saw no reason why I could not recommend Thomas. I told him that nearly a year before I had been asked to sign a petition for Mr. Thomas. At that time I knew nothing of Mr. Thomas, and I have a brother practicing at Fargo, so I wrote to him for advice as to whether we should endorse him for United States Judge. My brother wrote me that he was a good lawyer, a fine fellow, with good stories and celebrated for taking big drinks; that he would make a much better judge than Judge McConnell, and in his opinion he was the best man that was mentioned for the office. He said, "of course it would be sacrilege to mention him in the same breath as the judges we were used to in Iowa, (Dillon and Love;)" but I told Dodge that I would make no bargain with him. Said I, "if there has been one trap set for me during this contest there has been fifty; so far I have escaped from all." "Now the presumption is this, that this is a trap you are setting for me; but I will treat it in such a manner that I cannot possibly be caught in it if it is a trap; but if you go ahead in good faith and give me your eight votes, I will remember it and give you proper recognition." "You have nothing to lose however by opposing me in this contest. If I am elected to the United States Senate I shall treat you fairly and justly, no matter how you treat me. I recognize that you railroad people own about one-third of the property in this State. If elected I would be willing to give one-third of my time and thought and work to the defence of your legitimate interests." That is the substance of all the important matter in our conversation.

Q. Did you get the eight votes.

A. No, sir.

Q. Do you know why.

A. I think the Manitoba road were not able to deliver them as they pretended they could.

Q. Did you get any of the eight votes.

A. I think not.

Q. Have you now told us all you know about any offers of money or other inducements with respect to the election of United States Senators from North Dakota.

A. Of course it is difficult at this time to think of anything, and at the moment do not think of anything you would like to know.

Q. Were you told by Mr. Kellogg, or by any other person, the

names of any individuals or corporations behind that sum of \$25,000.

A. I asked him if it was Ordway's money, and he said it was Ordway's friends who had put up the money.

Q. Did he name any of them.

A. No, he just described them that way.

Q. Did you ever have any other indications, other than the statement of Mr. Kellogg and the statement of Mr. McLaughlin, as to whether or not Mr. Kellogg was authorized by anybody to make any such proposition.

A. No, sir, only what I told you.

Mr. Robinson then asked the question—during that Senatorial contest, did I at any time refuse to give you the names of the parties whom I claimed had made remarks about me?

A. I had the impression that I was with Mr. Ueland, and that Mr. Ueland asked for that; but I am satisfied now that the refusal was not given to me, but that Mr. Ueland told me it was given to him.

Judge Francis resumed the "interrogatory."

Q. Have you got any knowledge of any money being used, or any corrupt means, in the election of Mr. Casey.

A. Nothing beyond what I have stated.

Q. Did any of your supporters report to you at any time that there was money used in the interests of Mr. Casey against you.

A. Yes, sir, lots of them.

Q. Name some of them.

A. I have named quite a number.

Q. Did they say that they were offered money.

A. I do not remember the exact language now, but it was that inducements were held out to them, and that they could have had a good "pile" or something of that kind.

Q. Have you taken any interest in the Senate Bill No. 167, known as the "Lottery Bill."

A. I have been opposed to the bill, and have done what I could, in a quiet way, to defeat it—made some speeches and urged my friends to vote and work against it.

Q. Do you know of any money or other bribe being offered to anyone, either to support or oppose that bill.

A. No, sir, I do not.

Q. Have you ever received any information to that effect or heard remarks to that effect.

A. I have.

Q. From whom.

A. I have frequently seen it in the newspapers.

Q. Can you name any person who has repeated that rumor to you.

A. I think Attorney General Goodwin has.

Q. Will you give us as nearly as possible the words of Mr. Goodwin, and the circumstances.

A. He wrote me a letter and told me that it was rumored that they were offering from \$250 to \$1,000 for votes.

Q. For the bill.

A. Yes, sir, for the bill.

Q. Have you that letter.

A. I have it in my valise at the hotel.

Q. Can you produce it.

A. If you wish it.

Witness agreed to produce the letter and offer it in evidence but failed to do so, and Chairman Robinson received the following letter from him:

LAKOTA, N. D., March 2, 1890.

Hon. W. H. Robinson,

DEAR SIR: On my examination I said that if the chairman would come over to the hotel that evening, I would give him the Goodwin letter. I fully intended to do so, but you did not come to the hotel. By the time I got your letter questions had arisen as to the authority of the committee. I have delayed answering the letter, expecting to see an opinion from the Attorney General, or a decision of the Senate on Representative McCormick's case. I have as yet seen no such decision or opinion, nor have I communicated with any person on the subject.

The committee treated me very nicely and I want to reciprocate. I do not want to delay this matter, so as to make it impossible to get the letter in time for the report.

I send the letter *by this mail* to Goodwin.

If you have authority to compel its production, you can get it of him. If you have no such authority, then I do not want to do him a possible wrong by a "work of supererogation," as theologians say. You know that I had no reservations whatever to make when before you, nor have I any now, so far as myself is concerned. I hope you will appreciate the delicacy of my position and my desire to do right by all parties. There is nothing in the letter so far as I can see, that Mr. Goodwin should desire suppressed, but I prefer to have him be his own judge in that matter.

Yours truly,

M. N. JOHNSON.

Q. Did you reply to that letter.

A. No, sir, I did not, I came here in response to that letter.

Q. Did you receive any letter, or communication of any kind, or telegram of any kind, from any other State officer of North Dakota, in reference to that matter.

A. Yes, sir, I did.

Q. From who.

A. From David Bartlett, Railroad Commissioner.

Q. Was it a letter or telegram.

A. It was a telegram.

Q. Have you that telegram.

A. No, sir, I have not.

Q. Please give us the substance of that telegram.

A. The substance of it was: "Come to Bismarck if you can, and work against the Lottery scheme. The good name of our State is at stake."

[Sig.] DAVID BARTLETT.

Q. Did you understand this to be the Railroad Commissioner.

A. Yes, sir.

Q. Did you see Mr. Bartlett on your arrival at Bismarck.

A. No, sir.

Q. Did you see Mr. Goodwin, the Attorney General, on your arrival here.

A. Yes, sir.

Q. With respect to this matter.

A. Yes, sir.

Q. Did he give you any information with respect to any individuals or detectives being present in Bismarck.

A. No, sir. Nothing about detectives, that I am sure of.

Q. Did he speak to you with respect to any individual member of the House or Senate.

A. No, sir. I cannot think of anything important. I have had very little conversation with him, and that has been on every-day commonplace matters.

Q. Have you had any conversation with Mr. Montgomery with respect to the Lottery Bill. Will you give us the substance of that conversation.

A. The general tenor of it was that he was opposed to the bill and hoped to see it defeated and hoped that I could do something toward defeating the bill.

Q. Did he say anything to you about any individual member, about the Lottery or any other question.

A. No, sir.

Q. Did he say anything about detectives.

A. No, sir. No one has said anything to me about detectives. That is, until I came into this committee room.

Q. Is there anything that you know with regard to the convention at Fargo, or the contest for United States Senators or the Lottery Bill that you have not stated, that is in any way pertinent to the business of this committee, that may occur to you.

A. With regard to the Fargo convention, I will tell a little offer that was made to me there. When the people who were in the other "gang" at Fargo, found that they could not elect Harrison Allen, they cast about for someone to defeat Miller; they finally hit upon Tyler; but while they were at it, they came to me. It was W. P. Larcey, of Jamestown. First he proposed that if I would train with them they would make me Lieutenant Governor. I told them that I had a better thing as "district attorney" in my own county. Then they came to me again and said that if I would run in that convention against Miller, they would nominate me for Governor. I told them that I did not have money enough to run a campaign. They said, "Never mind the money; that I could plan the campaign as I was a mind to, and have barbecues and speakers from the East, and they would foot the bills." So they overcame that, and I told them that there was only one other reason why I would not go into it, and that was, that I had taken part in the Miller caucus, and had made a speech urging parties to

stand by faithfully and support Miller, and but for that speech I think I should have accepted their offer.

Q. There was no other place offered you on the other side was there.

A. No, sir. Of course the prize that I was fighting for was to get the chairmanship of the convention, and I got it.

The witness was then discharged, and the Sergeant-at-Arms, introduced

MR. S. S. LYON,

Who, after first being duly sworn, testified as follows:

Q. Please give us your name, residence and occupation.

A. S. S. Lyon, Fargo; cashier of First National Bank.

Q. When did you arrive in Bismarck.

A. About 3 o'clock to-day.

Q. On a summons to appear before this committee.

A. No, sir.

Q. Do you know one of the members of the Legislature by the name of Ink.

A. Yes, sir, I believe so.

Q. Have you had any interview with him recently at Fargo.

A. No, sir.

Q. Or at any other place.

A. Yes, sir, I met him here in Bismarck to-day.

Q. Did you not a short time ago meet him in some other place than Bismarck.

A. On the train coming out from Fargo.

Q. About when.

A. About last Friday, I think.

Q. You then conversed with him, I suppose.

A. Yes, sir.

Q. Was any allusion made by either of you to Senate bill No. 167, known as the Lottery Bill.

A. There was about the Lottery Bill. I do not know the number of the bill.

Q. Please give us the substance of that conversation.

A. Mr. Ink was rather reserved, particularly at first, and did not talk very well. I asked him the probable success of the bill; how it was. He felt doubtful as to being able to prevent its passage, and he counted up to us about how many might be opposed to the bill and how many it would take to pass it, so that it could be carried over the Governor's veto, and thought that probably we would lack three or four votes of enough to prevent its final passage. I believe he said that it was reported and rumored that money was being used to support the passage of this bill, and said that if there ever was a time when a man would be justified in using money to defeat a bill, it would seem as though such a time as this would be the time. I told him that if the bill could not be defeated without the use of money, that North Dakota would

have to stand the bill and that we could not afford to do anything of that nature, to all of which he seemed to assent. I saw Mr. Ink here at Bismarck and remarked, "think that the thing was dropped or over," and that was all there was of it.

Q. Have you not seen Mr. Ink at any other time.

A. My impression is that I saw him two or three times in the office of the Sheridan House, passing back and forth; but nothing important happened between us; just common talk.

Q. Did you, during that conversation on the train, or at any other time or place, give to Mr. Ink any money to be used against the Lottery Bill, or suggest or state to him that any money or sum of money could be had for that purpose.

A. No, sir.

Q. Did you ever give to Mr. Ink, or to any other person or persons any money for that purpose, or have you been connected directly or indirectly with any plan or means for the getting, appropriation, use or offer of any money, or any corrupt inducements for votes, either for or against the Lottery Bill.

A. No, sir.

Q. Do you know of any such thing being done by any person or persons.

A. I do not.

Q. You were and are opposed to the Lottery Bill.

A. Yes, sir.

Q. Has Mr. Ink ever informed you that any money was used, offered or could be had for the purpose of defeating that bill.

A. No, sir.

Q. How was it that Mr. Ink mentioned to you the fact that "a man would be justified in using money to defeat the bill."

A. I did not say that Mr. Ink said that. I said that he said, "if ever there was a case where a man would be justified in using money to defeat a bill this was the one."

Q. How did that conversation come about.

A. It came about on a conversation that there was a large sum of money being used to put this bill through.

Q. Do you know Mr. Buchanan, a member of the House.

A. I do not think I do. I might know his face, but do not remember the name.

Q. Do you know of your own knowledge, or have you ever heard a rumor, that any money was to be sent from Fargo, or was to come from Fargo, or from any person, or persons in that city, to be used to defeat the Lottery Bill.

A. No, sir, nor from any other place or person.

Q. To your own knowledge, have you ever been selected or suggested as the medium through whom such money should pass.

A. Neither directly, or indirectly. I know nothing of any such matter whatever. Neither have I any idea that any such thing has been done.

Q. Did you ever hear any conversation with Senator Fuller

of Jamestown in regard to money being used on this Lottery Bill, either for or against.

A. I do not recall any such conversation with Mr. Fuller.

Q. Are you aware, or do you know anything of two Pinkerton detectives.

A. Yes, sir, but only by hearsay.

Q. Do you know their object in being here.

A. No, sir, Mr. Wood told me that these two gentlemen were here; that is all I know. My information was from Mr. Wood, and I also saw it in the Argus.

Q. Are you aware or do you know by whose authority they are here.

A. No, sir.

Q. Did you state to a certain party on the train that two Pinkerton detectives were here by authority of the State officers.

A. No, sir. I never did.

Q. Then of your own knowledge you do not know what their business is here, nor by whom they are employed.

A. No, sir.

Q. Did you ever hear the Attorney General's name mentioned as to by whom they were employed.

A. No, sir.

The witness was then discharged and Mr. Harmon moved that the committee do now adjourn, which motion prevailed and the committee adjourned.

WEDNESDAY, *Feb. 12th, 10 o'clock a. m.*

Mr. Robinson, as chairman, called the committee to order, and the Sergeant-at-Arms introduced

MR. C. P. LAWRENCE,

Who, after first being duly sworn, testified as follows:

Q. What is your full name.

A. Clinton P. Lawrence.

Q. Where do you reside.

A. Minto, Walsh county.

Q. What is your occupation.

A. Machine agent.

Q. Are you in any way connected with the Legislature.

A. I am a clerk in the House.

Q. Do you know of any bribery going on in this Legislature in relation to this bill, known as the Sandager Lottery Bill.

A. No, sir, not any.

Q. Would like to have you state what conversation you heard on the train coming up from Fargo.

A. As we came from Fargo towards Bismarck on Tuesday morning, there were many people getting on and talking, and a gentleman on the opposite side of the aisle, that I did not know at the time, was talking a little loud, and it attracted my attention as

he was eulogizing the Governor for the staunch stand he had taken in this matter of the lottery. He was reading the Fargo Argus at the time and talking with a gentleman on the train, and as he came to some things that interested him, he would explain them and he got me interested so that I asked who he was, and he said that he was S. S. Lyon, of Fargo. He was talking to a gentleman from Buffalo—Judge J. W. Hawk. Mr. Lyon was scoring Mr. Edwards and was comparing the paper almost to obscenity in its remarks on this lottery question, and spoke as though it was a pity for John Haggart that he had gone wrong. I did not take much stock in it until he said that the banks here had a pile of money, I think it was \$100,000, to carry this scheme through, and that the members of the Legislature had been going round here with one hundred dollar bills, and more money than they had had since they had been here. He spoke of the dreadfully corrupt state of affairs, and that the whole thing was bought up, etc., etc.

Q. Did he say anything about money coming from the other side to defeat the bill.

A. No, sir.

Q. His conversation was about this Sandager Bill.

A. Yes, sir. When he came to the item in the paper stating that detectives had been discovered here he laughed and rubbed his hands as though he knew all about it, and referred to the Governor so many times, as though the Governor had something to do with it, and he said "they are finally onto it now," as though he knew all about it; quite as though he was very much pleased.

Q. You would infer from his remarks about detectives as though the State officers and himself knew about it before.

A. Yes, sir. He spoke as though the State officers knew of them being here, and that he knew it. When Mr. Hawk was talking with us this morning I said, that is the gentleman who was on the train with us, and he said yes, and he was very much pleased with the defeat of the Lottery Bill. I said that being a clerk in the House I did not quite like some of his remarks about members carrying round one hundred dollar bills, and having more money than they ever had here before. He said he knew it, and had been here.

Q. That gentleman you saw in the ante-room was S. S. Lyon, of Fargo. Do you recognize him as the same gentleman who you met on the train.

A. Yes, sir, Mr. Lyon said every bank in town could substantiate what he said about these men having money to force the passage of the bill.

Q. You have told us all you can think of in this matter, have you not.

A. I think I have. The man was talking all the way down, but that is all of importance.

Q. This conversation that you have been relating between Mr.

S. S. Lyon and J. W. Hawk, when and where exactly did it occur.

A. It occurred between Fargo and Jamestown on the forenoon of the 11th. He said he had just gone back the day before from Bismarck to Fargo, and was posted on what he was talking about.

Q. Did Mr. Lyon state any person or party that he had in conversation while at Bismarck.

A. Not any more than when he referred to the bankers, in stating that these people were going around with their hands full of money.

Q. Did he state anything about the suppression of telegrams, etc.

A. He simply said the papers were muzzled, bought up, etc.

Q. As one of the clerks of the House of Representatives of North Dakota, have you been present in the Assembly chamber, and in and around the Capitol building during the present session of the Legislative Assembly.

A. Yes, sir, I have only missed a couple or three days.

Q. Have you during the present session, either seen any bribe offered or received, or seen any indications whatever of the presence of bribery or corruption with respect to Senate Bill No. 167, known as the Lottery Bill, or with respect to any other measures pending in the Legislative Assembly.

A. No, sir, I never have. When Mr. Lyon was speaking of the men who had this money round, members of the Legislature, clerks and others, I just felt as though it referred to me as much as anyone, and for that reason I listened more carefully than I would have otherwise.

Q. Were you present at the Fargo Republican Convention that nominated the State officers for North Dakota.

A. No, sir.

Q. You were present in Bismarck during the Senatorial contest were you.

A. Yes, sir.

Q. Did you during that Senatorial contest observe anything yourself, or did anything come to your knowledge with respect to the use of money, as commonly called "boodle."

A. No, sir. Nothing.

Q. Were you in a position, and under such circumstances that if there had been any open display of money you would have observed it.

A. I was right around all the time and probably would have seen it if there had been any open display.

The witness was then discharged and Mr. McCormack moved that the committee do now adjourn until 2 o'clock p. m., which motion prevailed, and the committee adjourned.

At 2 o'clock p. m. Mr. Robinson, as chairman, called the committee to order, and the Sergeant-at-Arms introduced

MR. SIMMONS,

Who, after being first duly sworn, testified as follows:

Q. What is your name.

A. H. C. Simmons.

Q. Your residence.

A. Fargo.

Q. Your profession.

A. Clergyman.

Q. Have you been in Bismarck recently at any other time than the present.

A. I was here last week from Friday afternoon until Saturday at midnight.

Q. During that time Senate Bill No. 167 was under discussion, was it not.

A. Yes, sir.

Q. Have you been and are you now an opponent or a supporter of said bill.

A. An opponent, decidedly.

Q. And have been.

A. Yes, sir.

Q. Do you know a gentleman by the name of S. S. Lyon, a banker in Fargo.

A. Yes, sir, I know him well.

Q. Have you recently ridden on a train of the Northern Pacific railroad, from Fargo to Bismarck, with Mr. Lyon.

A. Yes, sir, I came out Friday morning with him.

Q. During that ride did Mr. Lyon converse with anyone concerning the Lottery Bill.

A. Yes, we conversed with everybody we met, about.

Q. Mention who.

A. Mr. Ink was one.

Q. Did Mr. Ink and Mr. Lyon, and yourself, converse about this matter.

A. Yes, sir.

Q. Was Mr. Lyon in favor or against the bill.

A. Decidedly against it.

Q. How was it with Mr. Ink.

A. I judged Mr. Ink to be against it, and while he said but very little about it, I thought from the current of his conversation, that he was against it.

Q. Now oblige us by giving us the substance of what Mr. Ink said on that occasion, on the subject of this bill.

A. There was very little said between Mr. Ink, Mr. Lyon and myself. We were talking back and forth. The question as to the probability of the bill passing the House was one thing. I do not remember whether Mr. Ink said anything about that or not, but think he said it was likely to pass the House. The conversation would not amount to any more than that.

Q. What did Mr. Lyon say.

A. Well, nothing more than Mr. Lyon said in my hearing than to show his own feeling against the wisdom of the measure, and the damage it would be to the State, and the scandal it would be to have such an infamous measure carry.

Q. Was there anything said by Mr. Lyon and Mr. Ink, or either of them, with respect to the use of money for or against the bill.

A. I did not hear anything of that kind. For the bill, it was assumed that there was money back of this bill to push it through the Legislature. I know that that was in the minds of everyone that there was money back of the bill. I have no doubt but what we all expressed ourselves in that way, that there was money back of this bill.

Q. Have you asserted that there was money back of this bill.

A. I have asserted several times that I believed there was money back of this bill.

Q. Upon what do you base this belief.

A. I base it, first upon the nature of the bill itself, the fact that the moral objections to the bill would be such that without money backing it would not be likely to be considered by a State, and from the fact that I always felt that the revenue features were a sham, and that they would not be any permanent relief, and from the statements that were made on the floor of Congress by the member of Congress from Louisiana, that the corporation boasted that they could buy anyone in the Legislature of Louisiana, and that they held the State in their hands and could do with them as they saw fit; and I have no doubt but what the same influences were at work here in North Dakota. The friends of the measure have boasted to me that the reason it would go through was because there was money enough to put it through.

Q. Now please name some of the friends of the measure who have boasted to you that it would go through because there was money enough to put it through.

A. I do not know of anyone particular, but I know there were men talked that way to me since I have been back. I do not remember who it was. I do not suppose that these men were expressing any more than their belief, any more than I have. I presume 100 men have spoken to me about this. (It is the current expression all over the State,) but I do not remember who they are.

Q. Please give us one name out of that 100.

A. Take the business men—Mr. Lyon, Mr. Stafford, Mr. Paulson, and Mr. Ericksen.

Q. Who are these men whose names you have mentioned.

A. These men are men who have opposed the bill, and are prominent business men.

Q. You stated a moment ago that the friends of the bill had told you that there was money back of it; please state one of the names of these people.

A. Those I have mentioned have stated it.

Q. These men whom you have named are opponents of the bill and we ask you for a name of one of the friends of the bill who has stated to you that there was money back of it, and the reason we ask you this question is that the committee desire to get at the bottom of the rumors and statements that have agitated the public mind, both for and against the bill.

A. I had some testimony come to me yesterday which I do not know whether you will admit, as it does not come directly from the party. Mr. Fred P. Walker, who is of the Walker Bros., who are the foremen of Mr. Edward's job printing office, told me that T. J. Wilder, of Casselton, came down stairs the 10th, and told him that Mr. Edwards had said to him, (Mr. Wilder) "that the son-of-a-bitch had agreed to vote the Sandager bill for \$1,000, and afterwards wanted \$5,000." He did not give the man's name. That case is the nearest to a positive statement of anything that I have any knowledge of. I have no knowledge myself of any money being paid to any man.

Q. Have you any knowledge whatever of any money that came, or was to come from the city of Fargo, to aid in the defeat of that bill.

A. No, sir, I have not heard of any such money. Mr. Lyon and myself were speaking of the rumor that there were some men in the Legislature who could be bought, if money could be given them, to vote against the bill, and we both agreed to the fact that if ever there was a case where such a matter would be justified, this would be the one, but we did not believe in any such way of getting men to vote.

Q. In whose presence was this said.

A. We were going along the street to dinner I think, either Friday or Saturday.

Q. Was anything said in your presence or hearing, either by Mr. Ink or Mr. Lyon, in the journey from Fargo to Bismarck, when you were with them on the train, with respect to the use of money to defeat the bill.

A. No, sir, I did not hear a thing. Mr. Lyon was out in the car where Mr. Ink was after he left us. He went out and had a further talk with him.

Q. Has anyone told you what that further talk was.

A. Mr. Lyon told me that he had some further talk with Mr. Ink, and Mr. Ink satisfied him that he was not in favor of the bill. There was no talk of purchasing anybody so far as I know.

Q. Is it not a fact that a sum of money for use against the passage of that bill passed through the hands of Mr. Lyon.

A. No, sir, not so far as I know. I do not think that there has been any such sum of money passed through his hands.

Q. Is it not true that an arrangement was made for a sum of money to come from Fargo through the hands of Mr. Lyon, as the medium of passage, said money to be used to defeat that bill.

A. No, sir, not to my knowledge. I know all about Mr. Lyon's

coming here for I got him to come, and I do not believe he came for any such thing.

Q. Have you ever heard any such rumor.

A. No, sir, except that I heard it here. Major Flemming told me here this morning that there was a telegram came from the Pioneer Press that looked as though Mr. Lyon was getting himself into a tight place.

Q. Were you present at the mass meeting at the Armory at Fargo.

A. No, sir. I was at Valley City. We had a fine mass meeting there.

Q. It would expedite the work of the committee and aid them in the matters they are investigating if you would furnish them with the name of at least one of the friends of the bill, whom you have definitely stated said to you that there was money behind the bill.

A. There is no man that has stated that fact to me beyond general rumor. There has no man stated to me that he knew of his own personal knowledge of any money being used for the purchase of votes. I want to say that I have heard rumors such as are printed in the Pioneer Press, of money being left in the Governor's room, and such things as that.

Q. You regarded them as being merely rumors, did you not.

A. I regarded them as being very likely so; every implication of course has been that there was money back of it and that every one is backing it for money reasons, of course either for present revenue, or for future revenue.

Q. You have been an active, outspoken, energetic and industrious opposer of this bill and the measures contained in it all along, have you not.

A. Yes, sir.

Q. Occupying that position have you not tried to make yourself conversant with the plans (as far as you could) and modes of procedure of both the friends and opponents of the bill.

A. Yes, sir, I have been a pretty close observer for the last week or more, certainly.

Q. You are not, however, able to state of your own knowledge, as information possessed by you, that one dollar has been used to purchase any vote, either for or against that bill.

A. No, sir, I am not able to state that a single dollar has passed to any man.

Q. If you had any such information, you would freely give it, would you not.

A. Yes, sir.

Q. Can you name to us any individual or individuals, from whom we can obtain any information as to the truth or falsity of the rumors circulating through the State that money was used to purchase votes in connection with that bill either for or against the bill. If you can the committee now desire you to give the

name or names, and they will promptly issue subpoenas to them to appear before this committee, and will give them ample opportunity to give all the information they possess.

A. I have given them the name of Major Edwards, and I cannot give them the name of any other man. Of course I have heard of Mr. Spencer and of Mr. Haggart, and Mr. McCormack as men who were inside of this scheme and knew all about it, but I do not know anything myself.

Q. Please state to us the name of any person who has informed you, or given you any information that Mr. Spencer or Senators Haggart or McCormack were on the inside of this bill or measure.

A. The matters have been spoken of so often that I cannot say any more than I have before, that these men were the men who were engineering the bill.

Q. Please state who said this.

A. It has been more or less in the papers.

By Mr. Haggart:

Q. Please state if any man outside of the members of your church has said any such thing.

A. Yes, sir, my statement was that this matter had been talked of, and it had been more or less in the papers.

Q. You have brought the names of Mr. Spencer and Senators Haggart and McCormack into connection with the inside of the measure looking to the passage of the Lottery Bill.

A. Yes, sir.

Q. Now in justice to two honorable Senators of your own State, saying nothing of justice to private individuals, it would seem that you ought to give us the source of the information upon which you have made your statement here.

A. I should be glad to give you any definite information I have. My statement here is that these gentlemen are men who have been engaged in getting this bill through. I have not charged them with getting it through corruptly. Their names have simply come into my mind as men who were prominent in getting this bill through the Senate. I have no charges against these gentlemen, except rumors.

Q. Then you cannot now name any individual who has ever asserted to you that Mr. Spencer, or Mr. Haggart or Mr. McCormack were on the inside of this bill, can you.

A. I read in the "Pioneer Press" that the leaders in this matter were these men I have mentioned, and these are the names that I have heard mentioned largely in connection with the bill. I never heard anyone say that he knew absolutely of his own knowledge that any one of these men had passed a dollar to anyone, nor that money had been paid to any individual for any vote.

Q. That does not answer my question.

A. I cannot give the name of any person who says that they know that Mr. McCormack or anyone else was on the inside of that measure.

Q. I asked you to give the name of any individual who has ever stated to you, or informed you that Mr. Spencer, or Senator Haggart or Senator McCormack were on the inside, or behind this bill.

A. I do not know that I can say that any one person has told me that.

Q. Has Mr. S. S. Lyon ever told you that.

A. I do not remember that he has ever told it to me in that form. Mr. Lyon has had that impression himself.

Q. Mr. Lyon then has expressed to you his belief that these were the men who were pushing this measure.

A. Our conversation has implied that. I have not had any man sit down and tell me in so many words who the leaders were. I have heard Mr. Lyon say this "that he believed the scheme was concocted by some parties from North Dakota by meeting an ex-senator from one of the states east."

Q. Did he name the parties.

A. No, sir, he did not, at that time.

Q. Did he name them at any time after that.

A. We spoke of it to-day, when this matter came out in the "Pioneer Press," that this seemed to corroborate that there had been such a meeting.

Q. Has Mr. Lyon ever mentioned the name of Senator Haggart to you.

A. Yes, sir.

Q. In what connection. In connection with this Lottery Bill.

A. I presume that Mr. Lyon has mentioned Mr. Haggart's name in connection with this bill.

Q. Has he mentioned Senator McCormack.

A. I do not know that he has.

Q. Has he mentioned the name of Mr. Spencer in connection with this bill.

A. I presume so. I do not remember that there was any definite conversation in which he has mentioned Mr. Spencer; he has not said that he knew Mr. Spencer had passed money or anything of that kind.

Q. Have you ever heard anyone say that any senator of North Dakota received one dollar for his vote for or against the Lottery Bill.

A. No, sir. I have never heard any man state that he knew one of them did.

Q. Have you ever heard any person say that he knew any member of the House of Representatives of North Dakota ever received a dollar for his vote for or against this bill.

A. No, sir.

Q. You stated a little while ago that there were certain members of the House who could be induced to vote against the Lottery Bill if money were spent.

A. Yes, sir, I had heard such a rumor.

Q. Can you give us the names of the members referred to, or any of them.

A. No, sir, they were not given to me.

Q. Then, if I understand you, from all your testimony, your belief that money was used to purchase votes in favor of this Lottery Bill is based, not upon any actual knowledge or information that you possess, but rather upon common rumor, and your opinion that the measure, which you deem to be base, would be likely to be pushed in that way.

A. Yes, sir, that is substantially the grounds of my belief.

Q. In your opinion Mr. Simmons, owing to the many obnoxious features of Senate Bill No. 167, no Senator or Representative voted for this bill, except for a money consideration.

A. No, sir, I do not say that, I believe that men have voted for that bill honestly believing it was a good thing for the State to do so. I think that there are probably but very few men in the Legislature who would listen to money offers.

Q. You will admit that in our examination here we have endeavored to give you full and free opportunity to prove anything in the way of bribery either way, either for or against this bill, and that we have not attempted to prevent you from giving any information you possess.

A. Yes, sir, certainly. I had thought that this committee was simply to whitewash the thing over; but now I have changed my mind and think the committee is thorough-going.

Q. Do you believe that this is a whitewashing committee now.

A. No, sir. I do not believe any such thing.

Q. You said that Spencer, Haggart and McCormack were the leaders in this "scheme" and "had money." Did you ever hear that except from some of your friends opposed to the bill.

A. Yes, sir.

Q. Please mention one name.

A. It has been common rumor.

Q. Then you cannot name any one person.

A. No, sir.

(Shows him circular dated "Bismarck, Feb. 1, 1890.")

BISMARCK, Feb. 1, 1890.

DEAR SIR: There has just been brought to light as scandalous and demoralizing a scheme as ever disgraced the halls of legislation in any country in the annals of history. It is briefly this—to pass an Act through the Legislative Assembly legalizing the transfer of the Louisiana State Lottery to this new State. This conspiracy, for it is nothing less, has been organized and secretly working since the organization of the legislature; the bill has been prepared and introduced in the senate and its patrons feel reasonably sure of votes enough to carry it over the veto of the Governor, which, to his honor be it said, they confidently expect. The plot is far reaching in its details and involves the use of ALL MEANS usually resorted to by unscrupulous men to insure the success of disreputable measures. All the necessary legislation of the session which is essential to the well-being of the State is to be made dependent upon the success of this gigantic iniquity.

You are earnestly requested to at once secure as many signatures as pos-

sible to the enclosed protest and return within three days to any one of the following members of the legislature.

Geo. B. Winship, Roger Allin, Andrew Slotten, Andrew Helgesen, S. A. Fisher, Arne P. Haugen, R. B. Richardson, G. H. McCullough, Nels Tandberg, H. Strom, Roderick Johnson, N. B. Pinkham, A. O. Heglie, R. N. Ink, G. W. Lilly, W. B. Allen, Ole E. Olsgard.

Q. Did you ever see a circular like that.

A. Yes, sir, Mr. Pollock gave me one, and it was read at our meeting.

Q. Do you think this bill is as objectionable as this circular sets forth.

A. Yes, sir.

Q. Have you ever read this bill.

A. No, sir, I have never read it through.

Q. Do you know anything of the workings of the Republican State Convention at Fargo, to nominate State officers for the State of North Dakota.

A. I heard rumors that money was offered. Mr. Patterson of Sargent county told me that he thought their delegation could have received a sum of money. I do not know that he mentioned definitely the sum; but that they could have received a sum of money if they turned their delegation over to the other candidate for Governor. Mr. Jordan of the "Republican" told me that he could have received \$1,000 for his vote in that convention, and I think Dennett, of Oriska told me that they were very anxious to get the Barnes county delegation, and I think he told that they could have got anything they wanted if they had been willing. These people seem to think that there was money being used.

Q. You know nothing of the use of money, of your own knowledge.

A. No, sir. I was not in the "ring."

Q. Were you present in Bismarck at any time during the contest for the filling of the offices of United States Senators.

A. No, sir, I was not.

Q. Do you know anything about that contest.

A. No, sir.

Q. Do you know of anyone who does know anything about it, with respect to the use of money.

A. No, sir.

Q. The committee now desire to give you, and do give you full opportunity to state anything within your knowledge or information that you have not already stated, with respect to the Republican Convention at Fargo to nominate State officers, the contest at Bismarck with regard to the election of United States Senators for North Dakota, and Senate Bill No. 167, known as the Lottery Bill, and not only give you this full opportunity, but request that you will give them any information that you may have, not already given, and name to them any person or persons, or source whatever, from whom or which they can obtain any evidence or

information with respect to any of these matters, and particularly with respect to Senate Bill No. 167, known as the Lottery Bill, or of any transactions whatsoever connected, directly or indirectly, with that bill, either in support of, or in opposition thereto.

A. I think I have covered all the ground that I can, and have nothing further to tell.

The witness was then discharged, and Mr. S. S. Lyon was recalled.

MR. S. S. LYON.

Q. You were present and gave some testimony before this committee on yesterday, were you not.

A. Yes, sir.

Q. Were you not sworn to keep secret what might be done while you were before the committee.

A. Not that I know of.

Q. Did you not relate to some person what had occurred in the committee room after you had gone out.

A. I may have.

Q. To whom.

A. Gen. Geo. P. Wilson.

Q. Anyone else.

A. I think Col. John D. Benton was there, too.

Q. Anyone else.

A. I have not been at all careful who I have admitted it to. I may have said it to others.

The oath was then administered to witness again, after which he testified as follows:

Q. Did you ever have any knowledge or information that any detective of the Pinkerton Agency was present in Bismarck.

A. I did not know that there was, sir.

Q. Did you ever state to anyone, for instance, on a train of the Northern Pacific railroad, or in the city of Bismarck or in the city of Fargo, or anywhere else, that any of the State officials had employed any detective or detectives for any purpose.

A. No, sir.

Q. Have you any knowledge or information that any newspaper ever covered up any reports or news respecting this Lottery Bill.

A. I only know that our newspapers at Fargo were not giving, as I thought, the true state of affairs here at Bismarck in their dispatches, and I thought that the papers at Fargo were not giving us all of the "associated press" dispatches that they could have given us in the matter.

Q. Were you present at the armory at Fargo last Saturday evening.

A. Yes, sir.

Q. And did you there speak.

A. Yes, sir.

Q. Did you then assert that the "Argus" and "Republican" were working in the interests of the Lottery scheme, and that they suppressed telegraphic news in regard to the same.

A. I stated that the "Argus" was giving us very little news, and that the "Republican" had little or nothing to say.

Q. Did you also read a large number of telegrams from various bankers and commercial institutions, all denouncing the Lottery scheme as bad policy from a moral and a business standpoint.

A. I did.

Q. To whom were these telegrams addressed.

A. Part of them were addressed to myself, and I think Mr. Moffett had a telegram addressed to him.

Q. How did you come to receive these telegrams.

A. As a result of inquiries by wire. I wired parties and asked their opinion on the Lottery Bill. Mr. Moffett's dispatch was the result of no inquiry that I made.

Q. In what state or states were these bankers or commercial institutions located.

A. Minnesota, New York, Indiana and our own State of North Dakota.

Q. Name any banker of North Dakota.

A. R. P. Sherman of Tower City, and one telegram I read was from Paine of the Cass County Bank. Who received that dispatch, I do not know.

Q. From what commercial institutions in North Dakota.

A. Not any. I did not ask for any.

Q. When you rode on the train with Mr. Ink, member of the North Dakota House, as you stated yesterday, was the Rev. Mr. Simmons at any time in your company.

A. Yes, sir.

Q. Did you have any interview with Mr. Ink not in the presence of Mr. Simmons.

A. Yes, sir.

Q. Where.

A. In the car ahead of the sleeper, I think.

Q. In the interview with Mr. Ink not in the presence of Mr. Simmons—what did it relate to.

A. It related to the Lottery Bill.

Q. Did you ever state to Mr. Simmons or Mr. Ink or either of them, or in their presence that any money was being used to buy votes for the Lottery Bill or to facilitate its passage.

A. Not that I know of, sir. When Mr. Ink was talking with me there, he mistook me for Mr. Jordan, the editor of the Republican, and was therefore very cold on the deal, and very reticent.

Q. What did the conversation between you and Mr. Ink in the car forward relate to.

A. It related to the Lottery Bill. I was rather in doubt as to Mr. Ink's position on the Lottery question; he was so reticent in the car that Mr. Simmons and I were occupying and I was

anxious to know just how he stood on the bill. I did not know at that time that he was opposed to the bill.

Q. Did Mr. Simmons and yourself ever have any conversation to the effect "That if there ever was a time when money should be used to defeat a measure, now was that time."

A. Yes, sir, I think that was brought up.

Q. State when.

A. My impression is that it was somewhere on the street here. I think Mr. Simmons made some such remark as that, and I am under the impression that he illustrated it in some such way as this, "That after some man had committed a cold blooded murder, if there ever was a time when we could do without law, then was the time;" but we could not afford to put ourselves on that side.

Q. Did you ever hear anyone state to Mr. Simmons, or state to him yourself, that there were any men in the House or Senate of North Dakota that could be induced to vote against the Lottery Bill for money.

A. I have never said it to my knowledge.

Q. Have you ever heard anyone say it.

A. My impression is that I was led to believe that for a money consideration it was quite likely that some votes could be got against the bill.

Q. What led you to that belief.

A. A kind of a general talk that I had with two parties.

Q. Name them, please.

A. Mr. Ink, on the cars coming from Fargo, and Mr. H. C. Rhiel, of the "Standard Oil Company" of Fargo.

Q. Can you tell us the substance of what they each said that led you to that belief.

A. My impression is that Mr. Ink said that we had about eighteen votes in the "House" against the bill, and if we were buying votes it was possible to get enough votes to defeat it.

Q. What did Mr. Rhiel say that led you to that belief.

A. Mr. Rhiel said that if he could be of any assistance to me in my action in regard to this Lottery Bill, he would be glad to give me some pointers to use; that he had a bill before the committee, on the inspection of oil, that he had been "stood off" from, so to speak, from time to time, with various promises. The delay had been very annoying to him, and he proposed to get even with them if they did not do as he wanted them to, and get his bill out of the way, as they had agreed to do.

Q. Did he mention Mr. Sandager's name in connection with that committee.

A. I believe so. Mr. Rhiel went on to state that he had been delayed long enough, and if they did not fix him up at eight o'clock that night he was prepared to break his pledges made to the Lottery men. He was willing to help me in my matter here in opposition to the Lottery Bill in that event, and only in that event; but he disliked to go back on his promises and pledges.

He talked a few minutes in that style, and then said that there were two men that were in hiding or hid somewhere that he could get, and I think they controlled three more, or with them three more could be controlled.

Q. In the "House" or the Senate.

A. In the "House," I understood. I did not consider the Senate at all in my talk with him. I told him that "That was very clever, but what was expected of me?" He said, "It will take some money to see them, to get them and control them." He may have mentioned the amount, I am not sure; but it was several hundred dollars. I told him that I came up here to fight the Lottery Bill for everything there was in me; but that I could not use money in any way, outside of my legitimate expenses in Bismarck, and the railroad fare which I had to pay, and if I could not win in this way, without the use of money to buy members, I should lose. He wanted me to let him know that he could make this deal with me in order that he could use it as a club to secure the legislation that he wanted on this oil bill. He said, "All right, then," and that was the end of it, and we separated. He met me on the floor of the hotel afterwards and said that he wanted to withdraw his proposition, and I said, "All right, there was not any proposition."

Q. You have now given us all that you remember of this conversation, have you.

A. There was something said about champagne and cigars and little extras like that, and that was the end of it.

Q. Where was this conversation.

A. The conversation took place in his room in the Sheridan House in Bismarck.

Q. Can you remember the date.

A. It was on Friday last, the 7th of February.

Q. Yesterday you did not state to us these conversations with Mr. Ink and Mr. Rhiel. I mean the portion of the conversation with Mr. Ink that you have just given, and all of the one with Mr. Rhiel.

A. I had been told that some charges had been made that I had been offering money for buying members of the House on this Lottery bill, and in my feelings over that I forgot to make some statements regarding my conversation with Mr. Rhiel, and may have omitted something regarding my conversation with Mr. Ink. I do not believe this committee will make any report but what will do me justice.

The witness was then discharged.

Mr. McCormack moved that the chairman of this committee be requested to call on the Attorney General, and request him to prepare a resolution to empower them to prepare subpoenas to summon witnesses, and to compel the giving of testimony. Which motion prevailed.

Mr. Haggart moved that the committee do now sojourn, which motion prevailed, and the committee adjourned.

WEDNESDAY, *Feb. 12, 8:30 p. m.*

Mr. Robinson, as chairman, called the committee to order, and made the following report:

I will state to the members of this committee, that in accordance with their request, and asked him if he would prepare for us resolutions, full and specific enough to give us authority to compel parties to appear before this committee. This he declined to do on my request, but said he would be willing to do so at the request of the Senate.

He further expressed himself "that in his opinion it was the original intention of the party or parties who drafted the resolution under which the committee was now acting, to have the resolution in reality null and void, and that it was simply to be a farce."

Mr. Haggart moved that the committee adjourn until 11 o'clock a. m. to-morrow, which motion prevailed, and the committee adjourned.

THURSDAY, *Feb. 13, 1890, 11 a. m.*

The committee met at 11 o'clock a. m. pursuant to adjournment, Chairman Robinson, presiding. The Sergeant-at-Arms introduced

MR. E. P. WELLS,

Who brought with him as counsel, Gen. Geo. P. Wilson.

Mr. Wells, after first being duly sworn, testified as follows:

Q. Your name, residence and occupation.

A. Edward P. Wells, Jamestown, banker.

Q. Were you present at the Fargo Republican Convention where the State officers for North Dakota were nominated.

A. No, sir.

Q. There has been for some time rumors and statements in the newspapers and upon the streets that there was money used in that convention and also in the contest for the election of the two United States Senators and likewise in connection with Senate Bill No. 167, known as the Lottery Bill, and this committee have been appointed to investigate these rumors and trace them to their source if possible, and ascertain as to their truth or falsity. Some of the questions I ask you will relate to all three of these matters. Have you any knowledge or information, or can you designate to the committee any source from which they can obtain any information relating to the use of money for corrupt influence at that convention.

A. No, sir.

Q. Were you present in Bismarck during the Senatorial contest.

A. Yes, sir.

Q. Did you, with other citizens, take an active part in that contest.

A. I was an interested spectator.

Q. Have you any knowledge or information, from any source,

derived either from rumor or from actual sight or knowledge, that any money was used in that contest, either for the purchase of votes or the influence of the votes of any member of the Legislative Assembly of North Dakota.

Mr. Wilson, as counsel for witness, objected to question on the grounds that it was not within the scope of the inquiry of the committee under the resolution. It is a matter beyond the jurisdiction of the Senate or any committee appointed by the Senate, and I advise the witness not to answer the question.

Objection withdrawn.

A. I have heard all these rumors that are suggested, but have never heard any specific charges, and have not known of any being made. I have always presumed and believed that these rumors were false, and that, to the best of my belief, is a fact.

Q. Have you any personal knowledge of any money being used to purchase any vote in that contest.

A. No, sir.

Q. Can you name to us any person who can give us any definite information on that point.

A. No, sir, I cannot do it. It has always been in the nature of rumors that these charges have come to me.

Q. Do you know that any member of the Legislative Assembly was ever promised any money if he voted a certain way in that contest.

A. I have no such knowledge.

Q. Did you make any offer of money or any corrupt inducement to any member of the Legislative Assembly to vote in any way in that contest.

A. To the best of my recollection, I believe that I never did.

Q. To your knowledge was there any corrupt means, or money used to nominate either of the Senators who were nominated to represent North Dakota.

At this point witness confers with counsel.

A. No.

Q. To your knowledge, was there any corrupt means, or money used to elect either of the United States Senators.

Witness again confers with counsel, and Gen. Wilson, counsel for witness, advised him not to answer the question, and on his advice witness declined to answer.

Q. Please inform the committee what means and what money were used, to your knowledge, in the nomination or in the election of two United States Senators.

Witness' counsel advised him to decline to answer this question, and witness so declined.

Q. Were there any rumors during that contest that money was being used as a corrupt influence in that contest.

A. Yes, sir. I heard such rumors.

Q. Can you tell from what source they came.

A. No, sir. I suspected that they came in each case from out of the camp of the opposition.

Q. Will you tell us in whose interest you took part in that contest, in other words, whom did you support for the office of United States Senator.

A. I came here originally for the sole purpose of supporting Mr. Pierce. After Mr. Pierce was out of the way I supported Governor Miller, and after that became impossible to accomplish I supported Mr. Casey.

Q. Did anyone during that contest suggest to you the use of money for the purchase of the vote of any member of the Legislative Assembly.

A. Well, I heard talk of that kind. Talk of the possibility of purchasing members' votes, but I have no recollection of any person in particular who suggested that. It was simply rumors that such things were possible. I cannot tell who it was.

Q. Can you give us the name of any member of the Legislative Assembly, who were reported as being purchasable.

A. I could come devilish near it by giving you the poll list. No, I cannot. I cannot give you the name; but there was a person who had the "gall" to say that for a certain sum of money he could purchase a majority of the members of the Legislature for any candidate. I will say however, that not a person in this committee were in the list.

Q. Can you give us the name of the individual who made this statement.

A. I reiterate that I cannot give his name. He was a stranger to me.

Q. Was the man a Dakotian or a stranger.

A. It is my impression that he was a stranger.

Q. Will you tell us where it was this took place.

A. It was in the Sheridan House.

Q. Do you know of anyone else who heard it.

A. No, sir, I am satisfied that the man took his proposals to others; but they were treated with ridicule by others as well as myself. There was another offer made by the same party about two hours before Mr. Casey was elected that I considered simply as blackmail. That man came to me and others and said that unless he was paid a certain amount he could pull off enough votes to defeat the election of Mr. Casey.

Q. Can you describe that man to us.

A. I cannot.

Q. Do you know where he came from.

A. I do not.

Q. Do you know where he made his headquarters.

A. I do not.

Q. Do you know any person who does know that man.

A. I do not.

Q. Did you take any part either for or against Senate Bill No. 167, known as the Lottery Bill.

A. No, sir, I do not think that I can have been claimed to do so.

Q. Were you opposed to or in favor of that bill.

Counsel advises witness not to answer on the ground that it is none of the business of the committee, and at the request of the witness, his answer to this question was delayed for the present.

Q. Have you any personal knowledge or information of the use of money to purchase votes for or against that bill.

A. I have no such knowledge or information.

Q. Do you know of any money being used to purchase votes, or of any other corrupt means to influence the passage or defeat of said bill.

A. No, sir.

Q. Do you know of any matter or thing connected with the Republican Convention at Fargo to nominate State officers, the Senatorial contest, or with respect to Senate Bill No. 167, known as the Lottery Bill, that you have not already disclosed to this committee, that in your judgment, having the fair fame of North Dakota at heart, you ought to disclose to this committee.

Witness here consults with his attorney, and on his return answers, "No, sir, I do not."

Q. Is there anything further with respect to the Republican Convention at Fargo, the United States Senatorial contest or Senate Bill No. 167, known as the Lottery Bill, that you desire to testify to before this committee.

A. No, sir, nothing.

Q. It has been stated publicly that this committee were not intent upon proving the matters covered by the resolution under which they were appointed and that it was a "whitewashing committee." I desire to ask your opinion on that point.

A. It is my opinion that if you do your work with all as you have with me you will get a pretty thorough investigation.

Witness was then discharged, and Mr. Haggart moved that the following notice be inserted in the papers, in order to assist the committee in obtaining evidence.

"NOTICE TO THE PUBLIC."

"Anyone in possession of facts regarding the charges of corruption in the Republican State Convention, held in Fargo, in August last; the election of State officers, the election of United States Senators or the passage of Senate Bill No. 167, is invited to attend the meeting of the Senate Investigating Committee, in the rooms over the Capitol National Bank. The committee desires to make a full and fair investigation, and this invitation may be considered personal by anyone in possession of facts on the subject named."

Which motion prevailed, and the notice was ordered inserted.

Mr. Robiinson presented a communication from the Rev. H. C. Simmons, of Fargo, which he offered in evidence, marked as "Exhibit B."

Mr. McCormack moved that the committee do now adjourn, which motion prevailed, and the committee adjourned.

FRIDAY, Feb. 14th, 9 o'clock p. m.

Mr. Robinson, as Chairman, called the committee to order, and the Sergeant-at-Arms introduced

MR. GEO. E. SPENCER,

Who, after being first duly sworn, testified as follows:

Q. What is your name, residence and occupation.

A. Geo. E. Spencer, White Pine county, Nevada; lawyer by profession.

Q. How long have you been in Bismarck this time.

A. I came to Bismarck on the 21st of October last, and stayed one day; then I came back here two days after the meeting of the Legislature, about the 21st of November; I remained here about a week, and went to Fargo, and have been here about six weeks since the meeting of the Legislature.

Q. Were you interested in the passage of Senate Bill No. 167, known as the Lottery Bill.

A. I am, in a general way; I brought that bill with me from New York, and I am the attorney for the parties who desired its passage.

Q. Were you actively engaged in the support of that bill during the time that it was pending in the Senate and the House of Representatives of North Dakota. Was that your only business here.

A. I was explaining the bill to the members.

Q. There have been and are still rumors and assertions in the public "press" and by individuals in a general way that money was used to purchase votes in favor of that bill, and corruptly used to advance the interests of what is known as the "Lottery Scheme." Did you, or have you used any money to purchase the vote of any member of the Senate or House of Representatives of North Dakota, in favor of that bill, or authorized the same to be done.

A. I have not, and I do not believe that there has been a dollar used for the purchase of the vote of any member of the Legislature. The only money that has been used has been used for legitimate expenses, and that is only a trifling sum. My own personal expenses, and those of my family, and I have on different occasions gone to some oyster house or saloon and taken different members of the Legislature along, (and other persons,) and they have had whatever they wanted—beer, wine, cigars, etc.

Q. Have you any knowledge or information, either direct or indirect, of the use of money for the purchase of votes in favor of that bill by anybody.

A. I have not, and do not think that any has been used for the purchase of any vote.

Q. Has any member of the Senate or the House of Representatives made any offer to you, or to any one to your knowledge, that they would support that bill for money. Any specified sum of money, or money in general.

A. There has not.

Q. Was the final disposition of that bill in the House, namely, its indefinite postponement, (which apparently was accomplished by the vote of the friends and opponents of the bill,) brought about by any corrupt agreement, or any agreement in which money played a part.

A. It was not. I felt very much chagrined and mortified to think it was done.

Q. Was there, or has there ever been, or is there now to your knowledge, any combination or plan looking to the purchase of the vote of any member, or any number of members of the House of Representatives of North Dakota, either in favor of said bill or against it.

A. There never has been to my knowledge, and I do not know of any now.

Q. You are somewhat familiar with the ordinary ways of legislation and the passage of bills, and the enacting of them into laws, are you not.

A. I am. I have had considerable experience.

Q. To your knowledge or from any information that you have, was there any different course of proceedings with respect to this Senate Bill 167, known as the Lottery Bill, than the usual proceedings in Legislative bodies, and by persons interested in the passage of a bill in the ordinary course of legislation with respect to bills of general importance.

A. There has not been any. Not so much as is frequently used.

Q. To your knowledge was there anything done with respect to Senate Bill No. 167, known as the Lottery Bill, upon which anyone could consistently base an assertion of fraud or bribery.

A. There was not.

Q. Was anyone employed by you, or authorized by you, or by anyone under your direction or control to endeavor to secure the passage of Senate Bill No. 167, known as the Lottery Bill, by the purchase of any vote or votes in its favor, or the corrupt use of money in any way.

A. There has not been. All assertions to the contrary are absolutely false.

Q. It has been asserted in the public press and by word of mouth, that this lottery scheme (as it is called), namely, the proposed passage of the bill that would allow lottery companies to do business in North Dakota, had its inception before the Republican Convention at Fargo, where the State officers for North Dakota were nominated, and that said lottery scheme played an important part in the combination, and in the final result at that convention.

If you know, please state whether such assertions are true or false.

A. Such assertions are absolutely false in every particular. There was no one connected with the Lottery Company at the time knew, (I think,) of that convention.

Q. Were you present at that convention.

A. I was not. I was in New York. The idea of proposing this Lottery to the State of North Dakota originated some time after that convention. It got into the heads of some people in New York when they were reading the Constitution of North Dakota and found out that there was no prohibition of lotteries in the Constitution of this State.

Q. Were you present during any of the time when the United States Senatorial contest was going on at Bismarck.

A. I was here five or six days.

Q. Did you take any interest in that contest.

A. I was here simply as a looker on and I took no part in the contest. I will state here, that it has been asserted that General Harrison Allen knew of this Lottery scheme months ago, and he could not have known it until he saw it in the newspapers.

Q. While you were present here at Bismarck during the contest, where did you make your headquarters.

A. At the Sheridan House, and roomed with General Harrison Allen. I took no part in the contest as I was not a resident of the State.

Q. Did you, during the time you were present in Bismarck, obtain or have any knowledge or information with respect to the use of money for the purchase of any vote or votes of any Senator or Representative of the State of North Dakota, in connection with the filling of either of the two Senatorial places.

A. No, I did not. I heard the same rumors about the use of money there that there are now. I knew nothing of them, and whether there was any money used or not, I have not the slightest idea. I have seen it stated in the paper that the Governor has been approached. I have stated to every one who was friendly to the bill, and asked them particularly not to speak a word about it to the Governor until it went before him for signature.

Q. You refer of course, to the Lottery Bill.

A. Yes, sir, I refer to Senate Bill No. 167. I did not think it proper for anyone to speak to him about it until it went before him for signature.

Q. Did you ever in any way approach John Miller, the Governor of this State, with respect to Senate Bill No. 167, known as the Lottery Bill.

A. I never have, directly or indirectly.

Q. Did you ever authorize or employ anyone to do so, or suggest that it be done.

A. I never did. On the contrary I asked everyone to say nothing to him about it until it went before him officially.

Q. Is there anything else that you would like to state, in testimony before this committee, or any information concerning the matters relating to which this investigation is being had that you have not already brought before the committee and testified with respect to.

A. I do not think of anything. Nothing has been done to urge the passage of this bill that is in any way dishonorable. The bill has been urged upon its merits as a matter of revenue for the State and all arguments have been of a perfectly honorable character, and no corrupt means to my knowledge have been used.

The witness was then discharged, and Mr. McCormack moved, "that the committee do now adjourn," which motion prevailed, and the committee adjourned.

WEDNESDAY, *February 19th, 1890, 10 a. m.*

Mr. Robinson, as chairman, called the committee to order and the Sergeant-at-Arms introduced

HON. JAMES M'CORMICK.

Hon. James McCormick, member of the House of Representatives of North Dakota, from the 21st District, having been duly subpoenaed to appear before this committee in obedience to said subpoena, and the chairmrn having requested him to rise and be sworn, now and here refuses to be sworn and refuses to testify before this committee, and cites to the committee as his reason therefor Section 42 of the Constitution of North Dakota and claims that there is no direct charge against any person now before this committee.

Sections 6323, 6324 and 6325 of the Compiled Laws of Dakota, (Penal Code) and Section 8, being read to Mr. McCormick, he still refused to be sworn or to testify.

The witness was then discharged, and the Sergeant-at-Arms introduced

MR. C. I. HUTCHINSON,

Who, after first being duly sworn, testified as follows:

Q. What is your name, residence and occupation.

A. C. I. Hutchinson, live in LaMoure county and am a farmer.

Q. What is your present business in Bismarek.

A. Engrossing Clerk in the Senate.

Q. Have you been present during all this Session of the Legislative Assembly of North Dakota.

A. I think so with the exception of a day or two.

Q. Were you present in the Senate, and acting as Engrossing Clerk when Senate Bill No. 167, known as the Lottery Bill was before the Senate.

A. I think I was, sir.

Q. Did you engross that bill.

A. I helped to.

Q. It has been stated as a matter of public rumor, in the newspapers and about the streets by word of mouth that money was used to secure the passage of that bill in the Senate of North Dakota. Have you any knowledge whatever, or information whatever upon that subject.

A. No, sir.

Q. Have you said (in substance) that there were members of this committee, who, if they were put upon the stand would have to testify that money, what is commonly called "boodle" was used in securing the passage of that bill.

A. No, sir, I have not said so.

Q. Have you ever said anything of the kind.

A. No, sir.

Q. Under any circumstances.

A. No, sir.

Q. Have you ever said anything to anyone, under any circumstances, reflecting upon the honor of any member of the Senate of North Dakota, respecting that bill.

A. No, sir, I have not.

Q. Do you know anyone who has any knowledge or information, or who is in possession of any fact or circumstance that will aid this Committee in its investigation.

A. I do not.

Q. Have you ever heard that any Senator or Member of the House of Representatives of the State of North Dakota received or was offered or promised any money, or any reward of any kind or shape whatsoever, for his vote, either for or against Senate Bill No. 167, commonly called the Lottery Bill.

A. I never have heard anything stated to that effect. All that I know about it is what I have read in the newspapers.

Q. After reflection are you now clear in your mind that you have never made any charge or statement to the effect that there were members of this committee who, if they were put upon the stand and should testify what they knew, would have to say that money was used to secure the passage of Senate Bill No. 167.

A. I never said anything of the kind.

Q. Have you ever heard anyone else say that.

A. No, sir.

Q. Or anything like it.

A. No, sir.

Q. Were you present in Bismarck during the contest for the election of the two United States Senators for North Dakota.

A. I was here during the election of one of the Senators.

Q. Which one.

A. Mr. Casey.

Q. Were you in a position to have any knowledge or information as to the use of money in that Senatorial contest.

A. No, sir.

Q. Did anything come to your sight or knowledge, either di-

rectly or indirectly from which you could infer that any money was used in that contest.

A. No, sir, I was not on the inside of anything. I did not know of any money being used, and did not hear of any.

Q. Were you at the Republican State Convention at Fargo, during which the nominees for State officers were selected.

A. I was not.

Q. Do you think from what you have seen in this committee, and from the questions that have been asked you that this is a "Whitewashing Committee."

A. No, sir, I do not.

Q. Have you, or not, been given here now a full opportunity to testify before this committee, and to tell everything within your knowledge, with respect to the Republican Convention at Fargo, the contest for the United States Senatorships and Senate Bill No. 167, commonly called the Lottery Bill.

A. So far as the Convention at Fargo and the contest for United States Senators is concerned, I know nothing of it—Yes, sir—I have been given full opportunity.

Q. The committee desire you to state that if you have any knowledge or information touching any matters with respect to which this committee are holding their investigations, they wish you now to give that information without regard to any person or persons, and without regard to whom it may bring before the committee.

A. I have nothing.

Q. Have you not stated that this committee had not the power to bring you before them, or words to that effect.

A. Basing my opinion on the Attorney General, I did say so. I afterwards changed my mind, and have appeared here voluntarily in obedience to the subpoena.

The witness was then discharged.

Mr. McBride moved that Mr. Robinson, as chairman, be instructed to make the following report to the Senate, to be signed by all the members of the committee, which motion prevailed, and the chairman was so instructed.

COPY OF REPORT.

BISMARCK, N. D., Feb. 19, 1890.

To the Senate of the State of North Dakota:

The undersigned, your committee appointed by a resolution adopted by the Senate on the 10th day of February, A. D. 1890, "to investigate the nomination and election of the State officers, the election of United States Senators, and also the passage of Senate Bill No. 167," and who have been acting under said resolution, and under the resolution adopted by the Senate on the 13th day of February, A. D. 1890, respectfully report that in pursuance of their duties, and the authority conferred upon them, a subpoena was duly issued by the committee, signed by the chairman and attested by the secretary, directed to the Hon. James McCormick, a member of the House of Representatives of the State of North Dakota, commanding him to appear at a time and place stated therein, to give evidence as to the matters under investigation, a copy of which subpoena is herewith attached and forms a part of this report.

[Copy.]

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
 COUNTY OF BURLEIGH. }

THE STATE OF NORTH DAKOTA

To James McCormick, Greeting :

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889, the election of United States Senators, by the first Legislative Assembly of North Dakota and to secure the passage of Senate Bill 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee room No. 3, over Bismarck Bank, in the city of Bismarck, N. D., on the 19th day of February, 1890, at the hour of 10 a. m., then and there to give evidence as to the matters under investigation. Hereof fail not, on pain of the penalty that will fall thereon.

By order of Committee,
 (Signed) W. H. ROBINSON,
 Chairman.

M. L. McCORMACK,
 Secretary.

"That said subpoena was placed in the hands of the 'Sergeant-at-Arms' of this Senate for service and was duly served upon said James McCormick, and in obedience thereto the said James McCormick appeared before us and refused either to be sworn or to testify before this committee."

We make this report to the Senate for such action as the Senate may deem proper, under the circumstances.

W. H. ROBINSON, Chairman,
 M. L. McCORMACK, Secretary,
 JOHN HAGGART,
 GEO. W. HARMON,
 JOHN McBRIDE.

Which report was duly presented to the Senate for action.

Mr. Haggart moved that the committee do now adjourn, which motion prevailed and the committee adjourned.

THURSDAY, Feb. 20, 11:30 a. m.

Mr. Robinson, as chairman, called the committee to order and the Sergeant-at-Arms introduced.

MR. EDGAR W. CAMP,

Who, after being first duly sworn, testified as follows:

Q. Your name, and residence.

A. Edgar W. Camp, Jamestown, N. D.

Q. Your occupation.

A. Lawyer.

Q. How long have you lived in North Dakota.

A. Since October, 1883.

Q. Were you present at the Republican Convention held at the city of Fargo, at which the State officers for North Dakota were nominated.

A. I was there up to the last day, I was not there then.

Q. Did you take any part in the convention.

A. I was not a delegate to that convention.

Q. Did you take any active part or interest in that convention.

A. I took an interest to this extent, that I desired to secure the nomination, if possible, of J. M. Bartholomew, as one of the Judges of the Supreme Court.

Q. While attending that convention did you see any offer of money or hear any promise of the giving of money for the purchase of, or to influence votes.

A. None whatever.

Q. Have you any knowledge or information whatever, that any money was used for the purchase of votes or any bribery of any kind entered into, with respect to any office or matter before that convention.

A. None whatever. I suppose you do not include in that the making of the state.

Q. Were you present in Bismarck during the contest over the election of the two United States Senators for North Dakota.

A. I was here most of the time.

Q. Were you here as a mere looker on, or did you take an active part in the contest.

A. I took an active interest in the contest to this extent, that I was a friend and admirer of Senator Casey and wished very much to see him elected.

Q. And you did, I suppose, whatever lay in your power to properly further that end.

A. Yes, sir. Whatever a young man without any particular influence could do.

Q. Have you any knowledge or information, from whatever source derived, that any money was used or promised to be given for the purpose of influencing or purchasing the vote of any Senator of North Dakota, or of any member of the House of Representatives of North Dakota, in that contest.

A. None whatever.

Q. Have you any knowledge or information whatever that anyone authorized the offering of money for the purpose of purchasing votes, or to bribe any member of the Senate or House of Representatives of North Dakota, in relation to either of the United States Senatorships.

A. I have no such knowledge or information.

Q. Did you ever make any such proposition to anyone, or anything like it.

A. No, sir.

Q. Did you ever authorize anyone to make any attempt to purchase the vote of any Senator or member of the House of Representatives of North Dakota, or suggest that such a thing be done in connection with any matter connected with the nomination and election of the two United States Senators for North Dakota.

A. No, sir.

Q. Did anyone ever suggest anything of that kind to you.

A. I do not remember that any such suggestion was made to me. It is possible that in all the talk that went on there, for something more a week, some such suggestion might have been made, but I do not now recall it.

Q. Did either of the two gentlemen who were finally elected as United States Senators for North Dakota ever make any suggestion of that kind to you, or did ever anyone make it to you, claiming that they acted by their authority, or in their behalf.

A. No, sir, I will say right here that I had nothing whatever to do concerning the election of Senator Pierce.

Q. Where was your headquarters while at Bismarck.

A. At the Sheridan Hotel.

Q. Was not very much of the planning and talking on all sides carried on in the lobbys and rooms of that hotel.

A. I judge that it was.

Q. You were around circulating among the gentlemen there assembled, were you not.

A. Yes, sir, considerably.

Q. And were an interested and earnest observer.

A. Yes, sir, I was.

Q. Did you observe any indications whatever that any bribery or corruption with respect to the election of United States Senators was in progress, or being planned.

A. I saw many things that might have been connected with bribery, or might have been connected with many other things; a great many times, for instance, I saw two men enter into one of the rooms of the hotel; but I have no reason to suppose that it was for any other purpose than for laying plans or for consulting.

Q. What were the headquarters of the Casey workers.

A. Room 19.

Q. Were you present in that room frequently.

A. I was there most of the time: more than half of the time I was in that one room.

Q. At any time while you were in that room, was there any talk of, or any plan suggested or made for the purpose of any vote or votes, or the corrupt use of money, or the corrupt use of any means whatever with relation to the election of United States Senators for North Dakota, or in relation to any other matter whatsoever.

A. To the best of my knowledge and belief there was none. If any such talk was had it was had so that I did not hear anything of it. That was the public headquarters of Senator Casey, and the door was never locked.

Q. Is there anything that you know, either by actual witnessing or hearing it, or from its having been stated to you, in relation to the Republican Convention at Fargo, or the contest for United States Senators for North Dakota that will throw any light what-

ever on either of these matters, or aid this committee in its investigation with respect thereto that you have not stated. I ask this question in this form in order that you may refresh your memory, and if anything occurs to you that you have not stated you may have opportunity to state it to the committee.

A. Your question, I suppose, refers to the use of money for any corrupt means. I have no information of any facts within the scope of the resolution appointing this committee. I want to make a correction—I said the door of No. 19 was never locked, it was locked during certain caucuses.

Q. Was there a brother of Lyman R. Casey present at any time in Bismarck during that contest.

A. There was a gentleman who I understood to be Mr. Casey's brother.

Q. What were his initials.

A. "T. B." Casey.

Q. Did Mr. Lyman R. Casey or Mr. T. B. Casey, his brother, ever give you any sum of money or ask you to ascertain what member or members of the Legislative Assembly could be purchased or induced to vote in a given way in that contest.

A. No, sir.

Q. Did either of the gentlemen named, without giving you any money, make any suggestion of that kind.

A. No, sir, I was not asked to approach any man, nor did I approach any man about the giving of money for his vote.

Q. Did you ever suggest to anyone that they ascertain what members of the Legislative Assembly of North Dakota were purchasable, or could be induced by the use of money or corrupt means of any kind to vote for anyone for the position of United States Senator.

A. No, sir.

Q. Did anyone ever give to you any offer of money or any other corrupt inducement to assist in behalf of anyone in that contest.

A. No, sir.

Q. Did you ever offer to anyone, not a member, or to any member of the Legislative Assembly of the State of North Dakota, either a member of the Senate or of the House, any money, or the promise of any money as an inducement to them to vote for Mr. Lyman, R. Casey, or to vote for any other person as United States Senators, either in the caucus of the members of the Legislative Assembly or when they were in joint session convened.

A. I never did.

Q. Were you ever a party to, or did you ever have any knowledge of any combination or plan or arrangement whatsoever that had for its purpose or result the purchase of any vote or votes for United States Senator or the payment, offering or promise of any bribe or reward for any such vote.

A. I never was a party to any such combination, nor did I ever have any knowledge or information thereof.

Q. To your knowledge, or information was either Mr. Lyman R. Casey or his brother Mr. T. B. Casey, a party to, or the mover of any such combination or purpose.

A. Not to the best of my information and belief.

Q. Is there any person resident in Bismarck, North Dakota, whom you ever employed or requested to ascertain if any member of the Legislative Assembly could be induced to vote by the use of money, or to whom you ever made any such suggestion.

A. No, there is no such man residing in Bismarck, or in North Dakota.

Q. Is there any man residing in the city of Bismarck, or in North Dakota, who ever made any such suggestion to you.

A. Why, it was intimated to me, or in my hearing at least, that the votes of members might be purchased, but the names of the members were not given that could be bought, and no action was taken in the matter by me. I do not remember who made the suggestions.

Q. Will you give us the names of the persons who made such assertions to you.

A. I cannot give the names, but I have a vague impression that such a suggestion was made.

Q. Can you tell us where it was made.

A. No, but I think that it was round the Capitol building; but it might have been in the Sheridan House. In a hot contest like that, there is always more or less talk of purchasing votes.

Q. Can you tell who were present when that assertion was made.

A. No. I cannot. It is my impression that it was made in a knot of talkers, and not made especially to me.

Q. Did Mr. T. B. Casey ever talk over with you the question of the purchasability of the votes of members of the Legislative Assembly of North Dakota.

A. No. He never made any such suggestion.

Q. Did Mr. Lyman R. Casey.

A. No, sir. I would like to make this statement in regard to the lottery business. I think I have been reported as declaiming against the corruption and bribery connected with that Lottery Bill, Senate Bill No. 167. These reports were incorrect and I have always maintained my belief that the members who were voting for Senate Bill No. 167 were actuated by a sincere belief that the measure was for the best interests of the State. I have no reason to believe that their motives for urging the passage of the bill were any less honest than those of the men who were opposing the passage of the bill. It was simply a difference of opinion in the advisability of such a measure, and I tried carefully to avoid the practice frequent in warm contests of accusing the men on the other side of all sorts of disreputable practices.

Q. Did you ever handle or use or convey any money in the Senatorial contest.

A. Why, yes, I bought some cigars.

Q. For any other purpose.

A. No, sir.

Witness was then discharged, and

Mr. Haggart moved "that the committee do now adjourn," which motion prevailed, and the committee adjourned.

FRIDAY, *Feb. 21, 1890, 12 m.*

Mr. Robinson, as chairman, called the committee to order, and the Sergeant-at-Arms introduced

MR. WM. P. MOFFETT,

Who, after first being sworn, (and refusing to take the oath of secrecy, although requested to do so) testified as follows:

Q. What is your name and residence.

A. William P. Moffett, Bismarck.

Q. What is your occupation.

A. Newspaper publisher.

Q. Where is your newspaper published.

A. In the city of Bismarck.

Q. What is the name of it.

A. The Settler.

Q. About how long have you published it.

A. Three years.

Q. Is it a daily or weekly.

A. A weekly.

Q. Were you present at the Republican Convention at Fargo, at which the State officers for North Dakota were nominated.

A. I was present during part of the convention. Not all, I was not a delegate.

Q. Have you any knowledge or information, from whatever source derived, that any money was used or offered for the purchase of votes at that convention.

A. No, sir.

Q. Have you any knowledge or information, derived from any source that any corrupt influences of any kind were used at said convention.

A. I have none but hearsay evidence.

Q. Please designate the "Hearsay evidence."

A. Nothing more than common rumor.

Q. Where did you hear these rumors.

A. I am sure I cannot say.

Q. Were you present in Bismarck during the contest for the election of the two United States Senators for North Dakota.

A. I was.

Q. Did you take any part in that contest.

A. Nothing more than as a spectator. I felt the interest of a citizen.

Q. Do you know whether or not any money was used, offered, paid or promised, for the purchase of, or for the purpose of influencing the vote of any Senator or any member of the House of Representatives of North Dakota in connection with that contest.

A. I do not.

Q. Has anyone ever stated to you, or in your hearing that any money was so used, offered, paid or promised.

A. I have undoubtedly heard rumors, but I do not think I could name any party who has made any such statements.

Q. If you can name any person or persons who ever made any such statement to you or in your hearing the committee now requests you to give such name or names.

A. I do not think I can name anybody; it was common rumor as well as newspaper statements.

Q. Did you so state, or publish in your newspaper, "The Settler."

A. I do not think the paper has ever made any such statements or charges.

Q. Have you any such charge now to make here, before this committee.

A. Certainly not.

Q. Were you present in Bismarck during the time that Senate Bill No. 167, known as the Lottery Bill, was before the Senate and the House of Representatives of North Dakota.

A. I was.

Q. Were you a supporter or an opponent of that bill.

A. I was an opponent and am still.

Q. Did you take any active part in the opposition of that bill.

A. My newspaper certainly did.

(Witness being show newspaper, being a copy of "The Settler" of date Feb. 6, 1890,) is asked,

Q. Is that a copy of the edition of the newspaper, (of which you are the publisher) of date Feb. 6, 1890.

A. It is.

Q. In that paper, in the editorial headed "L. A. S. L. Conspiracy." "Do we want it?" "Can we afford it?" "The infamous fraud." "Democratic scheme to capture the State of North Dakota." "It ought to be opposed by all who honor law, virtue and honest dealing." "Vote it down." Under that heading I read the following selected from the editorial:

"When at first the word was passed around that the Louisiana State Lottery would try to obtain a footing in North Dakota it seemed so preposterous that few would believe it; but now the full inwardness of the plot is revealed in all its iniquitous details. This powerful organized crime is willing to pay large sums of money in order to secure the partnership of the State in its un-

lawful and infamous business, and selected North Dakota for its victim because we were few in numbers, and small of purse."

"By heavy bribery, and by buying outright the votes of our Legislators they expect to carry their plot through before the people are aware of their dastardly purpose."

Witness being shown said newspaper, of date February 6, 1890, is asked,

Q. Were you the author of that editorial, contained in this paper.

A. I was.

Q. From what source did you derive your information that, "By a heavy bribe, and by buying outright the votes of our Legislators they expect to carry their plot through before the people are aware of their dastardly purpose."

A. I believe that a professional man at any time has a right to claim exemption from giving the source of his information. As to the offer of a bribe by the Lottery, I consider the offer of \$75,000 per year and \$3,000 down, a bribe to the State.

Q. From what source did you offer the assertion "buying outright of the votes of our Legislators."

A. You will notice, please, that there is no charge that the votes of our Legislature were bought outright.

Q. On what authority do you offer the assertion "That they expect to carry their plot through by buying outright the votes of our Legislators."

A. My own belief was my authority.

Q. And your only authority.

A. No, I won't say that I did not hear charges of the kind, because I undoubtedly did,

Q. Did you have any direct or positive knowledge, or any direct or positive statement from anyone on which you founded the clause in the editorial to which I have alluded.

A. I think I understand, but I prefer not to answer it, for the reason that I am a newspaper man, and I do not desire to give the names of the parties who came to me and offered the information upon which I might base my editorial.

Q. Certain parties, then, did make statements or representations to you, upon which you founded this editorial.

A. You may infer as much from the editorial itself.

Q. Give to the committee the names of those persons.

A. I prefer not to do so.

Q. Do you refuse to do so.

A. I do, further than this, that it is a matter of common rumor and report and has been repeated to me by various parties.

Q. Did any of these persons who made these representations or statements to you, upon which you founded this editorial, report to you any information other than information derived from common rumor and report.

A. I think not.

Q. Then it is true, is it not, that this editorial in "The Settler" of February 6th, 1890, was based upon common rumor and report, ascertained by you from the representations and statements of individuals, and the utterances of the public press.

A. Not entirely, by any means. I had read the bill before it was introduced.

Q. Your information then, was derived from the statements and representations of individuals, the comments of the "public press," and your reading of Senate Bill No. 167.

A. Yes, sir.

Q. And from no other source.

A. I do not think of any other. That would include pretty nearly all the sources of ordinary information.

The committee offer in evidence this copy of "The Settler" of date February 6, 1890, particularly the editorial referred to and the other articles therein relating to Senate Bill No. 167, and the measure denominated the Lottery measure to form part of the evidence and of their report, marked "Exhibit C."

Witness then being shown a copy of "The Settler" of date February 13, 1890, is asked:

Q. Is that a copy of your paper of date February 13, 1890.

A. It is.

Q. In that paper I find the following editorial comments:

"If the Senate Investigation Committee is to make a fair and impartial examination of the charges and rumors of the use of improper means to secure the passage of the villainous Lottery Bill, 'The Settler' has no desire to criticise. But it is noticeable that every member of the committee voted for and supported the scheme under scrutiny, and it looks very much like they would be a little biased in their investigation."

"It were far better to pass over in silence the rumors of corrupt influence, than to organize a whitewashing investigation, and unless some facts are brought out this committee will be liable to the severest criticism. But we withhold our opinion until it shall make its report. In the meantime it should have the assistance of all who are cognizant of improper methods."

Q. Were you the author of that editorial.

A. I was.

Q. Did you intend in that editorial to designate this committee as a whitewashing investigation.

A. Certainly not. Simply to express the hope that they were other than that.

Q. To whom or what did you then refer in the words, "It were far better to pass over in silence the rumors of corrupt influence than to organize a whitewashing investigation." I refer particularly to the words, "Than to organize a whitewashing investigation."

A. It looks to me like a statement of the fact that in my opinion it were better.

Q. Is not the inference from the words I have called your attention to plain that you expressed the opinion that "it would be far better to pass over in silence the rumors of corrupt influences than to organize a whitewashing investigation," as has been done.

A. If you leave off the words, "as has been done," I will say yes. I make no charge that this was a whitewashing committee; I had no such intention at all.

Q. At the request of the committee I now ask you, from what you have seen and heard in this meeting of the committee, and from the questions asked of you, have you seen or heard anything to indicate to you or lead you to believe that this committee is not intent upon making a thorough investigation, or in other words do you now think that it is what is commonly called a whitewashing committee.

A. I do not think my experience in the committee is sufficient, or of large enough extent to form an opinion.

Q. Has this committee given you a fair opportunity to give us all the information you possibly can relating to the matters in question.

A. Certainly.

Q. A fair and impartial examination.

A. I think so.

Q. Do you know anything of your own personal knowledge concerning this Lottery Bill that you think you ought to tell this committee to-day.

A. No, sir.

Q. Concerning any member of this Legislature, or officer of this State, or any other person.

A. To my own knowledge, I do not.

Q. I see in your issue of February 6, this statement:

"By a heavy bribe and by buying outright the votes of our Legislators, they expect to carry their plot through." Of your personal knowledge that statement of "buying outright the votes of our Legislators," do you know of any party or parties offering any member of the House or Senate, any bribe for their vote on that bill.

A. No, sir.

Q. Then this statement is based simply upon common rumor.

A. Yes, sir.

(Witness being shown copy of "Settler" of date February 13th, 1890, and editorial beginning, "it is now claimed that the plot to transfer the Louisiana State Lottery to our State was")

Q. Were you the author of that editorial.

A. I was.

(The committee offers in evidence a copy of "The Settler" of February 13th, 1890, particularly the editorial relating to the Lottery Bill or Measure, and to form part of the evidence, and of the report of the committee—marked "Exhibit D.")

Q. Have you any name of any person or persons who have of-

ferred or promised at any time money to any Senator or member of the House of Representatives of North Dakota, or made any offer or attempt to bribe any Senator or member in connection with Senate Bill No. 167, known as the Lottery Bill; if so, the committee now desire you to give to them the name or names of such person or persons in order that they may be promptly subpoenaed to testify before this committee.

A. I do not know any such names.

Q. If you know or have any information that any Senator or member of the House of Representatives of North Dakota has ever received any money for his support or opposition to that bill, or offered or agreed to support or oppose it for money or for any bribe or corrupt means or influence of any kind, the committee desire you now to give the name or names of the Senator or Senators or member or members, whether they include any member of this committee or not, and without respect to persons or official or social or business, name, position or standing, in order that the persons you may name may be speedily subpoenaed to appear before this committee.

A. I do not know any such name.

Q. Now after your experience in this committee, do you think this is a whitewashing committee, or that it is in earnest.

A. I would say that in the first place I know very little about the committee, and the fact that I would be called would show me nothing of the good or bad intent of the committee. I have had every opportunity to tell what I know about this. I prefer personally to take the same position that I occupy editorially, to wait until the committee make their report to give my judgment.

Witness was then discharged, and Mr. McCormack moved that the committee adjourn to the call of the chair, which motion prevailed, and the committee adjourned to call of the chair.

STATE OF NORTH DAKOTA, }
 BURLEIGH COUNTY. } ss.

Frank W. Bridge, being duly sworn, according to law, on his oath doth depose and say that he is the Stenographer of the Senate of the State of North Dakota, duly appointed, elected and sworn,

That, as such stenographer, he attended all the meetings of the investigating committee appointed by said Senate, whose report is contained in the foregoing pages.

That, as such stenographer, he fully and correctly took down and reported all of the proceedings of said committee, and all and every part of the testimony given by each and every witness who testified before said committee. That nothing was omitted, and that the foregoing is a true, full, complete and accurate statement, copy, account and report in full, and in detail, of the testimony given before said committee, and of the proceedings of said committee, and that each person appearing before said committee as a witness and testifying was sworn by the chairman of the committee before giving his testimony, and was given full opportunity to tell all that he knew respecting any or either of the several matters being investigated by said committee, and that the report of said committee and the long hand copy of the testimony which was taken,

transcribed from the stenographic notes of this deponent, ending with page 223, was all transcribed by and is in the hand writing of this deponent.

F. W. BRIDGE,

Official Stenographer of Senate.

Sworn to and subscribed before me at Bismarck, North Dakota, this 17th day of March, A. D. 1890.

EDW'D S. ALLEN,

Clerk of District Court, Burleigh Co.

[SEAL.]

EXHIBIT "B."

FARGO, DAKOTA, February 13, 1890.

Hon. W. H. Robinson, State Senate, Bismarck, N. D.:

DEAR SIR—You have doubtless seen the article in this morning's Argus concerning me. As attorneys tell me that the committee had no authority to exact a promise of secrecy, and especially under the gross misrepresentation of your honorable committee, of Judge Francis and myself, I shall, I trust, be excused for using my liberty to use my own judgment as to keeping secret or revealing what was said in the presence of the committee. I was not at all surprised at the article in the Argus.

Most Sincerely Yours,

H. C. SIMMONS.

EXHIBIT "C."

LA. S. L. CONSPIRACY.

Do We Want It? Can We Afford It? An Infamous Fraud. A Democratic Scheme to Capture the State of North Dakota. It Ought to be Opposed by All who Honor Law, Virtue and Honest Dealing.

VOTE IT DOWN.

When at first the word was passed around that the Louisiana State Lottery would try to obtain a footing in North Dakota, it seemed so preposterous that few would believe it. But now the full inwardness of the plot is revealed in all its iniquitous details. This powerful organized crime is willing to pay large sums of money in order to secure the partnership of our state in its unlawful and infamous business, and selected North Dakota as its victim because we were few in number and small of purse. By a heavy bribe and by buying out-right the votes of our legislators they expect to carry their plot through before the people are aware of their dastardly purpose. They well know that the moral sentiment of our state will rise in open revolt as soon as they learn of the scandalous bribe, and they have concealed their intent under cover of pretended "sheep ranches" and "woolen mills," etc., as long as it was possible. But on Monday the bill was introduced in the Senate by Mr. Sandager, of Ransom county, who thereby sounded his political death-knell, or the Settler is no true prophet. The measure offers \$3,000 to the state for the franchise to do business of filching away the peoples' money without giving a fair return, and proposes to pay the sum of \$75,000 annually into the State treasury whenever the institution shall begin its outlawed business within our border. As a further compensation we may expect the finger of scorn and the contempt of

all the christian world to be poured out upon the state that would for paltry dollars sell its honor and its dignity to support what is a crime in nearly every other state in the Union.

But can the Republican party in this State afford to permit itself to be either a party to or a cats'-paw for the perpetration of this outrage on the people? No one pretends to defend the scheme on moral grounds and the only argument advanced is our financial need. If all admit its moral perversity, how many dollars bribe will make it right. For how many pieces of silver can the republican party afford to defy the moral sense of the people and foist this incubus upon them? Dollars will not make wrong right.

But more. The national Republican party will certainly be obliged to condemn the transaction if it should succeed. And the North Dakota party must maintain their standing nationally, for it is plain that this scheme would do more to make our State Democratic than anything else the Legislature could do. But are not Republicans urging the plan? But what kind of Republicans? Is R. N. Stevens, the leader of the scheme in the House, very much of a Republican? It is undenied that he was a rank Democrat in Illinois and changed his politics when he changed his residence. John Haggart, the Cass county Senator has only been a Republican since his advent in Dakota. Big Aleck McKenzie, the Bismarck ring leader, who is here to help the boodle part of the work, was a Democrat even after coming here and flopped in order to get on the Republican band wagon after having been elected sheriff of this county on the Democratic ticket in 1884. And nearly if not quite every Democrat in the Legislature is in favor of it. Local Democrats are smiling over the prospect of the importation of a large contingent of their faith when the scheme is a success.

But will it pay in dollars and cents? It might make business for the town where located, but it would also give it a bad reputation. And it surely would be a species of advertising which the State at large could not afford. The La. S. L. has been a national by-word and reproach to the state which legalized it, and North Dakota's fair name must not be so tarnished. For every dollar the lottery spends here it will draw ten—not necessarily from us, but from our neighbors, and will give nothing in return. It will cause our State to be avoided by the better class of immigration, and a few years would show that we were powerless to deliver ourselves from the vampire which was gnawing away at the vitals of the State.

We do not want it.

We can't afford it.

It is a fraud of the first water, and every man who votes for and encourages it should be marked by our people and, in a political sense, buried beyond redemption.

EXHIBIT "D."

[Editorial articles from Bismarck Settler of February 13th.]

It is now claimed that the plot to transfer the La. S. L. to our state was perfected nearly a year ago in New York, at a meeting at which McKenzie, Spencer and Harrison Allen were present; that it included the complete capture of the state by the old time rounders, and that the desperate attempt to control the Fargo convention was a part of the scheme; that the constitutional convention was watched and an anti-lottery provision prevented. As the detestable plot begins to be unraveled, our wonder increases that so many could be induced to favor it. But it seems that the outfit had its paid agents in the various localities and that it had taken a strong hand in the legislative elections, and in some cases furnished means to elect or defeat candidates. Perhaps, after all, some of the boodle so freely discussed at Fargo was furnished by the La. S. L. in order to further its scheme. It is plain enough that the leaders of the lottery plot are the same men who worked so desperately to defeat the nomination of John Miller at Fargo, and subsequent events prove that they had good reasons to fear his work

against their attempts to violate the honor of the State. If this theory is true, it relieves the N. P. railroad from the stigma that attached to it when so many people believed that it was the power behind these ringsters. At any rate the action of that convention in drowning the McKenzie Haggart crowd has been fully vindicated and it will be well if they are never again permitted to hold the reins. The people of North Dakota have surely found them out—now it is our duty to keep them out.

If the Senate Investigation Committee is to make a fair and impartial examination of charges and rumors of the use of improper means to secure the passage of the villainous Lottery Bill, The Settler has no desire to criticize. But it is noticeable that every member of the committee voted for and supported the scheme under scrutiny and it looks very much like they would be a little biased in their investigation. The fact that they have secured the services of ex-Judge Francis as their attorney does not tend to add dignity or impartiality to their work. It were far better to pass over in silence the rumors of corrupt influence than to organize a whitewashing investigation, and unless some facts are brought out this committee will be liable to the severest criticism. But we withhold opinion until it shall make its report. In the meantime it should have the assistance of all who are cognizant of any improper methods.

It doesn't look as though there would ever be another attempt to force a lottery on North Dakota, but the leaders of the plot will bear watching. They have shown that their hand is against the welfare of the State, and it should not be forgotten. Of course, there were men who innocently supported the measure, and we would not condemn them so emphatically. They are rather to be pitied, for they have permitted themselves to be placed in an extremely awkward and unpleasant situation. They would gladly have extricated themselves when they began to comprehend the enormity of the scheme. But for the ringleaders—the men who ruthlessly attempted to compel the State to submit to the deepest outrage—we have no pity, we ought to tolerate no excuse. They are on record; by that record let them be condemned.

Now that the "octopus" is disposed of we sincerely hope the members of the Legislature who were sent here to represent their constituents and the State at large will bend their energies to the enactment of such laws as are demanded for the well being of the commonwealth. There are a few measures pending in the form of bills that should be carefully considered and acted upon. Among them and not the least is that relating to the transportation of our native coal. The Settler has persistently urged the necessity of fixing the rate by law as the only action that would result in the attraction of capital to our State to be employed in developing this natural resource. The railroads may reduce the rates but so long as there is no active competition they will have it in their power to change these rates at their will and pleasure. If the compliments extended to members by the railroads have not weakened their spinal columns let them pass a law making the rate one half cent a ton per mile with a minimum of \$5 per car for short hauls and our coal will soon find its way to every part of the State. The question of cheap fuel will be settled and more money saved to people of the state than would have been saved to them by the Sandager revenue bill.

And others of similar import.

EXHIBIT "E."

STATE OF NORTH DAKOTA, }
 COUNTY OF BURLEIGH. } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To Geo. F. Goodwin, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators, by the first Legislative Assembly of North Dakota and Senate Bill 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee rooms, over Bismarck Bank, in the city of Bismarck, N. D., on the 10th day of March, 1890, at the hour of 8 p. m. Then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,

W. H. ROBINSON,
 Chairman.

M. L. McCORMACK,
 Secretary.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did, on the 10th day of March, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on Geo. F. Goodwin by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
 Sergeant-at-Arms of the State Senate of North Dakota.
 Service, 25c; travel, 60c; copy, 15c.—\$1.00.

STATE OF NORTH DAKOTA, }
 COUNTY OF BURLEIGH. } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To Robt. Thacker, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee, at a meeting thereof to be held at Sheridan House, room 18, in the city of Bismarck, N. D., on the 10th day of February, 1890, at once, then and there to give evidence as to the matter under consideration. Whereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did, on the 10th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on Robt. Thacker by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
 Sergeant-at Arms of the Senate of North Dakota.
 Service, 25c; travel, 20c; copy, 15c—60c.

STATE OF NORTH DAKOTA, }
 COUNTY OF BURLEIGH, } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To *W. H. H. Roney, Greeting:*

Agreeably to a resolution adopted by the Senate of North Dakota the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery, and corrupt and unlawful means used to influence votes at the Fargo State Convention held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the First Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee rooms, Capital Bank, in the city of Bismarck, N. D., on the 11th day of February, 1890, at the hour of 5 o'clock p. m., then and there to give evidence as to the matters under investigation. Whereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN—State of North Dakota, Burleigh County.—ss. I hereby certify that I did, on the 11th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on W. H. H. Roney by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
 Sergeant-at-Arms of the Senate of North Dakota.
 Service, 25c; travel, 20c; copy, 15c—60c.

STATE OF NORTH DAKOTA, }
 COUNTY OF BURLEIGH, } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To *Harry VanHorn, Greeting:*

Agreeably to a resolution adopted by the Senate of North Dakota the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of two United States Senators by the first Legislative Assembly of North Dakota, and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at room 18, Sheridan House, in the city of Bismarck, N. D., on the 10th day of February, 1890, at once, then and there to give evidence as to the matter under consideration. Whereof fail not on pain of the penalties that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 11th day of February, 1890, at the city of Bismarck, and county of Burleigh, N. D., personally serve the within subpoena on Harry Van Horn by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
 Sergeant-at-Arms of the Senate of North Dakota.
 Service, 25c; travel, 20c; copy, 15c.—60c.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
 COUNTY OF BURLEIGH.

THE STATE OF NORTH DAKOTA

To M. N. Johnson, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery, and corrupt and unlawful means used to influence votes at the Fargo State Convention held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee room, Capital Bank, in the city of Bismarck, N. D., on the 11th day of February, 1890, forthwith, then and there to give evidence as to the matters under investigation. Whereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did on the 11th day of February, 1890, at the city of Bismarck, and county of Burleigh, N. D., personally serve the within subpoena on M. N. Johnson by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
 Sergeant-At-Arms of the Senate of North Dakota.
 Service, 25c; travel, 60; copy, 15c—\$1.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
 COUNTY OF BURLEIGH.

THE STATE OF NORTH DAKOTA

To C. Wilson, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota, and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee rooms in the city of Bismarck, N. D., on the 11th day of February, 1890, at the hour of 10 o'clock a. m., then and there to give evidence as to the matter under consideration. Whereof fail not, on pain of the penalties that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did, on the 11th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on C. Wilson by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
 Sergeant-at-Arms of the Senate of North Dakota.
 Service, 25c; travel, 20c; copy, 15c.—60c.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
 COUNTY OF BURLEIGH, }

THE STATE OF NORTH DAKOTA

To T. F. Cleary, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota on the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the First Legislative Assembly of North Dakota, and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee rooms, Capital Bank, in the city of Bismarck, N. D., on the 11th day of February, 1890, at the hour of 10 o'clock a. m., then and there to give evidence as to the matters under consideration. Whereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did on the 11th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on T. F. Cleary by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,

Sergeant-at-Arms of the Senate of North Dakota.

Service, 25c; travel, 60c; copy, 15c.—\$1.00.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
 COUNTY OF BURLEIGH, }

THE STATE OF NORTH DAKOTA

To S. S. Lyon, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota, and Senat. Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee room, Capital Bank, in the city of Bismarck, N. D., on the 12th day of February, 1890, at the hour of 4 o'clock p. m., then and there to give evidence as to the matter under consideration. Whereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
 Chairman.

RETURN.—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 11th day of February, 1890, at the city of Fargo, and county of Cass, N. D., personally serve the within subpoena on S. S. Lyon, by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,

Sergeant-at-Arms of the Senate of North Dakota.

Service, 25c; travel, \$39.20; copy, 15c—\$39.60.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
 COUNTY OF BURLEIGH, }

THE STATE OF NORTH DAKOTA

To C. Hamlin, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence

votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889, the election of United States Senators by the first Legislative Assembly of North Dakota, and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee rooms, over Capital National Bank in the city of Bismarck, N. D., on the 12th day of February, 1890, at the hour of 5 p. m. then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,

M. L. McCORMACK,
Secretary.

W. H. ROBINSON,
Chairman.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 12th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on C. Hamlin by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,

Sergeant-at-Arms of the Senate of North Dakota.

Service, 25c; travel, 60c; copy, 15c.—\$1.00.

STATE OF NORTH DAKOTA, }
COUNTY OF BURLEIGH. } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To H. C. Simmons, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota, and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee rooms, Capital Bank, in the city of Bismarck, N. D., on the 12th day of February, 1890, at the hour of 4 o'clock p. m., then and there to give evidence as to the matters under consideration. Whereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
Chairman.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 12th day of February, 1890, at the city of Fargo, and county of Cass, N. D., personally serve the within subpoena on H. C. Simmons by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,

Sergeant-at-Arms of the Senate of North Dakota,

Service, 25c; travel, \$39.20; copy, 15c—\$39.60.

STATE OF NORTH DAKOTA, }
COUNTY OF BURLEIGH. } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To S. S. Lyon, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at committee rooms, Capital Bank, in the city of Bismarck,

N. D., on the 12th day of February, 1890, at the hour of 4 o'clock p. m., then and there to give evidence as to the matter under consideration. Whereof fail not, on pain of the penalty that will fall thereon.

W. H. ROBINSON,
Chairman.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did, on the 12th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on S. S. Lyon by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,

Sergeant-at-Arms of the Senate of North Dakota.

Service, 25c; travel, 20c; copy, 15c.—60c.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
COUNTY OF BURLEIGH.

THE STATE OF NORTH DAKOTA

To S. S. Lyon, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota on the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the First Legislative Assembly of North Dakota, and Senate Bill No. 167, you are hereby commanded that you be and appear in your own proper person before said committee at a meeting thereof to be held at committee room, Capital Bank, in the city of Bismarck, N. D., on the 12th day of February, 1890, at the hour of 5 o'clock p. m., then and there to give evidence as to the matters under investigation; hereof fail not on pain of the penalty that will fall thereon.

W. H. ROBINSON,
Chairman.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did on the 12th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on S. S. Lyon by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,

Sergeant at-Arms of the Senate of North Dakota.

Service, 25c; travel, 20c; copy, 15c.—60c.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
COUNTY OF BURLEIGH.

THE STATE OF NORTH DAKOTA

To James McCormick, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators, by the first Legislative Assembly of North Dakota and Senate Bill 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee rooms, over Capitol National Bank, in the city of Bismarck, N. D., on the 13th day of February, 1890, at the hour of 2 o'clock p. m., then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,
W. H. ROBINSON,
Chairman.

M. L. MCCORMACK,
Secretary.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 13th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on James McCormick, by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
Sergeant-at Arms of the Senate of North Dakota.

Service, 25c; travel, 20c; copy, 15c—60c.

STATE OF NORTH DAKOTA, } ss SENATE INVESTIGATION COMMITTEE.
COUNTY OF BURLEIGH.

THE STATE OF NORTH DAKOTA

To E. P. Wells, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee rooms, over Capital National Bank in the city of Bismarck, N. D., on the 13th day of February, 1890, at the hour of 10 a. m., then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,
W. H. ROBINSON,
Chairman.

M. L. McCORMACK,
Secretary.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 13th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on E. P. Wells by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
Sergeant-at-Arms of the Senate of North Dakota.

Service, 25c; travel, 20c; copy, 15c—60c.

STATE OF NORTH DAKOTA, } ss. SENATE INVESTIGATING COMMITTEE.
COUNTY OF BURLEIGH.

THE STATE OF NORTH DAKOTA

To C. I. Hutchinson, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee room, No. 3, over Bismarck Bank, in the city of Bismarck, N. D., on the 19th day of February, 1890, at the hour of 11 a. m., then and there to give evidence as to the matters under investigation. Here if fail not, on pain of the penalty that will fall thereon.

By order of Committee,
W. H. ROBINSON,
Chairman.

M. L. McCORMACK,
Secretary.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did, on the 19th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on C. J. Hutchinson by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
Sergeant-at-Arms of the Senate of North Dakota.
Service, 25c; travel, 20c; copy, 15c.—60c.

STATE OF NORTH DAKOTA, }
COUNTY OF BURLEIGH, } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To Geo. S. Montgomery, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889, the election of United States Senators by the First Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee room No. 3, over Bismarck Bank in the city of Bismarck, N. D., on the 19th day of February, 1890, at the hour of 8:30 p. m., then and there to give evidence as to the matters under investigation. Hereof fail not, on pain of the penalty that will fall thereon.

By order of Committee,
W. H. ROBINSON,
Chairman.

M. L. McCORMACK,
Secretary.

RETURN.—State of North Dakota, County of Burleigh—ss. I hereby certify that I did, on the 19th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on George S. Montgomery by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
Sergeant-at-Arms of the Senate of North Dakota.
Service, 25c; travel, 60c; copy, 15c.—\$1.00.

STATE OF NORTH DAKOTA, }
COUNTY OF BURLEIGH, } ss. SENATE INVESTIGATING COMMITTEE.

THE STATE OF NORTH DAKOTA

To James McCormick, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill No. 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee room No. 3, over Bismarck Bank in the city of Bismarck, N. D., on the 19th day of February, 1890, at the hour of 10 a. m., then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,
W. H. ROBINSON,
Chairman.

M. L. McCORMACK,
Secretary.

RETURN—State of North Dakota, County of Burleigh—ss. I hereby certify that I did on the 19th day of February, 1890, at the city of Bismarck, and county of Burleigh, N. D., personally serve the within subpoena on James McCormick by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
Sergeant-At-Arms of the Senate of North Dakota.

Service, 25c; travel, 20c; copy, 15c—60c.

STATE OF NORTH DAKOTA, }
COUNTY OF BURLEIGH. } ss. SENATE INVESTIGATION COMMITTEE

THE STATE OF NORTH DAKOTA,

To Wm. P. Moffit, Greeting:

Agreeably to a resolution adopted by the Senate of North Dakota, the 10th day of February, 1890, appointing a committee to investigate certain charges and rumors as to bribery and corrupt and unlawful means used to influence votes at the Fargo State Convention, held at the city of Fargo, N. D., commencing August 21, 1889; the election of United States Senators by the first Legislative Assembly of North Dakota and Senate Bill 167, you are hereby commanded that you be and appear in your proper person before said committee at a meeting thereof to be held at the committee room No. 3, over Bismarck Bank in the city of Bismarck, N. D., on the 20th day of February, 1890, at the hour of 10 a. m., then and there to give evidence as to the matters under investigation. Hereof, fail not, on pain of the penalty that will fall thereon.

By order of Committee,
W. H. ROBINSON,
Chairman.

M. L. McCORMACK,
Secretary.

RETURN—State of North Dakota, County of Burleigh.—ss. I hereby certify that I did on the 20th day of February, 1890, at the city of Bismarck and county of Burleigh, N. D., personally serve the within subpoena on Wm. P. Moffit, by delivering to and leaving with him a true copy of the within subpoena.

A. E. WOOD,
Sergeant-at-Arms of the Senate of North Dakota.

Service, 25c; travel, 20c; copy, 15c—60c.

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Number.	By	Relating to	Introduced.	Committed.	Reported.
67	Belyea	Elections	124	139	188
68	Diesem	Per Diem	124	125	138
69	McCormack	Memorial	125	139	618
70	Randall	Live Stock	125	139	682
71	Harmon	County Commissioners	125	139	231
72	Harmon	Cemeteries	125	139	
73	Lawrence	Unorganized Counties	125	139	230 592
74	Little	Long's Hand Book	137	148	545
75	Stevens	Concurrent Resolutions	147	150	156
76	McCormack	School Funds	148	160	
77	Worst	Pools and Trusts	148	160	214
78	Swanston	Amend an Act	148	160	210 224 250
79	Little	Claim	148	160	243
80	Fuller	Amend Constitution	148	160	
81	Dodds	Judicial District	158	172	199
82	McCormack	State Fair	167	186	218
83	McCormack	District Courts	167	181	229
84	McCormack	District Courts	168	181	229
85	McCormack	Amending an Act	168	182	231
86	McCormack	Amending an Act	168	182	275
87	McCormack	Amending an Act	168	182	835
88	McCormack	Amending an Act	168	182	399
89	Smith	Express Companies	171	182	230
90	Stevens	Repeal an Act	171	182	210
91	Winship	Secretary of State	181	196	217
92	Winship	Tree Culture	181	196	682
93	Smith	Vital Statistics	181	196	380
94	Dodds	Amending an Act	181	196	284
95	Swanston	Amending an Act	181	196	
96	Stevens	Elections	181	196	
97	McCormack	Amending an Act	181	196	230
98	Fuller	Amending an Act	185	202	231
99	Fisher	Woman Suffrage	185	202	296 311
100	Worst	States Attorney	185	203	
101	Allin	Elections	185	203	249
102	Little	Elections	185	203	209
103	Fuller	Amending an Act	196	203	662
104	Appleton	Printing	197	197	208
105	Little	Corporations	201	211	337 362
106	Belyea	Amending an Act	201	203	264
107	Allin	Irrigation	201	211	242
108	Smith	Capitol Supplies	2 2	211	296
109	Winship	County Courts	202	211	259
110	Barlow	Constitutional Amendment	210	223	
111	Barlow	Constitutional Amendment	210	223	
112	Stevens	Elections	210	223	
113	Diesem	Insurance	210	223	296
114	Barlow	County Depositories	211	211	436
115	Svensrud	Seed Wheat	222	223	
116	Barlow	Gophers	222	223	285
117	Sandager	Amending an Act	222	223	250
118	Diesem	Bridges	222	223	311
119	Belyea	Constitutional Amendment	222	223	264 719
120	McCormack	Cities	222	223	
121	McCormack	Register of Deeds	222	223	
122	Yager	District Courts	223	246	836
123	Belyea	Pharmacy	223	257	
124	Little	State Library	223	246	264
125	LaMoure	Civil Townships	223	247	276
126	Barlow	Register of Deeds	246	257	276
127	Robinson	Amending an Act	246	257	310
128	Swanston	Display of Flag	246	246	337
129	Appleton	Irrigation	246	246	271
130	Winship	Printing	246	257	276

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Third Reading.	Amendments.	Passed.	Lost.	Received from House.		Subsequent action.	Executive approval.	Vetoed.	Action on veto.	Action by House.
				Amended.	Unchanged.					
203	188	203								
139										
238		238			539					
289	231 289	290								
468			408							
267		267			392					
764		764		928		929		442	456	
			247							
906		906								
224	224 250	214 330			651		731			
315		315			826					
330		330								
321		321								
392		305		347						
	218 277	353			671		776	731		
301		375								
260		301								
261	229	260								
290	261	261			539		582			
907		290			568		639			
427		427	907		947		948			
					979		981			
	230 260		560							
226	271	303			539		582			
239	217	239			539	626 652	703			
410		380								
737		237								
		342								
262		402			951					
		231								
331	296	311	339							
224	209 224	226			516		557	618		
		662								
		208								
407		384								
			407			652		703		
				316						
332	296	333			595		634	703		
288		259				595		639		
				384						
688				705						
291		291								
328		329							540	
267		267				752	769	812		
403		403								
352		352			670		736	804		
	264									
			384							
903		903								
424	264 401	426			897					
334				784						
305		305					702	780		
287		287			684					
411	318	411			951		961			
363				363						
293		293			425		455	543		
293		321			582		601	703		

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Number.	By	Relating to	Introduced.	Committed.	Reported.
131	Dodds	Com. of Agriculture and Labor	256	256	277 311
132	Dodds	Com. of Agriculture and Labor	256	256 332	277 297 350
133	Little	Officers and Employes	266	266	284
134	Stevens	Coal Rates	266	281	784
135	McCormack	Educational	266	282	297
136	Harmon	Constitutional Amendment	280	286	.....
137	Sandager	Husband and Wife	280	286	311
138	Smith	Amending an Act	280	286	462
139	Harmon	Pools and Trusts	280	286	784
140	Haggart	Agricultural College	281	281	284
141	Winship	Unexpended Funds	281	286	422
142	Appleton	Oil Inspection	281	299 381	336 484
143	Worst	Public Schools	281	281 461	437
144	Appleton	Expenses Constitutional Convention	285	286	296
145	Fuller	Insane Hospital	286	299	535
146	McCormack	Session Laws	299	316	578 749
147	Little	Constitutional Amendment	299	316	337
148	Robinson	Public Examiner	299	316	319
149	Lawrence	Clerks District Courts	315	316	.....
150	Yager	Debtors and Creditors	315	327 849	399
151	Allin	Licenses	315	320	338
152	Haggart	Board of Examiners	315	316	381
153	Robinson	County Depositories	320	320	338
154	McCormack	Artesian Wells	327	340	535
155	Harmon	Penitentiary	340	351	535
156	Little	Sleeping Cars	340	352	398
157	Worst	Cemeteries	340	352	545
158	Stevens	School Corporations	340	352	.....
159	Diesem	Illegal Taxes	340	352	698
160	Belyea	Coal Rates	345	352	734
161	Smith	Private Corporation	351	362	483
162	Fuller	Amending an Act	361	383	646
163	Stevens	School Holidays	362	383	519
164	Barlow	Arbitration	362	383	450
165	Robinson	Transcripts	381	389	450
166	Lawrence	Brands	400	406	499
167	Sandager	Lottery Companies	400	406	423
168	Winship	State University	401	407	520
169	Robinson	Records	401	407	497
170	Slotten	License Peddling	424	447	519 614
171	Yager	Seed Wheat	451	463	.....
172	Lawrence	Unorganized Counties	463	471	500
173	McCormack	System of Accounts	463	471	803
174	Barlow	Elections	470	470	592
175	Little	Amending an Act	488	504	545
176	Little	Amending an Act	488	504	545
177	Winship	Appropriation	498	498	520
178	McBride	County Boards	503	504	.....
179	Little	Amend an Act	503	504	555
180	Smith	Amend an Act	503	504	592
181	Worst	Elections	503	504	520
182	Worst	Elections	503	504	520
183	Harmon	Malitia Laws	503	504	553
184	Fuller	Convicts and Insane	522	528	590
185	LaMoure	Amend an Act	528	528	590
186	Allin	Glanders	556	607	632
187	Little	Husband and Father	556	607	647
188	Fuller	Appeals	557	607	.....
189	Appleton	Amend an Act	599	599	.....
190	Rowe	Benevolent and Charitable Institutions	599	599	681
191	Winship	Appropriation	600	600	630
192	Winship	Newspapers	600	600	646
193	Worst	Constitution	600	600	630
194	Harmon	Malitia	600	600	630
195	Harmon	Newspapers	600	600	697

SENATE BILLS.—Continued.

Number.	By	Relating to	Introduced.	Committed.	Reported.
196	Fuller	City of Jamestown	601	600	684
197	Smith	Seed Grain	600	600	681
198	Smith	State Officers	601	601	681
199	McCormack	Appropriation	601	601 907	680
200	Little	Civil Townships	601	601	681
201	McCormack	Supreme Court Reports	607	616	646
202	Stevens	Mortgaging Crops	607	616	682
203	McCormack	Amend an Act	607	616	
204	McCormack	Amend an Act	607	616	682
205	Belyea	Inquests	612	612	683
206	Stevens	Liens	612	612	
207	Swanston	Railroads	616	649	868
208	Swanston	Railroads	616	775	868
209	LaMoure	Secretary of State	635	685	
210	Little	Corporations	665	684	732
211	Allin	Repeal an Act	688	702	747
212	McCormack	Bridge Tax	688	702	886
213	Little	County Courts	690	702	717
214	Barlow	Seed Wheat	694	694	698
215	Little	County Courts	702	702	
216	McCormack	State Library	702	702	732
217	Little	Corporations	735	737	835
218	Smith	Pooling	736	737	855
219	Smith	Seed Grain	736	737	836
220	Little	City Treasurers	736	737	775 874
221	Winship	Public Funds	753	753	807
222	Little	Mortgaged Property	753	753	796
223	Stevens	State Officers	753	753	
224	Winship	State Fair	799	799	834
225	Fuller	Cities	799	799	834
226	Dodds	Revenue	799	799	904
227	Haggart	Board of Equalization	810	819	830
228	McCormack	Bonds	810	819	836
229	McBride	Amend an Act	810	819	
230	Allin	Amend an Act	810	819	893
231	Robinson	Copying Records	817	817	829
232	Stevens	School Lands	825	825	867
233	Worst	Appropriation	833	833	
234	Stevens	Legislative Districts	833	833	874
235	Sandager	Amend an Act	850	850	894
236	Harmon	State Banks	850	850	893
237	Haggart	Agricultural College	850	850	880
238	Barlow	Seed Grain	850	850	880
239	McBride	School System	854	854	874

HOUSE BILLS.—Continued.

Number.	Relating to	Received.	First Reading.	Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost.	Subsequent Action.
62	.....								
63	.....								
64	.....								
65	.....								
66	State Supt. of Public Instruc'n	119	127	184	218	292		292		
67	Marriage	466	509	509	535 944		535	995		1006
68	.....								
69	School of Mines				591					
70	.....								
71	.....								
72	.....								
73	County Commissioners	322	324	324	338	416	417 624	627		671
74	.....								
75	.....								
76	.....								
77	Grand Jurors	217	317	317	337	372		373		
78	Lien and Foreclosure	322	324	324	423	458		466		
79	Obscene Literature	187	197	212	242	377	378	378		
80	.....								
81	.....								
82	.....								
83	.....					4				
84	.....								
85	.....								
86	.....								
87	.....								
88	.....								
89	.....								
90	.....								
91	Displaying Flag	180	184	186	188	213		213		
92	Grain Warehouse	216	318	318 373	351 578	372			666	
93	Fire Insurance	365	368	368	399	467		468		
94	Neglect of Officers	187	197	212	230	377	377	377		
95	.....								
96	County Indebtedness	582	611	611	711	859	711 859	859		877
97	Commercial Agencies	322	324	324	835					
98	.....								
99	.....								
100	University	425	430	430	519	519		676		700
101	.....								
102	Liability of Railroads	322	334	324						
103	Native Fuel	476	509	509	553 747	677	747		814	
104	.....								
105	Vital Statistics	635	642	642	681 925	982			982	
106	.....								
107	.....								
108	State Library	288	318	318	579	626	579 626	627		733 820
109	Sale of Cigarettes	322	324	324	380	413		413		482
110	.....								
111	.....								
112	Supreme Court	513	529	529	632					
113	.....								
114	.....								
115	Jurisdiction	539	557	557	579	792		792		
116	County Depositories	890				963			963	
117	Highways	896	926			965		965		
118	.....								
119	.....								
120	.....								
121	.....								
122	.....								
123	.....								
124	Unorganized Counties	635	642	642	796	864		864		
125	.....								

HOUSE BILLS.—Continued.

Number.	Relating to	Received.	First Reading.	Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost.	Subsequent action.
191	.....								
192	Presidential Electors.....	360	369	369	614	668		668		
193	.....								
194	Amending an Act.....	838	857	857	867	959	867	959		
195	Legalizing Acts.....	365	370	370	661	790		790		
196	Obscene Causes.....	360	370	370	591	625		625		
197	.....								
198	Record of Bonds.....				631					
199	Propogation of Fish.....	608	611	611	632	928			928	
200	.....								
201	Township Organization.....	425	430	430						
202	.....								
203	.....								
204	.....								
205	.....								
206	Com. of Agriculture and Labor.....	365	412	412	435	478	478	478		
207	.....								
208	United States Flags.....	582	611	611	632	817		817		
209	Stationery and Supplies.....	839	857	857	886	930		930		
210	.....								
211	Redemption of Property.....	477	508	508						
212	Boards of Health.....	839	857	857	925	985		985		
213	.....								
214	Married Women.....	477	508	508	632	677		678		
215	Pardon of Convicts.....		457	457	579	818			818	
216	Pension Money.....	477	508	508	894					
217	Collection of Wages.....	477	508	508						
218	.....								
219	.....								
220	.....								
221	Blacklisting.....	476	508	508	614	803			902	
222	.....								
223	.....								
224	.....								
225	.....								
226	.....								
227	Legal Holiday.....	716	743	743	765	822			822	
228	Amending an Act.....	568	611	611	632	795		930		701 958
229	Amending an Act.....	568	611	611		982			982	
230	.....								
231	.....								
232	.....								
233	Amending an Act.....	699	744	744	796	986		986		
234	Oath of Office.....	582	611	611	647	822	647	822		877
235	.....								
236	.....								
237	Jurors.....	539	557	557	606	894				
238	Side Tracks.....	516	529	529	552	656	552 656	656		671
239	.....								
240	.....								
241	Normal School.....	516	529	529	591	667		667		
242	.....								
243	Mortgages.....	896	926							
244	Insurance.....	789	802	802	867					
245	.....								
246	Industrial School.....	838	857	857	897					
247	Amending an Act.....	699	744	744		962		952		
248	Fraud.....	869	920			978			978	
249	Potato Starch.....	582	611	611	631	794		794		
250	.....								
251	.....								
252	.....								
253	.....								
254	Express Companies.....	922	642	642	748	785	748	785		870

HOUSE BILLS.—Continued.

Number.	Relating to	Received.	First Reading.	Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost.	Subsequent Action.
255	Change of Venue	582	611	611	717	963		963		
256	Cities and Villages	539	557	557	662	861		861		
257										
258										
259	School Lands	890	921							
260										
261	State University Bounty	582	611	611	631	778	778	778		
262	Sugar Beet Bounty	582	611	611	631	823		823		
263	Amending an Act	635	642	642	698	827		827		
264	Costs and Disbursements	789	802	802						
265	Grain Inspection	896	926			1000		1013		
266										
267	Chatlle Mortgage Sale	839	857	857						
268										
269										
270										
271										
272	County Officers	589	557	557	593	815	815	816		877
273	Corporations	890	921			981			981	
274	Cod Rates	516	529	529	552	654		655		
275	Sixth Judicial District	699	744	744	774	860	774	860		
276	Rewards	877	925							
277	County Indebtedness	635	642	642	894					
278	Irrigation	635	642	642		958		958		
279	Amending an Act	568	611	611	647	790	791	791		
280	Peddling	896	920	920		979		980		
281										
282	Firemen	700	744	744	796					
283	State Reform School	699	743	743	746	796		796		
284										
285	Free Text Books	910	918	918						
286	Amending an Act	869	918	918						
287	Justices' Code	896	926							
288										
289										
290	Stationery and Supplies	622	642	642	663	710		710		
291	County Seats	635	643	643	682	691	692	692		700
292	Third Judicial District	789	802	802	829	864		864		868
293	Insurance	789	802	802	868	984		984		
294										
295	Constitution	699	744	744	795	865		865		
296	School Lands	699	744	744	765	975		975		
297										
298	Witness Fees	813	857	857	873	960		960		
299	Railroad Fences	735	743	743	830	961	962	962		
300	Unorganized Counties	896	918	918		954		954		
301	Detective Association	838	858	858	944					
302	Infectious Diseases	753	802	802	867	941	941	952		878
303	Building & Loan Associations	789	802	802	861	961		961		
304	Convicts	699	744	744	796		796			
305	Soldiers' Home	659	660	746		786		786		
306	Seed Grain	671	695	695	716	724		724		
307										
308										
309	Seed Grain	671	695	695	716	725		730	815	848 851
310										
311	Newspapers	890	918	918		967		967		
312										
313										
314	Building & Loan Associations	896	924			982		982		
315	Amending an Act	876	923			986		986		
316	Foreclosures	896	921			986		987		
317	Pharmacists	877	923							
318	County Funds	877	923		1					

HOUSE BILLS.—Continued.

Number.	Relating to	Received.	First Reading.	Committed.	Reported.	Third Reading.	Amended.	Passed.	Lost.	Subsequent Action.
319	.....								
320	Attorneys at Law	890	918	918						
321	Fiscal Year	869	918	918		940		940		
322	Taxation	877	923							
323	Amending an Act	718	744	744	800	915		916		
324	School of Science	715	743	743	746	788		788		
325	Financial Statements	877	918	918						
326	Abstracts of Title	897	926							
327	.....								
328	Cities and Towns	890	923							
329	.....								
330	.....								
331	.....								
332	Terms and Phrases	839	858	858	873					
333	Coal Rates	739	743	743	868					
334	Wages	910	918	918						
335	Binding Twine	869	920			953		953		
336	.....								
337	Amending an Act	928				977			977	977
338	.....								
339	.....								
340	Repealing an Act	870	920			994		994		
341	Salaries	928								
342	.....								
343	Com. of Agriculture and Labor	839			343	963	963	964		972
344	County Commissioners	897	921			927		927		
345	.....								
346	First Judicial District	870	920			976		976		
347	Unorganized Counties	896	920			932	932	932		948
348	.....								
349	.....								
350	School Lands	910	918	918						
351	.....								
352	Boundary Line	896	926			957	957	957		980
353	Marshals Supreme Court	896	925			975		975		
354	.....								
355	Seed Grain	896	920	920		977		977		
356	State Reform School	896	920			961		961		
357	Academy of Science	896	921			966		966		

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